

立法會
Legislative Council

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**Subcommittee on subsidiary legislation relating to
District Councils elections gazetted on 16 May 2003**

Background Brief prepared by Legislative Council Secretariat

Proposals relating to the 2003 District Councils election

Purpose

1. This paper gives a summary of the issues and concerns raised by members of the Panel on Constitutional Affairs on the following three items of subsidiary legislation -

- (a) District Councils (Subscribers and Election Deposit For Nomination) (Amendment) Regulation 2003 (L.N. 120);
- (b) Declaration of Constituencies (District Councils) Order 2003 (L.N. 121); and
- (c) Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003 (L.N. 125).

District Councils (Subscribers and Election Deposit For Nomination) (Amendment) Regulation 2003

2. On 24 April 2003, the Administration briefed the Panel on the proposed measures to tackle the problem of election candidates submitting very large number of subscribers in their nomination papers for Legislative Council (LegCo) elections and District Councils (DCs) election. The Administration proposed that candidates would only be allowed to submit the minimum requirement of subscribers (100 for a LegCo geographical constituency candidate list and 10 for a LegCo functional constituency candidate or a DC candidate), plus a 100% buffer as potential subscribers to make up for any shortfall of the legal requirements.

3. Members did not raise any objection to the proposal.

Declaration of Constituencies (District Councils) Order 2003

4. The Electoral Provisions (Miscellaneous Amendments) Bill 2002 which proposed to increase a total of 10 elected seats in three districts (Yuen Long, Sai Kung and Islands) was passed by LegCo on 18 December 2002.

5. On 6 January 2003, the Electoral Affairs Commission (EAC) published its preliminary delineation proposals for the 2003 DCs election for a one-month public consultation, from 6 January to 4 February 2003.

6. The Panel has not been consulted on the delineation proposals for the 2003 DCs election.

Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003

7. The Administration briefed the Panel on the electoral arrangements for the 2003 DCs election, including vote counting arrangements and handling of invalid and questionable ballot papers, at its meetings on 20 January and 24 April 2003.

8. EAC proposed that for a constituency which had only one polling station, counting would be conducted at the station. For a constituency with more than one polling station, counting would be performed at individual polling stations. To enhance the efficiency of the vote counting process, EAC also proposed that the law should be amended so that certain categories of ballot papers would be determined by the Presiding Officer as invalid, and would not be subject to the objection of candidates or their agents.

9. Some members were in support of the proposal to convert polling stations into counting stations immediately after the close of poll. A member considered that it would be impossible for candidates and their agents to be present at all individual polling stations within a constituency to observe the count. Another member considered that ballot papers from individual polling stations should be mixed before counting. This would safeguard the confidentiality of voters, especially those in smaller polling areas, in order to minimize the chance of intimidation or other illegal conduct at elections. These two members requested EAC to reconsider its proposal to decentralize vote counting to individual polling stations.

Relevant papers

10. A list of the relevant papers and documents is in the **Appendix** for Members' easy reference. These papers and documents are available on the Research and Library Information System and the LegCo website at <http://www.legco.gov.hk>.

Council Business Division 2
Legislative Council Secretariat
29 May 2003

**Subcommittee on subsidiary legislation relating to
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Relevant Papers/Documents

LC Paper No.

Papers/Documents

Papers provided by the Administration

- | | | |
|---|----|---|
| CB(2)803/02-03
(<i>issued on 6 January 2003</i>) | -- | 2003 District Councils Election Provisional Constituency Areas Boundary Descriptions and Proposed Electoral Boundary Maps in respect of 2003 District Councils Election for Public Consultation |
| CB(2)1823/02-03(01)
(<i>issued on 23 April 2003</i>) | -- | Paper on "Polling and counting arrangements for the 2003 District Councils election" |
| CB(2)1832/02-03(02)
(<i>issued on 23 April 2003</i>) | -- | Paper on "Number of subscribers on nomination papers for Legislative Council Elections and District Council Elections" |

Minutes of meetings

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| CB(2)1178/02-03
(<i>issued vide LC Paper No. CB(1)1179/02-03 on 14 February 2003</i>) | -- | Minutes of meeting of Panel on Constitutional Affairs on 20 January 2003 |
| To be issued | -- | Minutes of meeting of Panel on Constitutional Affairs on 24 April 2003 |