

A Comparison of the provisions in EAC (Electoral Procedure)(Election Committee) Regulation and Schedule 1 to the EAC (Electoral Procedure)(Legislative Council) Regulation (Cap. 541, sub. leg.)

| EAC(EP)(EC)R | Schedule 1 to EAC(EP)(LC)R (corresponding section) | Remarks |
|--|---|---|
| <i>Part 1 - Preliminary</i> | | |
| <p><i>s1 - Interpretation</i></p> <p>Interpretation of terms used for subsector nomination, supplementary nomination, ordinary election and by-election.</p> | <p><i>s1 - Interpretation</i></p> <p>Interpretation of terms used for election to the LegCo by GC, FC and EC.</p> | <p>☞ Tallies with interpretations set out in CEEO & its Schedule.</p> |
| <p><i>s2 - Application</i></p> <p>A new provision.</p> | <p><i>No such section</i></p> <p>There is no supplementary nomination & by-election for EC subsector set out in the Regulation.</p> | <p>☞ The new Regulation applies to both supplementary nomination for religious subsector & by-election as required under s5(1) of Sch to CEEO.</p> |
| <i>Part 2</i> <i>Division 1 - Nominations</i> | | |
| <p><i>s4 - Chief Electoral Officer to publish notice specifying period & address for submitting subsector nominations</i></p> <p>Includes most provisions in Sch 1 to EAC(EP)(LC)R but newly drafted.</p> | <p><i>s3 - Chief Electoral Officer to publish a notice calling for nominations by religious subsector</i></p> <p>No such subsection.</p> | <p>☞ A new subsection 4(3)(f)(1) added to specify procedures for CEO to publish a notice calling for ordinary elections.</p> <p>☞ A new subsection 4(3)(f)(2) added to specify procedures for CEO to publish a notice calling for by-elections.</p> |
| <p><i>s8 - How to nominate candidates for other subsectors</i></p> | <p><i>s7 - How to nominate subsector candidates for other subsectors</i></p> | |

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| Amended version of s7 of Sch 1 to EAC(EP)(LC)R. | <p>Subsection (4A)(b) sets out that “principal residential address” of candidate is required on the nomination form.</p> <p>Subsection 7(7) sets out that “registered residential address” of subscriber is required on the nomination form.</p> | <p>☞ “Address” instead of "principal residential address" is used in subsection (5)(a) as the latter is not essential in determining the validity of nomination.</p> <p>☞ “Registered residential address” is not essential in determining the eligibility of subscribers and is not included in subsection (7).</p> |
| <p><i>s19 - Returning Officer to publish notice for purposes of sections 7(8) & 25(1) of Sch to CEEO</i></p> <p>A new provision.</p> | <i>No such section</i> | <p>☞ RO must publish notice announcing candidates successfully nominated for the religious subsector & candidates duly elected in ordinary elections & by-elections.</p> |
| <p><i>s20 - Returning Officer to notify or declare if validly nominated candidate has died</i></p> <p>A new provision.</p> | <i>No such section</i> | <p>☞ Sets out procedures to be followed in case of death of a candidate before subsector election day in accordance with s23(1)&(2) of Sch to CEEO.</p> |
| <p><i>s21 - Returning Officer to notify or declare if validly nominated candidate is disqualified</i></p> <p>A new provision.</p> | <i>No such section</i> | <p>☞ Sets out procedures to be followed in case of disqualification of a candidate before subsector election day in accordance with s23(4) of Sch to CEEO.</p> |

| EAC(EP)(EC)R | Schedule 1 to EAC(EP)(LC)R (corresponding section) | Remarks |
|--|---|--|
| <p><i>s22 – No poll upon death or disqualification of candidate under certain circumstances</i></p> <p>A new provision.</p> | <p><i>No such section</i></p> | <p>☞ Sets out procedures to be followed if insufficient number of candidates is nominated for a subsector in accordance with s25 of Sch to CEEO.</p> |
| <p>Part 2 Division 2 : Election Agents & Election Expense Agents</p> | | |
| <p><i>s25 – Authorization of election expenses agent to incur election expenses at or in connection with subsector election</i></p> <p>Includes most provisions in s21 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s21 - Authorization of election expenses agent to incur election expenses at or in connection with a subsector election</i></p> | <p>☞ The residential address of election expenses agent on the authorization letter is not essential in determining validity of his/her authorization. Therefore, "address" is used at subsection (2) instead of "residential address".</p> |
| <p>Part 3 Contested Subsector Elections</p> | | |
| <p>Division 1 : Hours of Poll & Matters Relating to Polling Stations</p> | | |
| <p><i>s31 – CEO to send poll cards to voters &AR</i></p> <p>Amended version of s27 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s27 - CEO to send poll cards to voters &AR</i></p> | <p>A new subsection (6) added to require CEO to notify voter/AR, RO & PROs of both old & alternative polling stations of the name, I.D. & address (as shown in subsector final register) of the voter/AR when allocating alternative polling station to voter/AR.</p> |

| EAC(EP)(EC)R | Schedule 1 to EAC(EP)(LC)R (corresponding section) | Remarks |
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| <p><i>s37 – CEO to carry out other duties relating to polling stations</i></p> <p>Amended version of s33 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s33 – CEO to carry out other duties relating to polling stations</i></p> | <ul style="list-style-type: none"> ☞ Subsection (2) specifies that CEO must cross out the name of "deceased" or "disqualification" candidate on ballot papers. ☞ A new subsection (6) added to specify the use of "✓" chop to mark ballot papers for by-elections. |
| <p><i>s41 – PRO to keep order in NCZ & NSZ</i></p> <p>Includes most provisions in s37 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s37 – PRO to keep order in NCZ & NSZ</i></p> | <ul style="list-style-type: none"> ☞ A new subsection (6) added to clarify what constitutes "misconduct" in the NCZ & NSZ. |
| <p><i>s42 – Candidates may appoint polling agents</i></p> <p>Includes most provisions in s38 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s38 – Subsector candidates may appoint polling agents</i></p> | <ul style="list-style-type: none"> ☞ Subsection (8) requires the provision of "address" of the polling agent on the notice of appointment instead of "residential address". |
| <p><i>s46 – PRO to keep order at polling station</i></p> <p>Includes most provisions in s42 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s42 – PRO to keep order at the polling station</i></p> | <ul style="list-style-type: none"> ☞ A new subsection (6) added to clarify what constitutes a "misconduct" in the polling station. |

| EAC(EP)(EC)R | Schedule 1 to EAC(EP)(LC)R (corresponding section) | Remarks |
|--|---|---|
| <p>Part 3 Division 2 : Ballot Boxes & Ballot Papers & Procedure for Voting</p> | | |
| <p><i>s49 – Form of ballot papers & order of appearance of names of candidates on ballot paper</i></p> <p>Includes most provisions in s45 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s45 - Form of subsector ballot papers & order of appearance of names of subsector candidates on ballot paper</i></p> | <p>☞ A new subsection (8) added to elaborate on the way to handle ballot papers if the candidate has died or is disqualified.</p> |
| <p><i>s53 – PRO to issue ballot papers to voter or AR</i></p> <p>Includes most provisions in s49 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s49 – PRO to issue subsector ballot papers to voter or AR</i></p> | <p>☞ A new subsection (2) added to elaborate on the number of ballot papers to be issued to voter with voter and/or AR status.</p> |
| <p><i>s54 – Procedure for voting</i></p> <p>Amended version of s50 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s50 – Procedure for voting</i></p> | <p>☞ Subsection (1) dispenses with the use of envelope to conceal the markings on the ballot papers to expedite counting process.</p> |
| <p><i>s55 – Voter or AR having left station without casting vote may return to cast vote under certain circumstances</i></p> <p>A new provision.</p> | <p><i>No such section</i></p> | <p>☞ EAC empowers PRO to reissue ballot paper to voter/AR who leaves the polling station with good reasons.</p> |
| <p><i>s56 – How ballot papers are to be marked</i></p> <p>Amended version of s51 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s51 – How ballot papers are to be marked</i></p> | <p>☞ A new subsection (2) added to specify the method of marking</p> |

| EAC(EP)(EC)R | Schedule 1 to EAC(EP)(LC)R (corresponding section) | Remarks |
|---|---|---|
| | | ballot papers: (1) shading of ovals for ordinary elections; & (2) use of "✓" chop for by-elections. ☞ A new subsection (3) added to spell out that a voter may vote for as many candidates as the number of members allocated/returned to the subsector in ordinary election & by-election respectively. |
| <i>s58 – When a person is to be issued with ballot paper marked “ 重複 ” and “TENDERED”</i> Amended version of s53 of Sch 1 to EAC(EP)(LC)R. | <i>s53 – When a person is to be issued with a subsector ballot paper marked “ 重複 ” and “TENDERED”</i> | ☞ Subsection (1) specifies that PRO must issue "tendered" ballot paper to voter unless PRO is certain they are the same person. |
| <i>s61 – Steps to be taken at polling station after close of poll</i> Amended version of s56 of Sch 1 to EAC(EP)(LC)R. | <i>s56 – Steps to be taken at a polling station at the close of the poll</i> | ☞ PRO is to make separate packets for all subsectors instead of for each subsector to simplify steps after close of poll. |
| Part 4 Counting of Votes : Subsector Elections | | |
| <i>s64 – Candidates may appoint counting agents</i> Amended version of s59 of Sch 1 to EAC(EP)(LC)R. | <i>s59 – Candidates may appoint counting agents</i> | ☞ The residential address of counting agent on notice of appointment is not essential in determining validity of his/her appointment. Therefore, the "address" is used at subsection (8) instead of "residential address". |

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|---|---|---|
| <p><i>s68 – RO to keep order at the counting station</i></p> <p>Amended version of s62 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s62 – RO to keep order at the counting station</i></p> | <ul style="list-style-type: none"> ☞ A new subsection (4) added to specify that CRO or RO who supervises a counting station may order a person to leave the counting station immediately, if that person's presence in the counting station is for a purpose other than that for which such presence is permitted or authorized. ☞ A new subsection (7) added to clarify what constitutes a “misconduct” in the counting station. |
| <p><i>s73 – Arrangements for counting of votes & verification of the ballot paper account in manual counting</i></p> <p>A new provision.</p> | <p><i>s68 – Counting of votes for subsectors</i></p> | <ul style="list-style-type: none"> ☞ For manual counting arrangements for by-election, ballot paper account is to be verified before actual counting of votes. |
| <p><i>s74 – Arrangements for counting of votes & verification of the ballot paper account in computer counting</i></p> <p>A new provision.</p> | <p><i>s68 – Counting of votes for subsectors</i></p> | <ul style="list-style-type: none"> ☞ In case computer is used for counting for ordinary election, counting of ballot paper & votes are done simultaneously. ☞ Dispenses with the requirement in s68(2) of Sch 1 to EAC(EP)(LC)R of mixing ballot papers from 2 or more polling stations, thus expediting counting process. |

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|---|---|--|
| <p><i>s77 – Ballot papers the votes recorded on which are not to be counted</i></p> <p>Amended version of s70 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s70 – Subsector ballot papers which are not to be counted when counting the votes</i></p> | <p>☞ A new subsection (2) added to specify that if the RO is satisfied that the intention of voter is clear, even though the voter does not mark a "✓" inside the circle opposite the name of candidate, RO may count the vote recorded on that ballot paper.</p> <p>☞ A new subsection (3) added for the avoidance of doubt. The RO is not to make decision not to count the vote solely for the reason that the ballot paper is stamped with the words "Deceased" or "Disqualified".</p> |
| <p><i>s78 – RO to make decisions on questionable ballot papers</i></p> <p>Amended version of s71 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s71 – RO to make decisions on questionable subsector ballot papers</i></p> | <p>☞ A new subsection (2) added to specify procedures to separate questionable ballot papers in case of use of computer.</p> |
| <p><i>s80 – RO to declare subsector election result</i></p> <p>Amended version of s73 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s73 – RO to declare subsector election result</i></p> | <p>☞ A new subsection (2) added to spell out the procedure to be followed in case a candidate has died or is disqualified before declaration of election result.</p> |
| <p>Part 5 Disposal of Documents : Subsector Elections</p> | | |
| <p><i>s82 – RO to seal ballot papers in packets</i></p> <p>Amended version of s75 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s75 – RO to seal subsector ballot papers in packets</i></p> | <p>☞ (1) Subsection (1) spells out procedures for</p> |

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|---|---|---|
| | | CRO to handle sealing of ballot papers for more than 1 subsector; & (2) subsection (2) spells out procedures for RO to handle sealing of ballot papers for 1 subsector. |
| <p><i>s83 – RO to send ballot papers, accounts, packets etc. to CEO</i></p> <p>Amended version of s76 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s76 – RO to send subsector ballot papers, accounts, packets etc. to CEO</i></p> | <p>☞ A new subsection (2) added to specify procedures on handling sealed packets in case of use of computer for counting.</p> |
| <p>Part 6 Miscellaneous & Supplemental Provisions : Subsector Elections</p> | | |
| <p><i>s94 – Procedure in case of death or disqualification of candidate on polling day but before declaration of result</i></p> <p>A new provision.</p> | <p><i>No such section</i></p> | <p>☞ Summarizes procedures in case of death or disqualification of a candidate on polling day but before declaration of result.</p> |
| <p><i>s95 - publication & display of notices, etc.</i></p> <p>Amended version of s88 of Sch 1 to EAC(EP)(LC)R.</p> | <p><i>s88 - publication & display of notices, etc.</i></p> | <p>☞ A new subsection (2)(b) added to allow the RO to give notice of declaration under s23(1) and 23(5) of the Sch to CEE0.</p> |

| EAC(EP)(EC)R | Schedule 1 to EAC(EP)(LC)R (corresponding section) | Remarks |
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| <i>Consequential Amendments</i> | | |
| <i>EAC(EP)(LC)Regulation</i> | <i>No such section</i> | ☞ Sch 1 & 5 of EAC(EP)(LC)R only applied to ECSS elections in 2000 & are repealed. |
| <i>Schedule 1</i> | | |
| <p><i>s1 - Postponement of subsector election & adjournment of poll or counting of votes in respect of subsector election</i></p> <p>Amended version of s1 of Sch 2 to EAC(EP)(LC)R.</p> | <p><i>s1 of Sch 2 to EAC(EP)(LC)Reg – Postponement of a general election or subsector election & adjournment of poll at all polling stations or count at all counting stations</i></p> | ☞ Spells out the scenarios under which the EAC may postpone election or adjourn polling and counting. |
| <i>Schedule 2</i> <i>Form of Ballot Paper & Form of Notice of Result of Subsector Election Under s35 of Sch to CEEO</i> | | |
| <i>Form 1 – Form of ballot paper for Subsector Election</i> | <i>Sch 3 Form 4 – Ballot Paper for the Election Committee</i> | ☞ Format of ballot paper is similar to the one used for LegCo Election Committee Election. |
| <i>Form 2 – Ballot Paper for Subsector By-election in relation to which the Commission has made direction under s56(2)</i> | <i>Sch 3 Form 1 – Forms of Ballot Papers for a General Election/By-election</i> | ☞ Ballot paper designed for the purpose of subsector by-election. It is similar to the ballot paper for LegCo Functional Constituency Election. |
| <i>Form 3 – Notice of Result of Subsector Election</i> | <i>Sch 4 Form 1 – Forms for Notice of Election Result under s58 of LCO (Cap 542)</i> | ☞ The format of the Notice for Subsector Ordinary Election and By-election is similar to the Notice of Result of Election for the LegCo Election Committee Election. |

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| Explanatory Note | | |
| <i>Paragraphs. 1-9</i> Summarizes the major content of each part of the proposed Regulation | <i>No such section</i> | |

Registration and Electoral Office
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