

立法會
Legislative Council

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Paper for the House Committee meeting on 17 December 1999

**First report of the Subcommittee on subsidiary legislation
relating to 2000 Legislative Council election**

Purpose

This paper reports on the deliberations of the Subcommittee on the following three items of subsidiary legislation -

- (a) Declaration of Geographical Constituencies (Legislative Council) Order 1999;
- (b) Legislative Council (Registration of Electors) (Appeals) (Amendment) Regulation 1999; and
- (c) Electoral Affairs Commission (Registration of Electors) (Geographical Constituencies) (Legislative Council) (Amendment) Regulation 1999.

The Subcommittee

2. At the House Committee meeting on 26 November 1999, a subcommittee was formed to study all subsidiary legislation relating to the 2000 Legislative Council (LegCo) election. The membership list of the Subcommittee is at **Appendix**.

3. Under the chairmanship of Hon Ronald ARCULLI, the Subcommittee has held one meeting with the Administration to discuss the subsidiary legislation.

Deliberations of the Subcommittee

Declaration of Geographical Constituencies (Legislative Council) Order 1999

4. The Order declares areas of Hong Kong to be geographical constituencies (GCs) for the purposes of an election to elect the Members for the second term of office of LegCo, gives names to those constituencies, and specifies the number of LegCo Members to be returned for each of those constituencies.

5. Members note that in accordance with the statutory criteria under the Electoral Affairs Commission (EAC) Ordinance and the LegCo Ordinance, the EAC recommends that for the 2000 LegCo election, the boundaries and names of all existing GCs should be retained and one additional seat should be allocated to each GC except the New Territories East GC. The deviation of population in each GC is well within the maximum deviation percentage allowed in law. The number of seats allocated to the GCs is as follows -

Hong Kong Island - 5

Kowloon West - 4

Kowloon East - 4

New Territories West - 6

New Territories East - 5

6. Members have not raised any queries on the Order.

Legislative Council (Registration of Electors) (Appeals) (Amendment) Regulation 1999

7. Members note that the Amendment Regulation amends the principal Regulation to -

- (a) revise the dates for the Revising Officer to handle a notice of claim, notice of objection or notice of appeal in relation to voter registration to tie in with the new timetable for voter registration provided for in the LegCo (Amendment) Ordinance 1999 (Ord. 48 of 1999);
- (b) enable the Revising Officer to deal with a notice of claim or notice of objection in relation to voter registration for an elector in a District Council election;
- (c) enable the Revising Officer to approve the Electoral Registration Officer (ERO) to correct an entry in the voter register for an elector in a District Council election; and
- (d) repeal the provisions in the principal Regulation which were only applicable to the LegCo election held in 1998.

8. Members have not raised any queries on the Regulation.

Electoral Affairs Commission (Registration of Electors) (Geographical Constituencies) (Legislative Council) (Amendment) Regulation 1999

9. Members note that the principal Regulation sets out the procedural arrangements in the registration of electors for GCs for the LegCo election. The Amendment Regulation amends the principal Regulation to -

- (a) revise the various dates for different steps in compiling the provisional and final registers of electors for GCs to tie in with the new timetable provided for in the LegCo (Amendment) Ordinance 1999 (Ord. 48 of 1999);
- (b) expand the scope of the principal Regulation to cover District Councils election;
- (c) repeal the provisions in the principal Regulation which were only applicable to the 1998 LegCo election;
- (d) revise the format of the registers to show only the name and principal residential address of an elector, and the District Council constituency of an elector;
- (e) allow applications for registration in provisional register to be sent by facsimile transmission to the ERO; and
- (f) prescribe offences, as required in certain provisions of the District Council Ordinance (Cap. 547), the conviction of which will disqualify a person for appointment and from holding office as an appointed member of a District Council.

Cycle of voter registration

10. Members note that for the 2000 LegCo election, the deadline for application for registration as an elector is revised to 16 March. The deadlines for the publication of a provisional register and a final register are 15 April and 25 May respectively. Some members query the need for having a period of six months between the deadline for voter registration and the 2000 LegCo election to be held in mid-September. They point out that the same period for the LegCo election held in May 1998 was much shorter. They are of the view that the deadline for voter registration should be scheduled as close to the election day as possible, so as to allow more time for eligible persons to register as electors and to maintain the interest of the public in voting.

11. The Administration has explained that the timetable for LegCo elections is usually drawn up by working backwards, i.e. after the election day is set, the Administration would list out the steps of preparatory work and the time required for these steps. The various arrangements for the 1998 LegCo election had been made under a very tight timetable. The Administration hopes to improve the electoral arrangements in the coming 2000 LegCo election by allowing adequate time for nomination of candidates, electioneering activities and voter registration, etc. In addition, as six Members will be returned by the Election Committee (EC) in the second term LegCo election, EC subsector elections must be conducted before holding of the LegCo election in mid-September 2000. As a result, the final register must be published before the EC subsector elections which will be held in July 2000. It is also necessary to allow adequate time for nomination and canvassing for the EC subsector elections and LegCo election.

12. The Administration has also advised that the proposed deadline for voter registration has taken into account the deadlines for the publication of a provisional register and a final register which are provided in the LegCo (Amendment) Ordinance 1999 passed by LegCo in the last session. In fact, similar concern was raised by members of the Bills Committee studying the LegCo (Amendment) Ordinance 1999. The Administration has assured the Bills Committee that as there is no need to conduct EC subsector elections for the third term LegCo in 2004, the Administration will consider putting back the deadline for the publication of the final register to a date nearer to the election day as far as practicable.

13. On some members' suggestion that different dates could be set for the publication of registers for the EC, GC and functional constituency (FC) elections, the Administration does not consider it appropriate to do so as the eligibility for registration in GC, FC and EC subsectors are interrelated, for example, a person must be a GC elector in order to be qualified as an FC or EC elector.

14. In view of the statutory deadlines for the publication of the registers (15 April and 25 May) as provided in the LegCo (Amendment) Ordinance 1999 and the time required for compilation and printing of the registers, members reckon that it is unlikely for the deadline for voter registration for the 2000 LegCo election (16 March) to be postponed to a date that could achieve members' objective. Any proposal to amend the statutory deadlines would fall outside the jurisdiction of the Subcommittee. Nevertheless, members have reiterated their concern and requested the Administration to take into account their views in setting the cycle of voter registration for future LegCo elections. The Subcommittee recommends that the matter be followed up by the Panel on Constitutional Affairs.

Register of electors

15. Members note that the Amendment Regulation will introduce changes to the format of the register published for public inspection. One of these changes is that the register will show only the name and principal residential address of an elector, but not his identity document number and sex.

16. In response to members, the Administration has confirmed that the register to be used in polling stations on the election day will show the identity document number and sex of registered electors in order to facilitate the polling staff to check the eligibility of the electors.

17. As the register published for public inspection would excise an elector's identity document number, some members have suggested that the register should be made available for public inspection on the Internet. They point out that in any event, the names and addresses of electors would be made available to all candidates in CD-ROM. The Administration does not consider it appropriate to pursue the idea for the sake of protecting the privacy of electors' personal data. It has explained that although the ERO may make available an extract from a register to any person he considers appropriate, the information must be used in connection with an election. It is an offence under the Regulation if any person misuses information contained in a

voter register for a purpose not related to an election. The CD-ROM provided to candidates is for the purpose of facilitating their electioneering activities, for example, sending election related materials to electors.

18. In response to the Subcommittee, the Administration has agreed to gather information on practice of overseas countries on the matter for members' information in due course.

Systems of voting and voter registration

19. Members have expressed concern about the accuracy of the provisional and final registers. In response, the Administration has explained the procedure for preparation and publication of the registers. The particulars of a person who has applied for registration will be entered into a provisional register. The provisional register will be published for public inspection. Objections and claims in relation to a provisional register may be lodged during a specified period. Any rulings on claims and objections will be reflected in the final register which will be published and made available for public inspection. In addition, a person who is determined to be eligible to be registered will be advised of the decision in writing. Some members point out that from past experience, it is not uncommon for the registers to contain outdated information such as wrong addresses and names of deceased electors etc. The Administration should take proactive actions to ensure the accuracy of the registers.

20. Some members are of the view that the systems of voting and voter registration in Hong Kong are very outdated, compared to many overseas countries. They have requested the Administration to consider two proposals. One proposal is the introduction of a computerized voting system to allow for cross-station polling. While the Administration has considered the proposal, it is of the view that the proposal could not be implemented at this stage in view of the financial implications and the technical problems involved. Another proposal is the introduction of automatic registration of electors. According to the Administration, it has studied the proposal. One of the problems identified is that any automatic registration system would be rendered ineffective if the address of the voter as recorded is not up to date which would result in allocation of a wrong polling station. Many Hong Kong residents still fail to report change of address to the Government although it is a statutory requirement to do so. Despite the Administration's explanations, members are not convinced that the problems mentioned are insurmountable.

21. The Subcommittee is of the strong view that the electoral arrangements should be voter friendly as far as practicable. It has requested the Administration to reconsider members' proposals and submit a detailed report to the Panel on Constitutional Affairs.

Recommendation

22. The Subcommittee recommends that the three items of subsidiary legislation be supported.

Advice sought

23. Members are requested to support the recommendation of the Subcommittee.

Legislative Council Secretariat

15 December 1999

Appendix

**Subcommittee on subsidiary legislation
relating to 2000 Legislative Council election**

Membership List

Hon Ronald ARCULLI, JP (Chairman)

Hon David CHU Yu-lin

Hon Cyd HO Sau-lan

Hon LEE Wing-tat

Hon Martin LEE Chu-ming, SC, JP

Hon NG Leung-sing

Hon Mrs Selina CHOW, JP

Hon CHAN Yuen-han

Hon Jasper TSANG Yok-sing, JP

Hon Howard YOUNG, JP

Hon YEUNG Yiu-chung

Hon Emily LAU Wai-hing, JP

Hon CHOY So-yuk

Total : 13 Members

Legislative Council Secretariat

7 December 1999