

**Subcommittee on Subsidiary Legislation relating to the 2000
Legislative Council Election**

**Electoral Affairs Commission (Printing of Name of Organization and
Emblem on Ballot Paper) (Legislative Council) Regulation
("the Regulation")**

Responses to Concerns raised on 7 January

C1: To reconsider the drafting of section 3(1).

A1: We consider that the drafting of section 3(1) is appropriate. When the Electoral Affairs Commission (EAC) is to specify a "relevant period", the EAC will obviously ensure that the period so specified will not make it impossible for itself to complete the various statutory procedures set out in the Regulation before the start of nominations.

C2: To consider including a reference to "by-election" in section 3(2)(a).

A2: Section 3(1) clearly specifies that section 3 applies only to a general election. "General election" as defined in the Legislative Council Ordinance (Cap. 542) and the Electoral Affairs Commission Ordinance (Cap. 541) does not include "by-election". Thus there is no need to include such a reference in section 3(2)(a).

In accordance with section 36 of the Legislative Council Ordinance, the EAC will arrange for a by-election to be held as soon as practicable. It is therefore impossible to accept a new round of applications for registration before a by-election.

C3: In the case of a list comprising several independent candidates, to advise whether these candidates can make respective applications for registration of emblems and then decide on the emblem to be adopted having regard to EAC's decision on the applications.

A3: According to section 5, a natural person may apply to the EAC within a relevant period for the registration of his emblem in the register.

Regarding the printing of the registered emblem, section 19(1) provides that a candidate (which means the sole candidate on a list of candidates, a candidate for a functional constituency, and a candidate for election by the Election Committee) may apply to have his personal emblem printed on the relevant ballot paper. A list of “independent candidates” each of whom has his own registered emblem is not allowed to select one of the emblems for printing on the ballot paper. If they prefer to use a common emblem, they may apply for the registration of one emblem in the name of an organization under section 4 of the Regulation. Then the organization can give consent to all the candidates in the list to use the emblem.

C4: To consider members’ view that the registration procedure should be dispensed with, as the use of emblems in other publicity materials relating to LegCo elections is not required to be registered.

A4: We do not consider it possible to dispense with the requirements. The whole registration scheme is to ensure that no disputes will arise regarding the use of names of organizations (and their abbreviated names) and emblems when candidates apply to use them on ballot papers. It would not be possible for the aggrieved parties to such disputes to state their cases to the EAC and for the EAC to resolve them within the nomination period if no prior registration were required.

C5: To reconsider whether an organization or a natural person should be required to apply to the EAC for renewing their “registered particulars” such as emblems if they want to retain their “registered particulars” in the next register, and whether applications for registration could only be made during the “relevant period”.

A5: We consider it appropriate to require organizations and natural persons whose particulars are registered to renew their registration when the next register is to be published. This is to enable the EAC to ascertain whether all the organizations and natural persons whose particulars were registered in the previous register still intend to sponsor candidates (or in the case of natural persons, to run) in the next general election.

We have carefully considered Members' suggestion. We remain of the view that it is appropriate to specify that new applications should only be made during a relevant period.

Registration and Electoral Office
Constitutional Affairs Bureau
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