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13 March 2003

Miss Flora Tai  
Clerks to Bills Committee  
Bills Committee on Village Representative  
Election Bill  
Legislative Council  
8 Jackson Road  
Central  
Hong Kong

Dear Miss Tai,

**Subcommittee on subsidiary legislation relating to  
Village Representative Elections**

I refer to the draft minutes of the captioned meeting, and would like to provide the following information for Members' reference. The Chinese translation will follow shortly.

**Para. 3(a)**

Sections 4 – 7

Please see table attached for comparison between the provisions of the Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (“the Regulation”) and those of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541, sub. leg. A) (“GCRR”), regarding the structure and entries in the voter register.

We have largely followed the provisions in the GCRR, but have adapted the Regulation to provide for features specific to the Village Representative (VR) Elections, for instance, separate division in the

register for Existing Village, Indigenous Village and Composite Indigenous Village. Where there are arrangements in the VR elections that may be applicable to future Legislative Council and DC elections, these would be considered in the context of the review of the latter.

**Para 3(b)**

Sections 4 – 7

As seen from the table attached, we have essentially followed the relevant provisions in the GCRR in the arrangement of electors' names in the register. Having said that, we note Members' concerns, and have made administrative arrangements to follow up voter registrations for the Indigenous Inhabitant Representative elections, in case the applicant has only provided his/her English name, and has not furnished the ERO with his/her principal residential address. Subject to the provision of a Chinese name by the applicant, the information will be included in the register for reference by way of a supplementary note or remark.

As for voter registrations in the Resident Representative elections, applicants are required to provide their names and principal residential address, which will be published in the provisional register for public inspection. This arrangement is identical to that for geographical constituency of the Legislative Council elections, as well as that for the District Council elections.

**Para 3(c)**

Sections 4 – 7

The design and format of the voter registration forms for the 2003 VR elections follow largely those used in other public elections (viz. District Council and Legislative Council elections). We have taken note of Members' comments and will take them into account in the context of the review after the 2003 elections.

**Para 3(d)**

Section 9

The schedules for Legislative Council, District Council and VR elections are set out below:

Elections	Publication of Provisional Register	Publication of Final Register	Polling Dates
Legislative Council elections	June	July	September
District Council elections	August	September	November
Village Representative elections	September	October	January – February

To arouse the awareness of eligible voters and to facilitate their participation in the various elections, high-profile voter registration exercises are usually conducted close to the respective polling dates. In this connection, publication of the provisional and final registers would also be scheduled in accordance with the polling dates, to ensure that they are as update as possible.

Given the different polling dates for the three elections listed above, aligning the schedule for voter registration may result in the publication of the registers for one category of elections well before the polling dates and defeat the purpose of its being update and relevant.

Furthermore, the different eligibility criterion for voters in the different elections (e.g. the eligibility of overseas applicants in the IIR elections) can cause confusion to the public, if voter registration exercises for the three categories of elections are conducted at the same time. We therefore consider that it not advisable to align the dates for voter registration for these elections.

**Para 3(e)**

**Section 10(1)(b)**

s.10(1) of the Regulation mirrors s.4(1) of the GCRR. It provides for the situation where a person may only have a name on one language but he/she completes the application form in another language. Writing the name in a different language does not amount to completing the form in two languages.

**Para 3(f)**

Section 15

A departmental circular will be issued to all staff in the Home Affairs Department to draw their attention to the need to maintain political neutrality and conscientiousness in the whole process of the VR elections.

**Para 3(g)**

Section 15

Under s.17(1) of the Village Representative Election Ordinance (Cap. 576), the ERO is required to compile and publish the provisional register not later than 22 April 2003 and not later than 10 September in each subsequent year. To facilitate public inspection of the provisional register and to enable applicants to lodge claims and objections against the provisional register, the ERO therefore must inform applicants of his decisions before 22 April 2003, and before 10 September in each subsequent year.

**Para 3(h)**

Section 16

This section sets out the timeframe for public authority and government departments to provide required information to the ERO. The provision of 14 days is put forward subsequent to discussions with the Electoral Affairs Commission, in consideration of enhanced efficiency and the tight schedule of the VR elections. Where there are genuine difficulties, the ERO may, under section 16(4), extend the deadline. We consider this, as a good practice, should also be applicable to subsequent VR elections.

Given the substantial volume of voter applications handled in LegCo and DC elections, which may amount to about 600,000 forms and 300,000 forms respectively, it is considered not feasible to apply the 14-day schedule to future LegCo and DC elections.

Yours sincerely,

(Miss Monica Chen)  
for Director of Home Affairs

**Entries and Arrangement of Entries in Voter Registers**

**Comparison between Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (“the Regulation”) and Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) (“GCRR”)**

<p align="center"><b>Provision in the Regulation</b></p> <p align="center"><i>Section/Heading</i></p>	<p align="center"><b>Similar Provision in GCRR</b></p> <p align="center"><i>Section</i></p>	<p align="center"><b>Remarks</b></p>
<p><i>s.2 and 3 –</i></p> <p><i>(i) Structure of Existing Villages register;</i></p> <p><i>(ii) Structure of Indigenous Villages and Composite Indigenous Villages register</i></p> <p><i>[s.2(1), s.2(2), s.3(1) – s.3(4)]</i></p>	<p><i>s. 3 – Form of Register</i></p> <ul style="list-style-type: none"> <li>• s.3(1): “A register is to be divided into sections so that there is a separate section for each Legislative Council constituency.”</li> <li>• s.3(1A): “For the purposes of section 29 of the District Councils Ordinance (Cap. 547), each section of a register is to be</li> </ul>	<ul style="list-style-type: none"> <li>• similar, amended to provide for separate division for each Existing Village (EV), Indigenous Village (IV) and Composite Indigenous Village (CIV).</li> <li>• similar, amended to provide for separate division for each Existing Village (EV), Indigenous Village (IV) and Composite Indigenous Village</li> </ul>

	<p>further divided so that there is a separate subsection for each District Council constituency within the Legislative Council constituency to which that section relates.”</p>	<p>(CIV).</p>
	<ul style="list-style-type: none"> <li>• s.3(1B): “In a section of a register, the subsections for the District council constituencies within the same District must be grouped together, and the name of the District must be shown in those subsections.”</li> </ul>	<ul style="list-style-type: none"> <li>• similar, amended to require that the name of the relevant EV, IV and CIV must be shown.</li> </ul>
<p><i>s.4 and 5 – Entries in (i) Existing Villages register; (ii) Indigenous Villages and Composite Indigenous Villages register [s.4(1) and s.5(1)]</i></p>	<ul style="list-style-type: none"> <li>• s.3(2): “ An entry in a register relating to a person must show the name and principal residential address of the person.”</li> </ul>	<ul style="list-style-type: none"> <li>• similar, except in the case of IV and CIV register, the principal residential address will be shown only if furnished to the ERO.</li> </ul>

<p><i>s.4(3), 4(4), 5(3) and 5(4)</i></p>	<ul style="list-style-type: none"> <li>• s.3(4): “In a register, the name of a person is to be recorded – <ul style="list-style-type: none"> <li>(a) in Chinese, if the person’s principal residential address is in Chinese on the application; or</li> <li>(b) in English, if the person’s principal residential address is in English on the application.”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• similar, except that additional conditions are included in the Regulation (e.g. s.5(4)(c)) to provide more certainty to the conditions when the entry would be in Chinese or English.</li> </ul>
<p><i>s.6 – How entries are to be arranged</i></p>	<ul style="list-style-type: none"> <li>• s.3(3): “The order in which names of persons are to be arranged in each subsection of the register is as follows – <ul style="list-style-type: none"> <li>(a) the names of the persons in Chinese, arranged according to the number of strokes of the Chinese characters of their respective surnames, are to be recorded first;</li> <li>(b) the names of the persons in English, arranged according to the alphabetical order of their respective surnames, must follow the entries at paragraph (a).”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• similar</li> </ul>

<p><i>s.7 – ERO to determine residual matters as to form</i></p>	<ul style="list-style-type: none"><li>• s. 3(7): “Subject to this section, the Electoral Registration Officer may determine the form of a register.”</li></ul>	<ul style="list-style-type: none"><li>• similar</li></ul>
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