

Legislative Council Panel on Constitutional Affairs

**Proposed Guidelines on Election-related Activities
in respect of the 1999 District Councils Election**

PURPOSE

This paper seeks Members' views on the "Proposed Guidelines on Election-related Activities in respect of the 1999 District Councils Election" (the proposed guidelines) issued by the Electoral Affairs Commission (EAC).

BACKGROUND

2. Under section 6(1) and (2) of the Electoral Affairs Commission Ordinance, the EAC may issue guidelines on election-related activities in connection with an election and should consult the public on these guidelines. On 12 April 1999, the EAC published the proposed guidelines for public consultation. The consultation period will end on 11 May 1999.

MAJOR NEW MEASURES

3. The proposed guidelines are largely based on those issued by the EAC for the 1998 Legislative Council election with appropriate modifications to reflect the electoral arrangements laid down in the District Councils Ordinance. The proposed guidelines also covers the provisions of the Elections (Corrupt and Illegal Conduct) Bill which will replace the Corrupt and Illegal Practices Ordinance when enacted. A number of new measures will be introduced in the following areas to improve the electoral arrangements :-

- (a) contents of the voter registers;
- (b) introductory leaflet;
- (c) marking of ballot papers;

- (d) issue of demand notes for the removal costs of election advertisements by relevant authorities;
- (e) free postage;
- (f) allocation of spots for displaying election advertisements in private premises;
- (g) use of loudspeakers;
- (h) publicity of candidates who are presenters or regular contributors of TV or radio, or regular columnists of the printed media; and
- (i) electioneering activities within the No Canvassing Zone.

Details of these new measures are shown in the **Appendix**.

WAY FORWARD

4. After considering views obtained from the public consultation exercise, the EAC will make the Electoral Affairs Commission (Electoral Procedure)(District Councils) Regulation in June and issue the finalized guidelines in early September. This should enable prospective candidates to familiarize themselves with the guidelines well before the 1999 District Council elections.

5. Members' views on the proposed guidelines are most welcome.

Registration and Electoral Office
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**Major New Measures Introduced in the Proposed Guidelines
For the 1999 District Councils Election**

Area	New Measures (paragraph number in the Proposed Guidelines)	Remarks
(a)	In the voter register to be published in September 1999, only the name and address of an elector and the constituency to which he is allocated will be entered for public inspection, i.e. the number of his identification document and his sex will not be subject to public inspection. (1.18)	This is to further safeguard the privacy of electors on the register.
(b)	The introductory leaflet will be published in full colour. (2.36)	The colour photograph of candidates in the introductory leaflet for the 1998 Legislative Council election was well received by candidates. Adopting the same arrangement for the District Council elections will enable candidates to include their party logos or other pictures in their original colour pattern.
(c)	The use of a chop with a tick “√” to mark the ballot paper. (3.61)	To standardize the way of marking ballot papers so as to reduce the number of questionable ballot papers.

Area	New Measures (paragraph number in the Proposed Guidelines)	Remarks
(d)	Demand Notes for the removal costs of election advertisements will be issued by relevant authorities to the candidates concerned within 21 days after the election results have been published in the Gazette. (4.35)	This is to allow sufficient time for the candidates to include the removal costs in their election expenses returns which must be submitted within 30 days after gazettal of the election results.
(e)	The minimum and maximum sizes of the free postage item are 90 mm x 140 mm and 175 mm x 245 mm respectively. If the size of the item does not meet these measurement requirements, the item will not be accepted for free postage. (5.17)	This serves to spell out clearly that the measurement requirements will be strictly enforced.
	A candidate or his representative is required to make a declaration regarding the contents of any of the forms that he is required to submit to the Postmaster General. It is an offence for the candidate or his representative to give false information in the declaration. (5.29)	This is to prevent candidates from abusing the free postage arrangements.
(f)	For allocating spots for displaying election advertisements in private premises, each applicant should be allowed to draw lots on the spots still available at the time of his application. (7.18)	The new procedure will reinforce the fair and equal treatment principle by avoiding unfairness that may be created if the first come first served rule was adopted.

Area	New Measures (paragraph number in the Proposed Guidelines)	Remarks
(g)	Candidates are prohibited from using loudspeakers in electioneering between 7 pm. and 9 am. (7.26 and 9.4)	Due to the large number of complaints (62 cases) received during the 1998 Legislative Council election relating to noise nuisance generated from using loudspeakers for electioneering, this new measurement is introduced to minimise noise nuisance to electors.
(h)	Presenters or regular contributors and regular columnists who are candidates or members of a political party or organisation whose other members are candidates should not appear in programmes in their normal programme roles or contribute articles respectively during election campaigns after the nomination period has commenced. (8.8 and 8.11)	This measure aims at avoiding unfair extra publicity for the candidates concerned.
(i)	Within a no canvassing zone, door-to- door canvassing in residential blocks is permitted so long as it does not pose any obstruction to electors and no amplifying device is used. (10.10)	This is an improvement measurement resulting from the review of the 1998 Legislative Council election. It will not defeat the purpose of the “No Canvassing Zone Scheme” which is primarily to maintain a free and clear passage for electors to attend and leave a polling station.

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