

立法會
Legislative Council

LC Paper No. CB(2) 2863/98-99
(These minutes have been seen
by the Administration)

Ref: CB2/SS/7/98

**Subcommittee on
subsidiary legislation relating to
District Councils election**

**Minutes of meeting
held on Thursday, 24 June 1999, at 4:45 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Andrew WONG Wang-fat, JP (Chairman)
Hon Cyd HO Sau-lan
Hon LEE Wing-tat
Hon Ronald ARCULLI, JP
Hon LAU Kong-wah

Members absent : Hon Ambrose CHEUNG Wing-sum, JP
Hon CHOY So-yuk

**Public Officers
attending** : Mr Robin IP
Deputy Secretary for Constitutional Affairs

Mr Bassanio SO
Principal Assistant Secretary for Constitutional Affairs

Mr LI Wing
Chief Electoral Officer

Ms Dorothy CHENG
Senior Government Counsel

Ms Marie SIU
Senior Government Counsel

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mr Raymond LAM
Senior Assistant Secretary (2)5

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I Confirmation of minutes of meeting held on 24 May 1999 and matters arising
(LC Paper Nos. CB(2) 2315/98-99 and CB(2) 2344/98-99)

The minutes of the meeting held on 24 May 1999 were confirmed.

2. Members noted the Administration's response to the issues raised at the meeting on 15 June 1999.

II Meeting with the Administration on the Electoral Affairs Commission (Electoral Procedure)(District Councils) Regulation
(LegCo Brief issued by the Registration and Electoral Office)

3. Having examined sections 1 to 48 of the Regulation at the last meeting, members continued with the clause-by-clause examination of sections 49 to 104 and schedules 1 to 3 to the Regulation. Chief Electoral Officer (CEO) highlighted the sections that were different from those of the relevant regulation in the past.

Section 58 (How ballot papers are to be marked)

4. CEO said that an elector should use a "✓" chop provided at the polling station to mark against the name of the candidate of his choice.

5. The Chairman considered that a "O" mark would be less likely to be misplaced than a "✓" mark, as a vote might become invalid if the "✓" mark was

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inverted. Noting that the Administration would review the marking of ballot papers after the 1999 District Councils (DCs) election, members agreed that no amendment be proposed to the section.

Section 69 (What constitutes an offence at a counting station)

6. Members noted that the provision in subsection (1) was not provided for in the relevant regulation under the Legislative Council Ordinance (Cap. 542) (LegCo Ordinance). Following a request from an organization to take photographs within a counting zone of a counting station, it was considered that there was a need to enact such a provision.

Section 71 (Ballot boxes to be delivered to the district counting station)

7. CEO explained that the counting of votes in the 1999 DC election would be carried out in the respective district counting stations. The counting of votes in another counting station, as provided for under subsection (2), would be required only in the event of a fire, flooding or other unexpected circumstances.

Section 96 (Procedure in case of death or disqualification of candidate after close of poll)

8. Members noted that the section set out the procedure to be followed in the event of the death or disqualification of a candidate after the close of poll. If a deceased or disqualified candidate was successful at the election, the election in that constituency would be declared as failed.

Section 102 (Letters that may be sent free of postage by candidates)

9. CEO informed members that the section set out the requirements relating to free postage that might be sent by candidates.

Section 103 (Election advertisements)

10. Members noted that the requirement for two copies of an election advertisement to be submitted to a Returning Officer (RO) seven days within display or distribution now dovetailed with the Corrupt and Illegal Practices Ordinance (Cap. 288). It was different from the requirement under the electoral procedure regulation for the LegCo election, where candidates had to submit the copies before display or distribution.

Section 104 (Offence of false declaration)

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11. CEO informed members that false declaration had become an offence prescribed for the purposes of sections 21 and 24 of the District Councils Ordinance (Cap. 547) (DCO). A person convicted of an offence under the section would be disqualified from being nominated as a candidate and from being elected as an elected member. An elected member convicted of the offence would be disqualified from holding office.

Other issues

12. In response to Mr LEE Wing-tat, CEO said that requirements on the use of loudspeakers were set out in the guidelines of the Electoral Affairs Commission but not in the Regulation.

13. On the question of whether amendments could be made to the Regulation to extend a no canvassing zone to cover the whole constituency, Assistant Legal Adviser 4 said that there was no provision in the principal ordinance which specifically empowered such an extension. Mr LEE Wing-tat said that while he would not move any amendment on such an extension, he regretted that the Administration had not brought this to light in the enactment of the principal ordinance.

14. On the question of whether section 31 could be amended to give effect to the expansion of no canvassing zones, Deputy Secretary for Constitutional Affairs said that the determination of no canvassing zones were to be made by the relevant ROs having regard to the circumstances of each constituency.

Way forward

15. The Chairman concluded that the Subcommittee supported the Regulation and a report would be made to the House Committee at its meeting on 25 June 1999. Members noted that the deadline for giving notice of amendments to the Regulation was 29 June 1999.

16. The meeting ended at 5:15 pm.

Legislative Council Secretariat

22 September 1999