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10 April 2003

Mr Stephen Lam
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BY FAX
Fax No.: 2877 5029
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Dear Mr Lam,

**Subcommittee on Subsidiary Legislation
relating to Village Representative elections
Electoral Procedure (Village Representative Election) Regulation
(L.N. 82 of 2003)**

Thank you for your letter of 4 April. I would like to put forward our comments as follows:

Sections 4(1)(g) and 6(h)

These provisions are set out to allow flexibility relating to information to be contained in the notice. Previous experiences in other public elections are also taken into account. Examples of additional information may include places where nomination forms can be obtained and the fact that such forms are available free of charge.

Section 35(2)(b)

This provision is considered at our discussions with the Electoral Affairs Commission. Bearing in mind the need to maintain order

in the no-canvassing zone (NCZ), the Returning Officer may authorize a polling staff to use a sound-amplifying system or device in the NCZ.

Section 35(2)(d)(ii)

Unless expressly provided to the contrary, a “political body” (as defined in S.2 of the Regulation) would mean a political body in Hong Kong.

Section 35(3)

Candidates are required to observe the provisions in the “Guidelines on Election-related Activities in respect of Village Representative Elections” issued by the EAC where canvassing activities are concerned. It is a conscious decision of the EAC not to include a provision similar to S.40(17)(b) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation, to avoid misunderstanding that the display of propaganda materials is allowed without the need to observe other electoral regulations or guidelines.

Section 45(7)

No. Section 45(7) provides that a person will be allowed to vote even if there is an omission or inaccuracy of his particular in the register. It is only when the register does not contain any of his particulars (i.e. his name and where applicable, his principal residential address) that he will be prevented from voting.

Section 46(5)(c)(ii)

The ballot paper will be treated as an “unused” ballot paper, in accordance with Section 51 of the Regulation. You may like to note that Section 62 stipulates that “unused” ballot papers will not be counted.

Sections 72(1)(d), 72(2)(d), 73(1)(b) and 73(2)(b)

Examples may include fire and terrorist attack.

The Chinese version of this reply will follow shortly.

Yours sincerely,

(Miss Monica Chen)
for Director of Home Affairs

c.c.

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