

## **LEGISLATIVE COUNCIL BRIEF**

### **Electoral Affairs Commission Ordinance (Cap. 541)**

#### **ELECTORAL AFFAIRS COMMISSION (PRINTING OF NAME OF ORGANIZATION AND EMBLEM ON BALLOT PAPER) (LEGISLATIVE COUNCIL) REGULATION**

### **INTRODUCTION**

On 2 December 1999, the Electoral Affairs Commission (EAC) made the Electoral Affairs Commission (Printing of Name of Organization and Emblem on Ballot Paper) (Legislative Council) Regulation (the Regulation) at **Annex A** under section 7 of the EAC Ordinance.

### **BACKGROUND**

2. Having completed its review on the 1998 Legislative Council (LegCo) elections in August 1998, the EAC proposed to allow a candidate, starting from the 2000 general election of the LegCo, to have

- (a) the Chinese name (or the abbreviation of the Chinese name, but not both), the English name (or the abbreviation of the English name, but not both) and emblem, of an organization, or
- (b) the candidate's own emblem

printed on a ballot paper of a LegCo general election and by-election (excluding an Election Committee subsector election). One possible layout of the ballot paper that the EAC has in mind is shown at **Annex B**<sup>1</sup>.

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<sup>1</sup> Members may wish to note that the format of ballot papers is specified in the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (L.N.20 of 1998). The necessary legislative amendments will be dealt with when regulation is amended to prepare for the 2000 LegCo general election.

## **THE REGULATION**

### **Structure of the Regulation**

3. The Regulation consists of six parts and stipulates, among other things, the procedures for

- (a) an organization to apply to register its name, the abbreviation of its name and its emblem; and an individual to apply to register his/her emblem, with the EAC;
- (b) the EAC to deal with an application for registration received from an organization/individual;
- (c) an organization to amend or renew its registered name, abbreviation of name or emblem (registered particulars); and an individual to amend or renew his/her registered emblem; and
- (d) a candidate to request to have the registered name (or abbreviation of name, but not both) and emblem of an organization, or his own registered emblem printed on a ballot paper.

Major provisions of the Regulation are set out in paragraphs 4 to 28 below and are also shown by way of a flow chart at **Annex C**.

### **Application to be Made Only During a Specified Period (section 3)**

4. The EAC will specify and publish in the Gazette a period of 30 days during which applications for registration can be made. This period, known as the “relevant period” will fall within the nine months immediately preceding the date of a general election. For the 2000 LegCo general election which is tentatively scheduled for September 2000, applications will be invited in early 2000.

### **Application for Registration**

#### Application for registration by organization (section 4)

5. An organization may apply to the EAC during a relevant period for the

registration of any or all of the following matters :

- (a) its Chinese name;
- (b) one abbreviation of its Chinese name;
- (c) its English name;
- (d) one abbreviation of its English name;
- (e) its emblem.

6. At the time of the application, the organization must produce, among other things,

- (a) a declaration that it intends to allow one or more persons to have its name, the abbreviation of its name or its emblem printed on a ballot paper; and
- (b) documentary evidence showing its Chinese and/or English names which must be the same as the ones under application in paragraph 5 above.

Application for registration by natural person (section 5)

7. A natural person may apply to the EAC during a relevant period for the registration of his/her emblem. The application must contain a declaration that he/she is eligible to be and not disqualified from being nominated in a LegCo election.

**Vetting Criteria (section 7)**

(A) Name/Abbreviation of Name

8. The EAC may refuse to grant an application made by an organization for the registration of its name or abbreviation of its name if the name or the abbreviation of name:

- (a) is identical to or so nearly resembles that already registered or used by another organization;
- (b) comprises more than 10 Chinese characters for a Chinese name;
- (c) comprises more than 10 English words for an English name;
- (d) is obscene or offensive; or
- (e) includes anything the publication of which may amount to the commission of an offence.

(B) Emblem

9. The EAC may refuse to grant an application made by an organization or by a natural person for the registration of its or his/her emblem if the emblem:
- (a) is identical to or so nearly resembles that already registered or used by another organization or natural person;
  - (b) comprises anything that may be confused with or mistaken for any other design used or to be used by the EAC on a ballot paper as part of the voting instructions;
  - (c) comprises anything that may induce an elector to believe that the applicant is connected with the Central People's Government of the People's Republic of China, the Government, any public body, any country or any authority outside Hong Kong;
  - (d) is or contains a photograph of any natural person;
  - (e) is obscene or offensive; or
  - (f) is of such character that the publication of which may amount to the commission of an offence.

**Applicant Given a Chance to Vary Its or His/Her Application (section 8)**

10. If, after initial consideration of an application for registration of name, abbreviation of name or emblem, the EAC is of the opinion that it may refuse the application, it will give the applicant a chance to state its or his/her case, or to vary its or his/her application. The applicant will be given 14 days to lodge with the EAC a statement of reasons why EAC should not refuse to grant the application or to make a request to vary the application.

**Decision on Applications and Compilation of Provisional Register and Register**

Compilation of Provisional Register and publication of notice thereof  
(Section 9)

11. As soon as practicable after the expiry of a relevant period, the CEO will compile a Provisional Register for all the applications that the EAC intends to grant. The Provisional Register, which contains the names and addresses of

the applicants together with the particulars to be registered, will be published in the newspapers and will be open for public inspection at the Registration and Electoral Office (REO).

12. A person (the objector) can object to an application within 14 days from the date of publication of the Provisional Register. His objection however can be made only on specified grounds as follows:

- (a) in the case of name or abbreviation, he believes that the name or the abbreviation entered in the Provisional Register is identical to or so nearly resemble that of the objector, or is obscene or offensive;
- (b) in the case of an emblem, he believes that the emblem entered in the Provisional Register is identical or similar to a registered trade mark or an emblem in which he has a proprietary interest, or is obscene or offensive.

#### Hearing of objection (section 10)

13. Upon receipt of an objection, the EAC may request the objector to furnish further particulars as it thinks relevant within 7 days from the date of request. It will then copy the objector's grounds and evidence to the applicant concerned and send a written notice to both parties stating the date and time when the EAC will hear their arguments. If the applicant concerned or the objector fails to appear for the hearing, the EAC may adjourn the hearing or make a decision in the absence of the party concerned.

14. The hearing will be open to the public and conducted by the EAC or any Member of the EAC. Parties to such hearing may be represented by solicitor or counsel. If a hearing is conducted before one or two Members of the EAC, such Member(s) will make a recommendation to the EAC as to whether the objection concerned should be rejected.

#### EAC to decide on application (section 11)

15. As soon as practicable after the expiry of the objection period, the EAC will make a decision as to whether or not the application should be granted. The EAC will inform each applicant and objector of its decision with reasons for refusal wherever applicable. Its decision is final and not subject to any

appeal.

Compilation of Register and publication of notice thereof (section 12)

16. A Register containing all the successful applications will be published in the newspapers and will be open for public inspection at the Registration and Electoral Office (REO) at least 14 days before the commencement of the nomination period in respect of a general election. It will remain valid until the next Register is published.

CEO to supply Returning Officer with copy or extract of Register (section 13)

17. At least 7 days before the commencement of a nomination period, the CEO will supply the Returning Officers with copy of the Register together with any information he thinks fit to facilitate Returning Officers' processing of the requests from candidates for printing the registered name, abbreviation of name or emblem on ballot paper.

**Amendment to Particulars in Existing Register and Registration of Such Particulars in Next Register**

Amendment to registered particulars (sections 8 and 15)

18. An organization or a natural person may apply to the EAC for amending its registered particulars. The application must be made during a relevant period and be accompanied by documentary evidence in support of the amendment. The application is subject to the vetting criteria, and can be varied once, according to paragraphs 8, 9 and 10 above as if it was an application for registration.

19. An organization or a natural person cannot apply for amendment of their registered particulars if they have applied for renewal of registration of the particulars in the same relevant period [see paragraph 21 below].

Registration of registered particulars in next Register (sections 8 & 17)

20. An organization or a natural person has to apply to the EAC for

renewing their registered particulars if they want to retain their registered particulars in the next Register [paragraph 16 above refers]; otherwise their particulars will cease to be registered. The application must be made during a relevant period. An application for renewal is subject to the vetting criteria stated in paragraphs 8(d) and (e) and 9(b), (c), (e) and (f). If the EAC is of the opinion that it may refuse the application, it will give the applicant a chance to state its or his/her case, or to make an application for amendment. The applicant will be given 14 days to lodge with the EAC a statement of reasons why EAC should not refuse to grant the application or to make an application for amendment.

21. An organization or a natural person cannot apply for renewal of their registered particulars if they have applied for amendment of the particulars in the same relevant period [see paragraph 19 above].

### **Printing of Registered Name, Emblem, etc. on Ballot Paper**

#### Organization to appoint agent (sections 6, 14 and 18)

22. An organization must appoint at least one but not more than three persons to be its agents who will have the authority to:

- (a) give consent on behalf of the organization to a candidate/list of candidates for that candidate/list of candidates to use the organization's name (or abbreviation of name) and emblem on a ballot paper; and
- (b) withdraw the consent so given.

23. The notice of appointment must reach the Chief Electoral Officer (CEO) 30 days before the commencement of the nomination period in respect of a general election or by-election if the agent is to exercise his/her authorization on behalf of the organization in the general election or by-election concerned [s 14]. An appointment once made will remain valid until and unless it has been revoked by the organization.

#### Request relating to registered name, emblem, etc. of organization (section 18)

24. Any candidate wishing to have the registered name, abbreviation of

name or emblem of an organization printed on a ballot paper should submit a request to the Returning Officer during the relevant nomination period, and be accompanied by a consent of the organization concerned bearing the signature of an agent properly appointed by the organization. The organization or the candidate(s) concerned may withdraw the consent or request, as the case may be, by submitting a form specified by the EAC to reach the Returning Officer at any time during the relevant nomination period.

Request relating to registered emblem of natural person, etc. (section 19)

25. A candidate wishing to have his registered emblem or the English words “Independent Candidate” and the Chinese characters “獨立候選人” printed on a ballot paper should submit a request to the Returning Officer during the relevant nomination period. The candidate concerned may withdraw the request by submitting a form specified by the EAC to reach the Returning Officer concerned at any time during the relevant nomination period.

Size and position for printing (section 20)

(A) Name/Abbreviation of Name

26. The EAC has absolute discretion to decide the size and position of a registered name and abbreviation of name and emblem to be printed on a ballot paper.

(B) Emblem

27. While the EAC has absolute discretion to decide its position to be printed on a ballot paper, the size of a registered emblem must not exceed 2 centimetres square.

**Miscellaneous**

Offence (section 21)

28. Any person who makes any statement which he knows to be false in a material particular or recklessly makes any statement which is incorrect in a



material particular or knowingly omits any material particular from the application, matters, request or notification for the purposes of this Regulation commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

## **PUBLIC CONSULTATION**

29. A consultation document outlining the proposal for having the names and abbreviations of names of organizations and emblems printed on the ballot papers for LegCo elections was issued by the EAC on 15 June 1999 to solicit public views for a period of one month. All four representations received supported the proposal in principle.

## **BASIC LAW IMPLICATIONS**

30. The Regulation does not conflict with those provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

31. The Regulation is consistent with the human rights provisions of the Basic Law.

## **FINANCIAL AND STAFFING IMPLICATIONS**

32. Additional staff cost is expected to be incurred in implementing the Regulation but it will be absorbed from within the existing resources of the Registration and Electoral Office.

## **LEGISLATIVE TIMETABLE**

33. The Regulation will be published in the Gazette on 10 December 1999 and will be tabled in the Legislative Council on 15 December 1999.

**PUBLICITY**

34. A press release will be issued to tie in with the publication of the Regulation in the Gazette.

Registration and Electoral Office

December 1999

File Ref : REO 14/32/1

**ELECTORAL AFFAIRS COMMISSION (PRINTING OF NAME OF  
ORGANIZATION AND EMBLEM ON BALLOT PAPER)  
(LEGISLATIVE COUNCIL) REGULATION**

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**ELECTORAL AFFAIRS COMMISSION (PRINTING OF NAME OF ORGANIZATION  
AND EMBLEM ON BALLOT PAPER) (LEGISLATIVE COUNCIL) REGULATION**

(Made by the Electoral Affairs Commission under  
section 7 of the Electoral Affairs  
Commission Ordinance (Cap. 541))

PART I

PRELIMINARY

**1. Commencement**

(1) Subject to subsection (2), this Regulation shall come into operation on 21 January 2000.

(2) Section 13, Part V and section 21 (only in so far as the section relates to a request submitted under Part V) shall come into operation on 1 July 2000.

**2. Interpretation**

In this Regulation, unless the context otherwise requires -  
"abbreviation" (簡稱), in relation to a name, includes a shortened form  
of that name;

**"agent" (代理人), in relation to an organization, means a natural person who is  
appointed by that organization as having the authority to sign on its behalf -**

(a) the certificate referred to in section 18(3)(a); and

(b) the notification referred to in section 18(3)(c);

"ballot paper" (選票) means a ballot paper used at a general election  
or by-election to vote for -

- (a) a candidate standing for election for a functional constituency;
- (b) a list of candidates standing for election for a geographical constituency; or
- (c) a candidate standing for election by the Election Committee;

"by-election" (補選) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

"candidate" (候選人) means a person nominated for election as a Member;

"Chinese name" (中文名稱) means a name comprising principally Chinese characters, whether with or without any of the following in addition thereto -

- (a) an English word;
- (b) a letter of the English alphabet that does not, in the name concerned, form part of an English word;
- (c) a numeral; or
- (d) a symbol,

and when used in relation to an organization, means the Chinese name of that organization as shown in a relevant certificate in respect of that organization;

"Election Committee" (選舉委員會) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

"emblem" (標誌) means any sign or mark, in colour or otherwise, that is visually perceptible and capable of being represented graphically and may, in particular, consist of characters, words,

letters, numerals, figurative elements, or any combination of the same;

"English name" (英文名稱) means a name comprising principally English words, letters of the English alphabet that do not, in the name concerned, form part of an English word, or both, whether with or without any of the following in addition thereto -

- (a) a Chinese character;
- (b) a numeral; or
- (c) a symbol,

and when used in relation to an organization, means the English name of that organization as shown in a relevant certificate in respect of that organization;

"existing Register" (現有登記冊) means the Register that is in effect under section 12(5)(b) for the time being;

"functional constituency" (功能界別) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

"geographical constituency" (地方選區) means an area declared to be a geographical constituency under section 18(2)(a) of the Legislative Council Ordinance (Cap. 542);

"identity document" (身分證明文件) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

"list of candidates" (候選人名單) means a list of candidates within the meaning of section 38(10) of the Legislative Council Ordinance (Cap. 542);

"Member" (議員) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

"name" (名稱) means a Chinese name, an English name, or both, as the case may require, and -

(a) when used in relation to an organization, means the name of that organization as shown in a relevant certificate in respect of that organization;

(b) when used in relation to a natural person, means the name of that person as shown in his identity document;

(c) when used in relation to any other person, means the name of that person as shown in any documentary evidence acceptable to the Commission;

"next Register" (下一份登記冊), in relation to an application made under section 4, 5, 15 or 17 during a relevant period, means the Register to be compiled under section 12 immediately following that relevant period;

"no-action period" (休止期) means a period that begins on the date which is 30 days before the commencement of a nomination period and ends upon expiration of that nomination period;

"nomination list" (提名名單) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

"nomination period" (提名期) has the meaning assigned to it by section 2(1) of the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation (Cap. 541 sub. leg.);



"organization" (組織) means -

- (a) a society or a branch of a society registered under the Societies Ordinance (Cap. 151) or exempted under that Ordinance from being so registered;
- (b) a society taken to be registered under the Societies Ordinance (Cap. 151) by virtue of section 43 of that Ordinance; or
- (c) a person listed in the Schedule (excluding paragraphs (5) and (5A) thereof) to the Societies Ordinance (Cap. 151), excluding one to which that Ordinance applies by virtue of section 2(2B) thereof;

"Provisional Register" (臨時登記冊) means the Provisional Register of Names of Organizations and Emblems for Ballot Papers (Legislative Council Election) compiled under section 9;

"recognized agent" (認可代理人), in relation to an organization, means a natural person whose name is entered in the existing Register as an agent of the organization;

"Register" (登記冊) means the Register of Names of Organizations and Emblems for Ballot Papers (Legislative Council Election) compiled under section 12;

"registered" (登記) means entered -

- (a) in the existing Register; and
- (b) under section 12(2)(b),

and -

- (i) a reference to -

- (A) the registered name, the registered abbreviation of the name or the registered emblem of an organization is to be construed as a reference to the name, the abbreviation of the name or the emblem of that organization for the time being that is so entered;
  - (B) a name, an abbreviation of name or an emblem registered in relation to an organization is to be construed as a reference to the name, the abbreviation of name or the emblem so entered in relation to the organization, whether or not the name, the abbreviation or the emblem is the name, the abbreviation of the name or the emblem of the organization for the time being; and
- (ii) a reference to -
- (A) the registered emblem of a natural person is to be construed as a reference to the emblem of that natural person for the time being that is so entered;
  - (B) an emblem registered in relation to a natural person is to be construed as a reference to the emblem so entered in relation to the natural person, whether or not the emblem is the emblem of the natural person for the time being;

"relevant certificate" (有關證明書) -

(a) in relation to an organization within the meaning of paragraph (a) of the definition of "organization" in this section, means -

(i) a certificate issued by the Societies Officer in respect of the registration of the organization under the Societies Ordinance (Cap. 151); or

(ii) a certificate of exemption from registration issued by the Societies Officer in respect of the exemption of the organization from registration under the Societies Ordinance (Cap. 151);

(b) in relation to an organization within the meaning of paragraph (b) of the definition of "organization" in this section, means a certificate or instrument issued by the Societies Officer that proves to the satisfaction of the Commission that the organization is a society described in that paragraph;

(c) in relation to an organization within the meaning of paragraph (c) of the definition of "organization" in this section, means -

(i) subject to subparagraph (ii), documentary evidence that proves to the satisfaction of the Commission that the organization is a person described in that paragraph;

(ii) if the organization is registered under an Ordinance as provided in the Schedule (excluding paragraphs (5) and (5A) thereof) to the Societies Ordinance (Cap. 151) and the first mentioned Ordinance provides for a certificate in respect of the registration, such a certificate;

"relevant period" (有關期間) means the period specified under section 3;

"Returning Officer" (選舉主任) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

"Societies Officer" (社團事務主任) means the Societies Officer and any Assistant Societies Officer appointed in accordance with section 3 of the Societies Ordinance (Cap. 151);

"specified form" (指明表格、指明格式), in relation to a particular purpose of this Regulation, means the form specified under section 23 for that particular purpose.

### **3. Commission to specify relevant period**

(1) Where a general election is to be held, the Commission must, at such time before that general election as it thinks fit, specify, as the relevant period for the purposes of this Regulation, one period of 30 days that falls within the 9 months preceding the date specified under the Legislative Council Ordinance (Cap. 542) for the general

election. The Commission must give notice of that relevant period in the Gazette.

(2) For the purposes of this section -

- (a) "general election" does not include a general election that immediately follows a dissolution of the Legislative Council by the Chief Executive in accordance with the Basic Law; and
- (b) if different dates are specified under the Legislative Council Ordinance (Cap. 542) for holding the relevant general election, the date specified for that general election is the first of such dates.

## PART II

### APPLICATION FOR REGISTRATION

#### **4. Application by organization for registration of name, etc.**

(1) An organization may apply to the Commission for the registration in the next Register of -

- (a) its Chinese name;
  - (b) one abbreviation of its Chinese name;
  - (c) its English name;
  - (d) one abbreviation of its English name;
  - (e) one emblem of the organization.
- (2) An application under subsection (1) -
- (a) may be made only during a relevant period;

- (b) must be made in the specified form and signed by the applicant;
- (c) must contain a declaration -
  - (i) that the applicant intends to allow one or more than one person to have the name, the abbreviation of name or the emblem, the subject of the application, printed on a ballot paper on which the name of such person will appear as a candidate; and
  - (ii) made by the person who may, under section 22(1), sign a document on behalf of the applicant;
- (d) must set out -
  - (i) the name and address of the applicant;
  - (ii) (A) the Chinese name;
    - (B) the abbreviation of the Chinese name;
    - (C) the English name;
    - (D) the abbreviation of the English name;or
    - (E) the emblem,of the applicant for registration; and
  - (iii) any other information reasonably required by the Commission for the purpose of the application;
- (e) must be accompanied by a relevant certificate in respect of the applicant; and

(f) must reach the Chief Electoral Officer during the relevant period.

(3) An organization may, during a relevant period, make only one application under subsection (1) in respect of each of the matters referred to in paragraphs (a) to (e) of that subsection.

(4) An organization must not, during a relevant period, make an application under subsection (1) if, in case the subject of the application is -

- (a) its Chinese name, a Chinese name;
- (b) one abbreviation of its Chinese name, an abbreviation of a Chinese name;
- (c) its English name, an English name;
- (d) one abbreviation of its English name, an abbreviation of an English name;
- (e) one emblem of the organization, an emblem,

is, at the commencement of the relevant period, registered in relation to that organization.

(5) If, pursuant to subsection (3), an organization makes more than one application under subsection (1) during a relevant period, all such applications may be made at the same time in one specified form, with such modifications to the requirements under subsection (2), as the Commission may allow.

**5. Application by natural person for registration of emblem**

(1) A natural person may apply to the Commission for the registration of his emblem in the next Register.

(2) An application under subsection (1) -

- (a) may be made only during a relevant period;
- (b) must be made in the specified form and signed by the applicant;
- (c) must contain a declaration by the applicant that -
  - (i) he is eligible under section 37 of the Legislative Council Ordinance (Cap. 542) to be nominated as a candidate at an election for a geographical constituency or a functional constituency, or for election by the Election Committee; and
  - (ii) he is not disqualified under section 39 of the Legislative Council Ordinance (Cap. 542) from being so nominated;
- (d) must set out -
  - (i) the name, address and identity document number of the applicant;
  - (ii) the emblem of the applicant for registration; and
  - (iii) any other information reasonably required by the Commission for the purpose of the application; and
- (e) must reach the Chief Electoral Officer during the relevant period.



(3) A natural person may, during a relevant period, make only one application under subsection (1).

(4) A natural person must not, during a relevant period, make an application under subsection (1) in respect of his emblem, if an emblem is, at the commencement of the relevant period, registered in relation to that person.

## **6. Organization to appoint agent**

(1) Subject to subsection (2), if an organization makes any application under section 4 and the organization does not have any recognized agent at the time of the application, it -

- (a) may, at the time of the application or at any time thereafter, make an initial appointment of at least one, and not more than 3, agents; and
- (b) must give to the Commission notice of the initial appointment.

Each agent must be appointed to act severally.

(2) Nothing in subsection (1) authorizes an organization to have, at all material times, more than 3 agents at the same time.

(3) A notice of initial appointment under subsection (1)(b) must -

- (a) be in the specified form and signed by the organization concerned;
- (b) set out -
  - (i) the name and address of the organization concerned;

- (ii) the name and signature of each of the agents appointed under the initial appointment; and
- (iii) any other information reasonably required by the Commission for the purpose of the initial appointment; and

(c) reach the Chief Electoral Officer as soon as practicable, but not before the application has reached that Officer.

(4) An organization -

(a) may, at any time, vary its initial appointment made under subsection (1)(a), or its initial appointment as varied, by cancelling the appointment of any of its agents or by appointing any other agent, or both;

(b) must give to the Commission notice of such variation, but nothing in this subsection authorizes an organization to have, at all material times, no agent, or more than 3 agents at the same time.

(5) A notice of variation of appointment under subsection (4)(b) must -

(a) be in the specified form and signed by the organization concerned;

(b) set out -

(i) the name and address of the organization concerned;

(ii) either one or both of the following -

(A) the name of each of the agents whose appointment is cancelled;

(B) the name and signature of each of the agents appointed under the variation of appointment; and

(iii) any other information reasonably required by the Commission for the purpose of the variation; and

(c) reach the Chief Electoral Officer as soon as practicable.

(6) For the avoidance of doubt, if a notice of initial appointment under subsection (1)(b) or a notice of variation of appointment under subsection (4)(b) (whether or not it forms an application under section 14(4)) reaches the Chief Electoral Officer -

(a) subject to paragraph (b), the appointment or variation of appointment contained in the notice has no effect, and the Commission, the Chief Electoral Officer or a Returning Officer is not required to act upon or have any regard to the appointment or variation, for the purposes of section 18(3)(a) and (c), until the Chief Electoral Officer has made entry in or amendment to, as the case may be, a Register in respect of the notice -

(i) in case the notice reaches the Chief Electoral Officer during a no-action period, under section 14(2)(a) or (b) or (5)(a), as the case may be;

(ii) in case the notice reaches the Chief Electoral Officer at any time outside a no-action

period, under section 12(2)(c)(ii) or 14(3) or (5)(b), as the case may be; and

- (b) the appointment or variation of appointment contained in the notice does not, in any event, affect anything that a recognized agent of the organization concerned for the time being has, before the Chief Electoral Officer makes the entry or amendment, as the case may be, referred to in paragraph (a), done under section 18(3)(a) or (c).

#### **7. Certain applications may not be granted**

(1) The Commission may refuse to grant an application made by an organization under section 4 for the registration of a name or an abbreviation of name if, in its opinion, the name or the abbreviation -

- (a) is identical to the name or the abbreviation of the name of another organization -

- (i) (A) which is registered; and

- (B) in respect of which that other organization has, during the relevant period in which the application is made, made an application under section 17 that the Commission intends to grant; or

- (ii) in respect of which that other organization has, during the relevant period in which the application is made, made an application -

- (A) under section 4; or

- (B) under section 15 for registration in the next Register in place of a name or an abbreviation of name registered in relation to that other organization, that the Commission, after having considered the history of the applicant and that other organization in using the name or the abbreviation concerned, intends to grant;
- (b) so nearly resembles the name or the abbreviation of the name of another organization -
  - (i) (A) which is registered; and
    - (B) in respect of which that other organization has, during the relevant period in which the application is made, made an application under section 17 that the Commission intends to grant; or
  - (ii) in respect of which that other organization has, during the relevant period in which the application is made, made an application -
    - (A) under section 4; or
    - (B) under section 15 for registration in the next Register in place of a name or an abbreviation of name registered in relation to that other organization, that the Commission, after having considered the history of the applicant and that other

organization in using the name or the abbreviation concerned, intends to grant, that it is likely to be confused with or mistaken for the name or the abbreviation of the name of that other organization;

(c) comprises -

(i) in the case of a Chinese name or an abbreviation of a Chinese name, more than 10 Chinese characters;

(ii) in the case of an English name or an abbreviation of an English name, more than 10 English words;

(d) is obscene or offensive; or

(e) includes anything the publication of which is likely to amount to the commission of an offence.

(2) (a) For the purposes of subsection (1)(c)(i) -

(i) an English word;

(ii) a letter of the English alphabet that does not, in the name concerned, form part of an English word;

(iii) a numeral; or

(iv) a symbol,

if any, comprised in a Chinese name is counted as one Chinese character.

(b) For the purposes of subsection (1)(c)(ii) -

(i) a letter of the English alphabet that does not, in the name concerned, form part of an English word;

(ii) a Chinese character;

(iii) a numeral; or

(iv) a symbol,

if any, comprised in an English name is counted as one English word.

(3) The Commission may refuse to grant an application made by an organization under section 4 or by a natural person under section 5 for the registration of an emblem if, in its opinion, the emblem -

(a) is identical to the emblem of another organization or natural person -

(i) (A) which is registered; and

**(B) in respect of which that other organization or natural person has, during the relevant period in which the application is made, made an application under section 17 that the Commission intends to grant; or**

(ii) in respect of which that other organization or natural person has, during the relevant period in which the application is made, made an application -

(A) under section 4 or 5; or

(B) under section 15 for registration in the next Register in place of an emblem

registered in relation to that other organization or natural person, that the Commission, after having considered the history of the applicant and that other organization or natural person in using the emblem concerned, intends to grant;

(b) so nearly resembles the emblem of another organization or natural person -

(i) (A) which is registered; and

(B) in respect of which that other organization or natural person has, during the relevant period in which the application is made, made an application under section 17 that the Commission intends to grant; or

(ii) in respect of which that other organization or natural person has, during the relevant period in which the application is made, made an application -

(A) under section 4 or 5; or

(B) under section 15 for registration in the next Register in place of an emblem registered in relation to that other organization or natural person,

that the Commission, after having considered the history of the applicant and that other



- organization or natural person in using the emblem concerned, intends to grant, that it is likely to be confused with or mistaken for the emblem of that other organization or natural person;
- (c) comprises anything that -
- (i) is likely to be confused with or mistaken for any design used or to be used by the Commission on a ballot paper as part of the voting instructions; or
  - (ii) is likely to induce an elector to believe that the applicant is connected in any way with -
    - (A) the Central People's Government of the People's Republic of China;
    - (B) the Government;
    - (C) any public body;
    - (D) any country; or
    - (E) any authority outside Hong Kong;
- (d) is or contains a photograph of any natural person;
- (e) is obscene or offensive; or
- (f) is of such character that publication of the emblem is likely to amount to the commission of an offence.

(4) The Commission may refuse to grant an application made by a natural person under section 5 if the Commission believes that -

- (a) the natural person is not eligible under section 37 of the Legislative Council Ordinance (Cap. 542) to be nominated as a candidate at an election for a geographical

constituency or a functional constituency, or for election by the Election Committee; or

- (b) the natural person is disqualified under section 39 of the Legislative Council Ordinance (Cap. 542) from being so nominated.

#### **8. Variation of application, etc.**

(1) If, after initial consideration of an application made under section 4, 5, 15 or 17, the Commission is of the opinion that it may refuse to grant the application, the Commission must give the applicant a written notice that it is of that opinion, setting out the provision under which it may refuse to grant the application and the terms of subsection (2) or (3), as the case may be.

- (2) (a) If a notice has been given under subsection (1) in relation to an application made under section 4, 5 or 15 -

- (i) the applicant may lodge with the Commission, within 14 days after the date of the notice, a written reply, signed by the applicant, containing -

- (A) a statement of reasons why the applicant considers that the Commission should not refuse to grant the application; or

- (B) a request to vary the application in the manner set out in the request ("request to vary");

(ii) the Commission must not give any further notice in relation to the application under subsection (1), whether or not a reply under subparagraph (i) has been lodged in response to the notice.

(b) If, within 14 days after the date of the notice given under subsection (1) -

(i) a reply under paragraph (a)(i), containing a statement of reasons under sub-subparagraph (A) thereof, is lodged, the Commission must proceed to consider the application in the light of the statement;

(ii) a reply under paragraph (a)(i), containing a request to vary, is lodged, the Commission must proceed to consider the application as varied in the request as if the application as so varied were made, and had reached the Chief Electoral Officer, under section 4, 5 or 15, as the case may be;

(iii) no reply under paragraph (a)(i) is lodged, the Commission must proceed to consider the application as originally made.

(3) (a) If a notice has been given under subsection (1) in relation to an application made under section 17 ("initial application") -

- (i) the applicant may lodge with the Commission, within 14 days after the date of the notice, a written reply, signed by the applicant, containing -
    - (A) a statement of reasons why the applicant considers that the Commission should not refuse to grant the initial application;  
or
    - (B) notwithstanding section 15(2)(a) and (e), an application under section 15 for the particulars registered in respect of the name, abbreviation of name or emblem, the subject of the initial application, to be amended in the next Register ("subsequent application");
  - (ii) the Commission must not, under subsection (1), give any further notice in relation to the initial application, whether or not a reply under subparagraph (i) has been lodged in response to the notice.
- (b) If, within 14 days after the date of the notice given under subsection (1) -
- (i) a reply under paragraph (a)(i), containing a statement of reasons under sub-subparagraph (A) thereof, is lodged, the Commission must

proceed to consider the initial application in the light of the statement;

(ii) a reply under paragraph (a)(i), containing a subsequent application, is lodged -

(A) the Commission must proceed to consider the subsequent application as if it had complied with section 15(2)(a) and (e), except that, notwithstanding subsection (1), the Commission must not give the applicant any notice under that subsection in relation to the subsequent application; and

(B) the initial application is deemed to have been withdrawn by the applicant;

(iii) no reply under paragraph (a)(i) is lodged, the Commission must proceed to consider the initial application as originally made.

### PART III

#### DECISION ON APPLICATION AND COMPILATION OF REGISTER

#### **9. Compilation of Provisional Register and publication of notice**

(1) As soon as practicable after the expiry of a relevant period -

(a) the Chief Electoral Officer must compile in accordance with subsections (2) and (3) a Provisional Register of

Names of Organizations and Emblems for Ballot Papers  
(Legislative Council Election) in respect of -

- (i) all the applications made under section 4, 5 or 15 during the relevant period that the Commission, having regard to any reply lodged under section 8(2)(a)(i) where applicable, intends to grant; and
  - (ii) all the applications made under section 17 during the relevant period that the Commission, having regard to any reply lodged under section 8(3)(a)(i) that contains a statement of reasons under sub-subparagraph (A) thereof where applicable, intends to grant; and
- (b) the Commission must publish in one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong a notice of that Provisional Register complying with subsection (6).

(2) The Chief Electoral Officer must, in relation to an application, enter in the Provisional Register the following particulars -

- (a) the name and address of the applicant;
- (b) (i) in case the application is made under section 4, the name, abbreviation of name or emblem, as the case may be, of the applicant set out in the application or, if the application has

been varied under section 8(2), in the application so varied, for registration;

- (ii) in case the application is made under section 5, the emblem of the applicant set out in the application or, if the application has been varied under section 8(2), in the application so varied, for registration;
- (iii) in case the application is made under section 15 (including one that is contained in a reply lodged under section 8(3)(a)(i)), the name, abbreviation of name or emblem, as the case may be, of the applicant set out in the application or, if the application has been varied under section 8(2), in the application so varied, for registration in the next Register in place of the corresponding one registered in relation to the applicant;
- (iv) in case the application is made under section 17, the registered name, abbreviation of name or emblem, as the case may be, of the applicant set out in the application for registration.

(3) The Provisional Register is to be maintained by the Chief Electoral Officer in such form as he thinks fit for the purposes of this Regulation.

(4) For the avoidance of doubt -

- (a) the entry of a name, an abbreviation of name or an emblem in a Provisional Register under subsection (2)(b) is for the sole purpose of enabling objection to be lodged under subsections (6) and (7), and does not authorize the name, the abbreviation or the emblem, or does not represent that the name, the abbreviation or the emblem will be authorized, to be printed on a ballot paper in accordance with Part V or to be put to any other use; and
- (b) where the Chief Electoral Officer is required to enter an emblem in a Provisional Register under subsection (2)(b), he is treated to have done so for all purposes if he has entered in the Provisional Register an emblem that is as nearly as practicable a faithful reproduction of the emblem to be entered.

(5) A Provisional Register -

- (a) must be open for public inspection, free of charge, during ordinary business hours at the Registration and Electoral Office for a period of 14 days commencing on the date next following the date on which a notice of that Provisional Register is published under subsection (1)(b); and
- (b) is to have effect, for the purpose under subsection (4)(a), only within that period of 14 days.

(6) A notice under subsection (1) must -



- (a) contain a copy of the Provisional Register concerned;  
and
- (b) invite any person ("objector") who believes that any application the particulars of which are entered in the Provisional Register, should not be granted on the grounds that -
  - (i) the name or the abbreviation of name, the subject of the application, is -
    - (A) identical to the name or an abbreviation of the name of the objector;
    - (B) so nearly resembles the name or an abbreviation of the name of the objector that it is likely to be confused with or mistaken for that latter name or abbreviation; or
    - (C) obscene or offensive; or
  - (ii) the emblem, the subject of the application, as entered in the Provisional Register is -
    - (A) identical or similar to a trade mark registered under the Trade Marks Ordinance (Cap. 43) by the objector as the proprietor;
    - (B) identical or similar to an emblem in which the objector has a proprietary interest; or
    - (C) obscene or offensive,

to object to the granting of that application in accordance with subsection (7).

(7) An objector may, in response to a notice published under subsection (1), object to the granting of an application by lodging with the Commission, within 14 days after the date of publication of the notice, an objection in the specified form, containing -

- (a) a statement of the grounds upon which he makes his objection; and
- (b) a statutory declaration in support of his objection, setting out particulars of evidence and exhibiting such evidence or a copy thereof.

#### **10. Hearing of objection**

(1) Upon receipt of an objection under section 9(7), the Commission -

- (a) must, as soon as practicable thereafter, send to the applicant concerned a copy of it; and
- (b) may request the objector to furnish the Commission, within 7 days, or within such longer period as the Commission may in a particular case allow, after the request is made, with such further particulars relating to his objection (exhibiting the relevant evidence or a copy thereof) as the Commission thinks relevant.

(2) The Commission must, upon receipt of any further particulars (together with the exhibits) under subsection (1)(b), send to the applicant concerned a copy thereof.

(3) If the objector fails to comply with a request under subsection (1)(b), he is, unless the Commission otherwise directs, deemed to have abandoned his objection.

(4) If the Commission is satisfied that no further particulars or evidence are needed from the objector, it must, as soon as practicable thereafter, send to the applicant concerned and the objector a written notice of the date and time that the Commission will hear their argument in the case.

(5) Unless the applicant concerned and the objector consent to a shorter notice, the date for hearing argument referred to in subsection (4) must be at least 7 days after the date of the notice under that subsection.

(6) If the applicant concerned or the objector fails to appear at a hearing on the date and at the time notified by the Commission under subsection (4), the Commission or the member thereof who conducts the hearing, as the case may be, may -

- (a) if satisfied that the failure to appear is due to reasonable cause, adjourn the hearing of argument to a date and time that it thinks fit; or
- (b) proceed to hear argument from the party appearing before it and make a decision without hearing argument from the party who fails to appear.

(7) (a) A hearing under this section must be -

- (i) open to the public; and
- (ii) conducted by the Commission or any member of the Commission.

- (b) At the hearing, the applicant concerned or the objector -
- (i) may appear in person and make representations regarding his case; and
  - (ii) whether or not he appears in person, may be represented by solicitor or counsel who may make representations on his behalf.

(8) If a hearing under this section is conducted by one or 2 members of the Commission, such members must, as soon as practicable after the hearing, make a recommendation to the Commission as to whether the objection concerned should be allowed or rejected.

## **11. Commission to decide on application**

(1) As soon as practicable after the expiry of the period within which an objection may be lodged under section 9(7) with regard to the granting of any application made during a relevant period, the Commission must, in respect of each of the applications made under section 4, 5, 15 or 17 during that relevant period, make a decision as to whether or not the application should be granted.

(2) The Commission must not, under subsection (1), grant an application made during a relevant period if the particulars of that application have not been entered in the Provisional Register compiled in respect of all the applications made under section 4, 5, 15 or 17 during that relevant period.

(3) If an objection is lodged under section 9(7) in relation to an application, the Commission must have regard to the following when making a decision on the application under subsection (1) -

- (a) the objection;
- (b) where applicable, any further particulars (together with the exhibits) furnished to the Commission in compliance with any request under section 10(1)(b); and
- (c)
  - (i) if a hearing under section 10 is conducted by the Commission, the case of the applicant concerned and the objector presented at the hearing; or
  - (ii) if a hearing under section 10 is conducted by one or 2 members of the Commission, the recommendation of such members made under section 10(8).

(4) The decision of the Commission under subsection (1) is final and not subject to any appeal.

## **12. Compilation of Register and publication of notice**

(1) At least 14 days before the commencement of the nomination period, other than one in relation to nominations for a by-election, that immediately follows a relevant period -

- (a) the Chief Electoral Officer must compile in accordance with subsections (2) and (3) a Register of Names of Organizations and Emblems for Ballot Papers (Legislative Council Election) in respect of all the applications made under section 4, 5, 15 or 17 during the relevant period that the Commission has granted;

- (b) the Commission must publish in one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong a notice of that Register containing a copy of the Register; and
- (c) the Commission must, in respect of each of the applications made under section 4, 5, 15 or 17 during the relevant period, give -
  - (i) the applicant a written notice of the Commission's decision and, if the applicant is one whose application has not been granted, the reasons for not granting the application; and
  - (ii) every objector who has lodged an objection under section 9(7) a written notice of the Commission's decision on the objection and, if the objector is one whose objection is rejected, the reasons for its so rejecting.

(2) The Chief Electoral Officer must, in relation to an application, enter in the Register the following particulars -

- (a) the name and address of the applicant;
- (b)
  - (i) in case the application is made under section 4, the name, abbreviation of name or emblem, as the case may be, of the applicant set out in the application or, if the application has been varied under section

8(2), in the application so varied, for registration;

(ii) in case the application is made under section 5, the emblem of the applicant set out in the application or, if the application has been varied under section 8(2), in the application so varied, for registration;

(iii) in case the application is made under section 15 (including one that is contained in a reply lodged under section 8(3)(a)(i)), the name, abbreviation of name or emblem, as the case may be, of the applicant set out in the application or, if the application has been varied under section 8(2), in the application so varied, for registration in that Register in place of the corresponding one registered in relation to the applicant;

(iv) in case the application is made under section 17, the registered name, abbreviation of name or emblem, as the case may be, of the applicant set out in the application for registration;  
and

(c) in case the applicant is an organization -

(i) the name of each of the recognized agents of the applicant; or

(ii) if the applicant does not have any recognized agent, the name of each of the agents of the applicant set out in the notice of initial appointment under section 6(1)(b) by the applicant that has reached the Chief Electoral Officer on or before the date that is at least 16 days before the date by which the Register must be compiled, as, where applicable, may be varied in any notice of variation of appointment under section 6(4)(b) by the applicant that has so reached the Chief Electoral Officer.

(3) The Register is to be maintained by the Chief Electoral Officer in such form as he thinks fit for the purposes of this Regulation.

(4) For the avoidance of doubt -

(a) the entry of a name, an abbreviation of name or an emblem in a Register under subsection (2)(b) is for the sole purpose of authorizing it to be printed on a ballot paper in accordance with Part V; and

(b) where the Chief Electoral Officer is required to enter an emblem in a Register under subsection (2)(b), he is treated to have done so for all purposes if he has entered in the Register an emblem that is as nearly as practicable a faithful reproduction of the emblem to be entered.

(5) A Register -



- (a) must be open for public inspection, free of charge, during ordinary business hours at the Registration and Electoral Office for the period -
  - (i) commencing on the date next following the date on which a notice of that Register is published under subsection (1)(b); and
  - (ii) ending on the date on which a notice of another Register is next published under that provision; and
- (b) is to have effect, for the purpose under subsection (4)(a), only within the period under paragraph (a).

**13. Chief Electoral Officer to supply Returning Officer with copy of Register**

(1) The Chief Electoral Officer must, at least 7 days before the commencement of a nomination period, supply to the Returning Officer concerned a copy of the existing Register.

(2) A copy under subsection (1) may contain any additional particulars or information the Chief Electoral Officer thinks fit to include.

PART IV

AMENDMENT TO PARTICULARS IN EXISTING REGISTER AND REGISTRATION OF SUCH PARTICULARS IN NEXT REGISTER

**14. Particulars in Register relating to agent**

- (1) If -

- (a) a name, an abbreviation of name or an emblem is registered in relation to an organization; and
- (b) that organization does not have any recognized agent because no notice of initial appointment under section 6(1)(b) by the organization has reached the Chief Electoral Officer on or before the date required in section 12(2)(c)(ii),

the Chief Electoral Officer must, in relation to a notice of initial appointment under section 6(1)(b) by the organization that reaches the Chief Electoral Officer after that date, enter in accordance with subsection (2) or (3), as the case may be, the name of each of the agents set out in the notice in the existing Register.

- (2) (a) If the notice of initial appointment reaches the Chief Electoral Officer during a no-action period, the Chief Electoral Officer must enter in the existing Register the name of each of the agents set out in the notice as soon as practicable after the end of that no-action period.
- (b) If, in relation to the appointment contained in that notice of initial appointment, a notice of variation of appointment under section 6(4)(b) reaches the Chief Electoral Officer during the no-action period in which that notice of initial appointment has reached the Chief Electoral Officer, the Chief Electoral Officer must enter in the existing Register the name of each of the agents set out in the notice of initial appointment,

as varied in the notice of variation of appointment, as soon as practicable after the end of that no-action period.

(3) If the notice of initial appointment reaches the Chief Electoral Officer at any time outside a no-action period, the Chief Electoral Officer must enter in the existing Register the name of each of the agents set out in the notice as soon as practicable after the notice has reached him.

(4) An organization may, at any time, apply to the Commission for the amendment of the particulars entered in relation to the organization -

(a) in the existing Register; and

(b) under subsection (1) or section 12(2)(c)(ii),

by lodging with the Chief Electoral Officer a notice of variation of appointment provided under section 6(4)(b) in relation to the relevant appointment.

(5) In relation to an application under subsection (4), the Chief Electoral Officer must cause the particulars in the existing Register to be amended accordingly -

(a) in case the application reaches the Chief Electoral Officer during a no-action period, as soon as practicable after the end of that no-action period;

(b) in case the application reaches the Chief Electoral Officer at any time outside a no-action period, as soon as practicable after the application has reached the Chief Electoral Officer.

## 15. Amendment to registered particulars

(1) An organization or a natural person may apply to the Commission for the particulars registered in relation to the organization or natural person to be amended in the next Register.

(2) An application under subsection (1) -

- (a) may be made only during a relevant period;
- (b) must be made in the specified form and signed by the applicant;

(c) must set out -

- (i) the name and address of the applicant;

- (ii) (A) the Chinese name;

- (B) one abbreviation of the Chinese name;

- (C) the English name;

- (D) one abbreviation of the English name;

or

- (E) one emblem,

of the applicant, for registration in the next Register in place of the corresponding one registered in relation to the applicant; and

- (iii) any other information reasonably required by the Commission for the purpose of the application;

(d) in the case of an application by an organization for the amendment of the registered particulars in respect of a name or an abbreviation of name, must be accompanied

by a relevant certificate in respect of the applicant;  
and

(e) must reach the Chief Electoral Officer during the relevant period.

(3) An organization may, during a relevant period, make only one application under subsection (1) for the amendment of the registered particulars in respect of each of the following -

- (a) a Chinese name;
- (b) an abbreviation of Chinese name;
- (c) an English name;
- (d) an abbreviation of English name;
- (e) an emblem.

(4) A natural person may, during a relevant period, make only one application under subsection (1).

(5) An organization or a natural person must not, during a relevant period, apply under subsection (1) for the amendment of any registered particulars in respect of a name, an abbreviation of name or an emblem if it has, during that relevant period, applied under section 17 for the registration in the next Register of that name, abbreviation of name or emblem.

(6) If, pursuant to subsection (3), an organization makes more than one application under subsection (1) during a relevant period, all such applications may be made at the same time in one specified form, with such modifications to the requirements under subsection (2), as the Commission may allow.

(7) Section 7 applies to an application under this section as if -

(a) a reference in that section to an application under section 4 or 5 were a reference to an application under this section; and

(b) a reference -

(i) in subsection (1) of that section to a name or abbreviation of name, the subject of an application under section 4; or

(ii) in subsection (3) of that section to an emblem, the subject of an application under section 4 or 5,

were a reference to the name, the abbreviation of name or the emblem, as the case may be, the subject of an application under this section for registration in the next Register in place of the corresponding one registered in relation to the applicant.

#### **16. Amendment to other particulars in Register**

(1) An organization or a natural person may apply to the Commission for the amendment of the particulars entered in relation to the organization or natural person -

(a) in the existing Register; and

(b) under section 12(2)(a).

(2) An application under subsection (1) -

(a) may be made at any time;

(b) must be made in the form of a written request to the Commission and signed by the applicant;

- (c) must be accompanied by documentary evidence in support of the application, if so required by the Commission; and
- (d) must reach the Chief Electoral Officer as soon as practicable.

(3) In relation to an application under subsection (1), the Commission must, unless satisfied that the amendment being applied for should not be made, cause the particulars in the existing Register to be amended accordingly -

- (a) in case the application reaches the Chief Electoral Officer during a no-action period, as soon as practicable after the end of that no-action period;
- (b) in case the application reaches the Chief Electoral Officer at any time outside a no-action period, as soon as practicable after the application has reached the Chief Electoral Officer.

**17. Registration of registered particulars  
in next Register**

(1) An organization or a natural person may apply to the Commission for the registration in the next Register of its registered name, the registered abbreviation of its name or its registered emblem.

(2) An application under subsection (1) -

- (a) may be made only during a relevant period;
- (b) must be made in the specified form and signed by the applicant;
- (c) must set out -

- (i) the name and address of the applicant;
- (ii) (A) the registered Chinese name;
  - (B) the registered abbreviation of the Chinese name;
  - (C) the registered English name;
  - (D) the registered abbreviation of the English name; or
  - (E) the registered emblem,of the applicant for registration; and
- (iii) any other information reasonably required by the Commission for the purpose of the application; and

(d) must reach the Chief Electoral Officer during the relevant period.

(3) An organization or a natural person must not, during a relevant period, apply under subsection (1) for the registration in the next Register of its registered name, the registered abbreviation of its name or its registered emblem if it has, during that relevant period, applied under section 15 for the amendment of the registered particulars in respect of that name, abbreviation of name or emblem, as the case may be.

(4) If, during a relevant period, an organization makes more than one application under subsection (1), all such applications may be made at the same time in one specified form, with such modifications to the requirements under subsection (2), as the Commission may allow.



(5) Section 7 (other than paragraphs (a), (b) and (c) of subsection (1), subsection (2) and paragraphs (a), (b) and (d) of subsection (3) thereof) applies to an application under this section as if -

(a) a reference in that section to an application under section 4 or 5 were a reference to an application under this section; and

(b) a reference -

(i) in subsection (1) of that section to a name or abbreviation of name, the subject of an application under section 4; or

(ii) in subsection (3) of that section to an emblem, the subject of an application under section 4 or 5,

were a reference to the name, the abbreviation of name or the emblem, as the case may be, the subject of an application under this section for registration in the next Register.

PART V  
PRINTING OF REGISTERED NAME, EMBLEM,  
ETC. ON BALLOT PAPER

**18. Request relating to registered name,  
emblem, etc. of organization**

(1) If -

(a) the sole candidate on a nomination list or list of candidates;

(b) a candidate for a functional constituency;

- (c) a candidate for election by the Election Committee; or
- (d) all the candidates on a nomination list or list of candidates,

wishes or wish to have the registered name, the registered abbreviation of the name or the registered emblem of an organization printed on a ballot paper in which his or her name or their names will appear as candidate or candidates, the candidate or candidates must, during the relevant nomination period, submit a request to the Returning Officer concerned who must, as soon as practicable thereafter, deliver the request to the Chief Electoral Officer for arranging the registered name, the registered abbreviation of name or the registered emblem, as the case may be, to be printed on the ballot paper concerned in accordance with the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg.).

(2) A request under subsection (1) must -

(a) be made in the specified form and signed by -

- (i) the candidate under subsection (1)(a), (b) or (c) submitting the request; or
- (ii) all the candidates under subsection (1)(d) submitting the request;

(b) set out -

- (i) the name of the candidate or candidates submitting the request;
- (ii) a statement requesting that any or all of the following is to be printed on the ballot paper concerned -

- (A) the registered Chinese name or the registered abbreviation of the Chinese name of the organization concerned (but not both);
  - (B) the registered English name or the registered abbreviation of the English name of the organization concerned (but not both);
  - (C) the registered emblem of the organization concerned; and
- (iii) any other information reasonably required by the Commission for the purpose of the request ;
- and
- (c) be accompanied by a consent of the organization concerned in relation to the request.
- (3) A consent by an organization under subsection (2)(c) -
- (a) must be given, during the relevant nomination period, in a certificate in the specified form and signed by a recognized agent of the organization;
  - (b) must set out -
    - (i) the name of the candidate or candidates concerned; and
    - (ii) a statement consenting that any or all of the following is to be printed on the ballot paper concerned -
      - (A) its registered Chinese name or the

registered abbreviation of its Chinese name (but not both);

(B) its registered English name or the registered abbreviation of its English name (but not both);

(C) its registered emblem; and

(c) may be withdrawn by the organization by sending a written notification of such withdrawal, in the specified form and signed by a recognized agent of the organization, to reach the Returning Officer concerned during the relevant nomination period.

(4) A request submitted under subsection (1) may be withdrawn at any time during the relevant nomination period by -

(a) in case the request is made by a candidate referred to in subsection (1)(a), (b) or (c), the candidate concerned;

(b) in case the request is made by the candidates referred to in subsection (1)(d), all the candidates concerned, who must give the Returning Officer concerned a written notice signed by the candidate or candidates concerned of the withdrawal.

(5) If a request has been submitted under subsection (1) and the consent of the organization concerned in relation thereto has been withdrawn, that request is deemed to have been withdrawn by the candidate or candidates concerned.

(6) If a candidate has, during a nomination period, submitted a request under subsection (1) as a candidate referred to in paragraph

(a), (b) or (c) of that subsection or as one of the candidates referred to in paragraph (d) of that subsection, and that request has not been withdrawn or is not deemed to have been withdrawn under subsection (4) or (5), he must not, during that nomination period, submit another request -

- (a) under subsection (1) as a candidate referred to in paragraph (a), (b) or (c) of that subsection or as one of the candidates referred to in paragraph (d) of that subsection; or
- (b) under section 19(1).

**19. Request relating to registered emblem of natural person, etc.**

(1) If a candidate wishes to have any or both of -

- (a) his registered emblem;
- (b) the English words "Independent Candidate" and the Chinese characters "獨立候選人",

printed on a ballot paper in which his name will appear as a candidate, he must, during the relevant nomination period, submit a request to the Returning Officer concerned who must, as soon as practicable thereafter, deliver the request to the Chief Electoral Officer for arranging the registered emblem, or the words and characters, or both, as the case may be, to be printed on the ballot paper concerned in accordance with the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg.).

(2) A request under subsection (1) must -

- (a) be made in the specified form and signed by the candidate submitting the request;
- (b) set out -
  - (i) the name of the candidate submitting the request;
  - (ii) a statement requesting that one or both of the following is to be printed on the ballot paper concerned -
    - (A) the candidate's registered emblem;
    - (B) the English words "Independent Candidate" and the Chinese characters "獨立候選人"; and
  - (iii) any other information reasonably required by the Commission for the purpose of the request.

(3) A request submitted under subsection (1) may be withdrawn at any time during the relevant nomination period by the candidate concerned who must give the Returning Officer concerned a written notice signed by him of the withdrawal.

(4) If a candidate has, during a nomination period, submitted a request under subsection (1), and that request has not been withdrawn under subsection (3), he must not, during that nomination period, submit another request -

- (a) under subsection (1); or
- (b) under section 18(1) as a candidate referred to in paragraph (a), (b) or (c) of that section or as one of

the candidates referred to in paragraph (d) of that section.

## **20. Size and position for printing**

(1) If a registered name or a registered abbreviation of name is to be printed on a ballot paper pursuant to a request submitted under this Part, its size and its position as printed on the ballot paper will be decided by the Commission in its absolute discretion.

(2) If a registered emblem is to be printed on a ballot paper pursuant to a request submitted under this Part -

- (a) its size as printed on the ballot paper must not exceed 2 centimetres square;
- (b) its position as printed on the ballot paper will be decided by the Commission in its absolute discretion.

## **PART VI MISCELLANEOUS**

### **21. Offence**

Any person who in any -

- (a) application made under section 4;
- (b) application made under section 5;
- (c) notice of initial appointment given under section 6(1)(b);
- (d) notice of variation of appointment given under section 6(4)(b);
- (e) reply lodged under section 8(2)(a)(i) or (3)(a)(i);

- (f) objection lodged under section 9(7);
- (g) particulars referred to in section 10(1)(b);
- (h) application made under section 15;
- (i) application made under section 16;
- (j) application made under section 17;
- (k) request submitted under section 18; or
- (l) request submitted under section 19,

makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such application, notice, reply, objection, particulars or request commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

**22. Signature of documents and appearance at hearing by organizations**

(1) Subject to subsection (2), if a document is required to be signed under this Regulation -

- (a) by an organization that is a partnership, it must be signed on behalf of the organization by -
  - (i) all of its partners; or
  - (ii) (A) any of its partners; or
  - (B) any other person,  
who satisfies the Commission that he is authorized to sign the document on behalf of the organization;



(b) by an organization that is a company formed and registered under the Companies Ordinance (Cap. 32), it must be signed on behalf of the organization by -

(i) a director of the company; or

(ii) any other person who satisfies the Commission that he is authorized to sign the document on behalf of the organization;

(c) by an organization that is an unincorporated body or association of persons other than a partnership, it must be signed on behalf of the organization by any person who satisfies the Commission that he is authorized to sign the document on behalf of the organization.

(2) Subsection (1) does not apply to a certificate referred to in section 18(3)(a) or a notification referred to in section 18(3)(c).

(3) If, at a hearing under section 10, an organization is to appear in person, only the following person may appear on behalf of the organization at the hearing -

(a) in case the organization is a partnership -

(i) all of its partners; or

(ii) (A) any of its partners; or

(B) any other person,

who satisfies the Commission or the member thereof conducting the hearing, as the case may be, by producing the relevant authorization, that he is authorized in

writing to appear at the hearing on behalf of the organization;

- (b) in case the organization is a company formed and registered under the Companies Ordinance (Cap. 32) -
  - (i) a director of the company; or
  - (ii) any other person who satisfies the Commission or the member thereof conducting the hearing, as the case may be, by producing the relevant authorization, that he is authorized in writing to appear at the hearing on behalf of the organization;
- (c) in case the organization is an unincorporated body or association of persons other than a partnership, any person who satisfies the Commission or the member thereof conducting the hearing, as the case may be, by producing the relevant authorization, that he is authorized in writing to appear at the hearing on behalf of the organization.

**23. Commission to specify forms**

(1) The Commission may specify forms for the purposes of this Regulation.

(2) The Chief Electoral Officer is to make the specified forms available during ordinary business hours at the Registration and Electoral Office.

(3) The Chief Electoral Officer may in addition make the specified forms available at any other place he considers appropriate.

(4) Specified forms are to be made available free of charge.

**24. Certified copy of certificate, etc.**

If an organization or a natural person is required under section 4(2)(e), 15(2)(d) or 16(2)(c) to furnish any certificate or document, it may furnish a copy of such certificate or document that is certified to be a true copy of the original by a solicitor or the person who issued the original certificate or document.

Made this                      day of                      1999.

Chairman,  
Electoral Affairs Commission

Member,  
Electoral Affairs Commission

Member,  
Electoral Affairs Commission

## Explanatory Note

This Regulation sets out the procedure to be followed for having the name, an abbreviation of the name or an emblem of an organization or an emblem of a natural person printed on a ballot paper for use in an election (excluding an Election Committee subsector election) to elect a Member of the Legislative Council.

2. Part I (sections 1 to 3) is preliminary. Section 2 defines the terms used in the Regulation. The Electoral Affairs Commission ("Commission") may under section 3 specify the period during which an application under section 4, 5, 15 or 17 can be made.

3. Part II (sections 4 to 8) provides for -

- (a) the application by an organization for registration of its name, an abbreviation of its name or its emblem (section 4);
- (b) the application by a natural person for registration of his emblem (section 5);
- (c) the appointment by an organization making application under section 4 of up to 3 agents for the purpose of certifying consent to a candidate or candidates requesting the printing of the registered name, abbreviation of name or emblem of the organization on a ballot paper (section 6);
- (d) the refusal by the Commission to grant an application (section 7); section 7 is extended to applications under section 15 for amendment of particulars in a Register and applications under section 17 for registration in the next Register of registered particulars; and

- (e) the procedure under which the Commission may allow an applicant to state its case, or to vary its application or to make another application, if the Commission is of the opinion that it may refuse the application (section 8).

4. Part III (sections 9 to 13) provides for -

- (a) the compilation by the Chief Electoral Officer of a Provisional Register in respect of the applications that the Commission intends to grant and the publication of a copy of the Provisional Register so that any person who objects, on specified grounds, to such applications being granted may lodge an objection (section 9);
- (b) the procedures for the Commission to deal with and hear objections (section 10) and to make decisions on the applications (section 11); and
- (c) the compilation by the Chief Electoral Officer of a Register in respect of the applications that the Commission has granted, the publication of a copy of the Register and the period during which a Register is to have effect (section 12).

5. Part IV (sections 14 to 17) provides for -

- (a) the entry in a Register after its compilation of the particulars of agents of organizations, and applications for amendments of such particulars entered in a Register (section 14);

- (b) applications for amendment of other particulars entered in a Register (sections 15 and 16); and
- (c) applications for registration in the next Register of registered particulars (section 17).

6. Part V (sections 18 to 20) provides for -

- (a) the submission by candidates of requests for the registered names, abbreviations of names or emblems of organizations to be printed on ballot papers (section 18);
- (b) the submission by candidates of requests for registered emblems to be printed on ballot papers (section 19); and
- (c) the size and position of such name, abbreviation of name and emblem to be printed on a ballot paper (section 20).

7. Part VI (sections 21 to 24) provides for offences (section 21) and other miscellaneous matters (sections 22 to 24).

《選舉管理委員會(選舉程序)(立法會)規例》  
ELECTORAL AFFAIRS COMMISSION  
(ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL) REGULATION

立法會選舉  
香港島地方選區  
LEGISLATIVE COUNCIL ORDINARY ELECTION  
HONG KONG ISLAND GEOGRAPHICAL CONSTITUENCY

2000年 月 日

xx xxxxxxxx 2000

選票  
BALLOT  
PAPER

LC 1

只可投票選一名 **VOTE FOR ONE LIST ONLY**

請用投票站提供的印章在所選名單右邊的圓圈內蓋上“✓”號。  
Use the chap provided at the polling station to stamp "✓" in the circle opposite  
the list of your choice.

1

民生民意民主自由促進會

ORGANISATION FOR DEMOCRACY AND PUBLIC OPINION



- a. 羅小德 LAW SIU TAK
- b. 陳有順 CHAN YAU SHUEN KENNETH
- c. 黃金玉 WONG KAM YUK SANDY
- d. 蕭永明 SIU WING MING PETER
- e. 麥明德 MAK MING TAK JOHN
- f. 鄭滿 CHENG KAI



2

獨立候選人

INDEPENDENT CANDIDATE



- a. 黎國恩 LAI KWOK SEE



3

香港民主事務議會

HONG KONG PUBLIC AFFAIRS ASSOCIATION



- a. 梁志高 LAM KAI KAN PETER
- b. 林小明 LEUNG CHI MING STANLEY
- c. 謝天強 TSE TIN KEUNG CHRIS
- d. 黎德 LAI TAK BILL



4

獨立候選人

INDEPENDENT CANDIDATE

- a. 許曼芳 HUI SING FONG MANDY



5

民進會

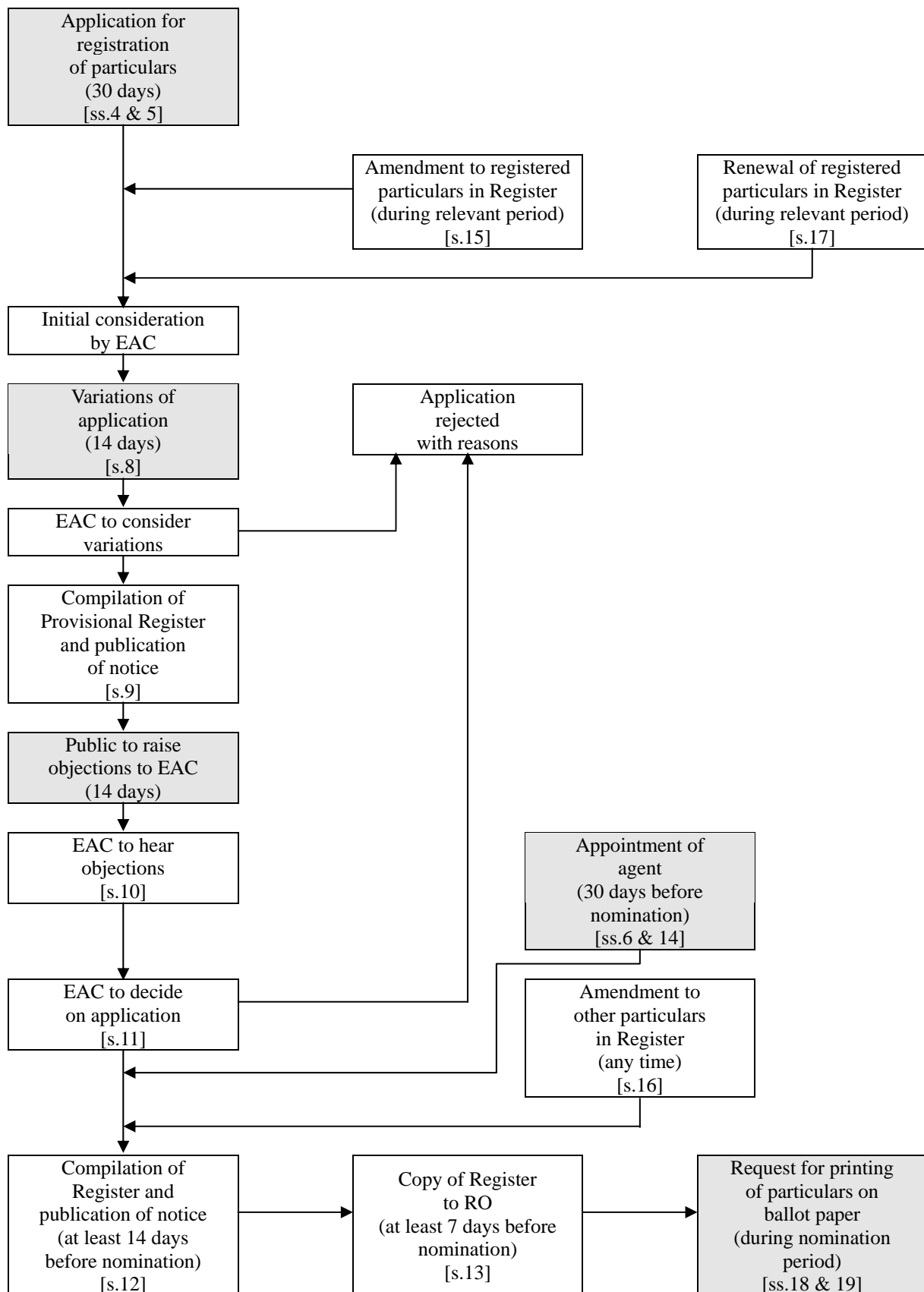
DCAF



- a. 李忠 LEE YIU
- b. 彭錦輝 PANG KAM CHUNG
- c. 楊基緯 YEUNG KAI WAI THOMAS
- d. 林長高 LAM CHEUNG KAI PEGGY
- e. 關惠福 KAN PEI FOOK
- f. 馬星國 MA SING KWOK



**Flow Chart showing the procedures to be followed for having the name, abbreviation of name of organization or emblem printed on a ballot paper**

**Note**

EAC – Electoral Affairs Commission

RO – Returning Officer

s., ss. – Section or sections in the Electoral Affairs Commission (Printing of Name of Organization and Emblem on Ballot Paper) (Legislative Council) Regulation