

**Comparison Between
Village Representative (Election Petition) Rules (“the Rules”)
and
District Councils (Election Petition) Rules
(Cap 547, sub. leg. C) (“DC(EP) Rules”)**

Provision in the Rules	Similar Provision in the DC(EP) Rules	Comparison
Section/Heading	Section	
1 – Interpretation	1	Similar. Having regard to the Village Representative Election Ordinance (“the Election Ordinance”) and related subsidiary legislation, definitions related to village representative elections such as “election agent” are proposed.
2 – General practice and procedure	2	Similar
3 – Filing of documents	3	Similar
4 – Form and substance of election petition	4	Similar. It is stipulated that an election petition shall be in the form set out in the Schedule.
5 – Signature and lodgement of election petition	5	Similar save that DHA shall, after receiving a copy of the election petition, display it on the notice board at the appropriate District Office instead of at the regular place of meetings of the District Council concerned.

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		There is no requirement for the Registrar to send a certified copy of the election petition to the Secretary for Home Affairs whereas in the District Council case the Registrar shall send a certified copy to Secretary for Constitutional Affairs.
6 – <i>Notice of lodgement of election petition</i>	6	Similar
7 – <i>Manner of application for directions in chambers</i>	7	Similar except that the petitioner may, subject to s44(2) of the Election Ordinance, specify in the application the amount of security that he proposes to give in respect of the election petition.
8 – <i>Affidavit of proposed surety to be filed and served on respondent</i>	8	Similar
9 – <i>Grounds of objection to recognizance</i>	9	Similar
10 – <i>Date, time and place for trial of election petition</i>	10	Similar save that DHA shall, upon receiving the notice of the date, time and place of the trial of the election petition, display it on the notice board at the appropriate District Office instead of at the

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		regular place of meetings of the District Council concerned.
<i>11 – Trial of election petition</i>	11	Similar
<i>12 –Lists of objections in recriminatory case</i>	12	Similar
<i>13 –Application for leave to withdraw election petition</i>	13	Similar except that DHA shall, upon receiving the notice of motion to apply to the Court for leave to withdraw the election petition, display it on the notice board at the appropriate District Office instead of the regular place of meetings of the District Council concerned.
<i>14 –Evidence required for withdrawal of election petition</i>	14	Similar
<i>15 –Application to stay or dismiss election petition</i>	15	Similar
<i>16 –Notice of termination of election petition</i>	16	Similar
<i>17 –Notice of death, etc. of respondent</i>	17	Similar
<i>18 –Filing copy particulars</i>	18	Similar

Provision in the Rules Section/Heading	Similar Provision in the DC(EP) Rules Section	Comparison
19 –Notice of respondent’s solicitor and service of notices	19	Similar save that a solicitor appointed to act for a respondent in proceedings relating to an election petition shall give notice of his appointment to the Secretary for Justice, the Electoral Affairs Commission, the Secretary for Home Affairs and the Director of Home Affairs in addition to the petitioner.
20 –Witnesses’ expenses	20	Similar
21–Costs of election petition	21	Similar save the references to the rights to be represented by lawyers and examine witnesses are omitted. The rights to be represented by lawyers and the rights to examine and cross-examine witnesses are an implied part of court proceedings. The fact that such rights are not expressly stated in the Rules does not mean that they do not exist in such court proceedings.
22 –Forfeiture of recognizance	22	Similar save that it is stated explicitly that the Court may enforce the sum due under a recognizance forfeited in the same manner as a

Provision in the Rules Section/Heading	Similar Provision in the DC(EP) Rules Section	Comparison
		judgement for the payment of money.
<i>Schedule</i>	Schedule	Similar except the multi-seat constituency scenario of Village Representative Election (as compared with the single-seat constituency case of DC elections) is provided for in the design of the form.