

**Comparison Table for
Electoral Procedure (Chief Executive Election) Regulation**

Provision of the Electoral Procedure (Chief Executive Election) Regulation <i>(Clause Number and Heading)</i>	Similar Provision in the (EAC(EP)(LC)R)¹ or relevant subsidiary legislations <i>Section/Subsection</i>	Comments
Part 1 – Preliminary		
<i>1 - Commencement</i>	No equivalent	
<i>2 - Interpretation</i>	s.2	Most definitions are similar to those in the EAC(EP)(LC)R, e.g. ‘election advertisement’, ‘ordinary business hours’. Modifications are made, where appropriate, e.g. ‘nomination period’ and ‘presiding officer’ etc.
Part 2 - Nomination and withdrawal of candidature		
<i>3 - Notice relating to submission of nomination forms</i>	s. 4-6	Similar
<i>4 - How to nominate a candidate</i>	s.10-12	Broadly similar. References not applicable to the CE election are not included e.g. election deposit and Nominations Advisory Committee (NAC). The requirement of providing an address, instead of the registered residential address, of a candidate is to facilitate the Returning Officer (RO) in validating a nomination.
<i>5 – Returning Officer (“RO”) may give opportunity to rectify a nomination form</i>	s.18	Similar

¹ “EAC(EP)(LC)R” refers to the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation.

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<i>6 - RO to endorse invalid nomination forms</i>	s.19(1)-(2)	Similar
<i>7 - RO to notify determination of validity of nomination</i>	s.16 and 19(3)-(4)	Similar
<i>8 - Nomination forms to be available for inspection</i>	s.14	Similar
<i>9 - Withdrawal of candidature</i>	s.20	Similar
<i>10 - Notice that the only candidate is returned</i>	s. 22	S.23 of CEEO ² requires the RO to publish the notice in the Gazette.
<i>11 - Notice of termination of election proceedings</i>	s. 97	Under s.22 of the CEEO, the RO shall terminate the election proceedings if a validly nominated candidate dies or is disqualified.
Part 3 - Election agents and election expense agents		
<i>12 - Appointment of election agent</i>	s.23	Similar
<i>13 - Appointment of election expense agent</i>	s.25(5)	Similar
<i>14 - Provisions applicable to appointment of agents</i>	s.23, 25 and 26	Similar
<i>15 - Other candidates to be notified of particulars of election agent</i>	s.24	Similar
<i>16 - Limit of expenses for election expense agent</i>	s.25	Similar

² “CEEEO” refers to the Chief Executive Election Ordinance (Cap. 569).

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Part 4 - Polling arrangement		
17 - Appointment of polling hours	s.27	Broadly similar. New provisions included to reflect the special polling arrangements for the CE election, including: <ul style="list-style-type: none"> (i) Publishing the polling hours of the first three rounds in the Gazette; (ii) holding subsequent rounds of polling on the following day and, if necessary, thereafter day after day until a candidate is returned; (iii) Chief Electoral Officer (CEO) appointing polling hours of 4th and subsequent rounds; and (iv) no more than 3 rounds of polling will be held in one day.
18 - Designation of polling station and counting station	s.28	Similar
19 - Polling notice to electors	s.31	Broadly similar. New provisions included to cover the arrangements for different rounds of poll for the CE election, including: <ul style="list-style-type: none"> (i) Inclusion of polling and counting procedures in polling notices; and (ii) notification arrangements for the 4th and subsequent rounds.
20 - Appointment of PRO and polling officers	s. 34, 38 and 91	Broadly similar. The provision for CEO to supply the list of polling officers to the Presiding Officer (PRO) is not included, and will be dealt with administratively.

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21 - Copy of final register to be supplied to candidates	s. 35 and 36	Similar
22 - Miscellaneous arrangements relating to voting	s. 37 and 39	Similar
23 - Determination of No Canvassing Zone (NCZ) and No Staying Zone (NSZ)	s.40	Similar
24 - Order in NCZ and NSZ	s.40 and 41 s.41 of EAC(EP)(EC)R ³	<p>Broadly similar. Modified to facilitate effective maintenance of order on polling day. Major modifications are:</p> <p>(i) a new subsection (5) to empower the RO or PRO to request a person to produce his identity card for inspection before ordering him to leave the respective zone, so as to facilitate the RO/PRO/Police Officer in identifying the person concerned and taking appropriate enforcement actions.</p> <p>For consistency, similar provisions are made for polling and counting stations regarding point (i) above. See sections 27 and 47; and</p> <p>(ii) a new subsection (4)(b) similar to s.41(6) of EAC(EP)(EC)R to require that no person shall cause obstruction to any person on his way to vote inside the no canvassing zone or no staying zone.</p>

³ “EAC(EP)(EC)R refers to the Electoral Affairs Commission (Electoral Procedure)(Election Committee) Regulation.

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25 - Polling agents	s.42	Similar
26 - Admission to polling station	s.44	Broadly similar. A new provision is added to empower the CEO (in addition to the EAC) to authorize a person to enter the polling station in accordance with the terms of authorization in order to provide greater flexibility for handling requests for entry.
27- Order in the polling station	s.45 and 46 s.46 of EAC(EP)(EC)R	Broadly similar. 2 new subsections (7) (b) and (c) similar to s46(6) of EAC(EP)(EC)R are included to require that no person shall disrupt the poll or disturb or cause inconvenience to any person in the polling station, so as to ensure the smooth conduct of the polling process.
Part 5 - Ballot box, ballot papers and voting procedure		
28 - Design of ballot box	s.47	Similar
29 - Ballot box to be sealed before commencement of poll	s.48	Similar
30 - Form of ballot papers	s.49	Broadly similar. A new provision (subsection (2)(c) is added to specify that ballot papers used for different rounds may be printed in different colours.
31 - Order of names of candidates on ballot papers	s.49	Similar
32 - Question to person applying for a ballot paper	s.51	Broadly similar. The wordings of questions are revised to suit the context.
33 - Challenging a person who has applied for a ballot paper or who has voted	s.52	Similar

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34 - Issue of ballot paper	s.50 and 53	Similar
35 – Elector who has not cast vote may return to cast vote with permission	s.55 of EAC(EP)(EC) R	<p>A new provision similar to s.55 of the EAC(EP)(EC) R is added to provide the PRO with the discretion to allow an elector who has left the polling station without casting his vote to return to vote using the originally issued ballot paper which is returned to him by the PRO.</p> <p>The new provision is made in accordance with the recommendation of the EAC in the Report on the 2000 Legislative Council Elections.</p>
36 - Voting procedure	s.54-58	Similar
37 – Marking of ballot paper for or by incapacitated person	s.59	Similar
38 – Issue a ballot paper marked “TENDERED”	s.60	Similar
39 – Marking “UNUSED” on ballot paper	s.61	Similar
40 – Marking “SPOILT” on ballot paper	s.62	Similar
41 - Steps to be taken at the polling station after the close of the poll	s.63 and 70	Similar
42 - Ballot paper account	s.64	Similar
Part 6 - Counting of votes		
43 - Determination and notice of time of counting of votes	s.65	Similar
44 - Appointment of counting agent	s.66	Similar

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<p>45 - Appointment of counting officers</p>	<p>s.67</p>	<p>Similar</p>
<p>46 - Admission to counting station</p>	<p>s.68</p>	<p>Broadly similar. New provisions are added to:</p> <ul style="list-style-type: none"> (i) allow electors to enter or stay in the counting station, as they will be encouraged to proceed to the counting station to observe the counting process after casting their votes in the polling station; and (ii) empower the CEO, in addition to the EAC, to authorize a person to enter and stay in the counting station in accordance with the terms of authorization in order to provide greater flexibility in handling requests for entry.
<p>47 - Order in the counting station</p>	<p>s.68A and 69 s.68 of EAC(EP)(EC)R</p>	<p>Broadly similar. New provisions similar to s.68(4) and (7) of EAC(EP)(EC)R are added to ensure the smooth conduct of the counting process:</p> <ul style="list-style-type: none"> (i) subsection(4) provides the RO with the authority to order a person to leave the counting station if he considers that the person's presence is for a purpose other than that for which his presence is permitted having regard to the person's conduct; and (ii) subsection(3)(d) provides that no person shall disrupt the counting of the votes or disturb or cause inconvenience to any person.

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48 - Opening the ballot box	s.73	Similar
49 - Counting of votes	s.75-78	Broadly similar. Modifications are made to: (i) dispense with the requirement to mix ballot papers of two stations, as there will only be one polling station for CE election. (ii) remove the reference to computer counting, as the votes will be counted manually.
50 - Ballot papers not to be counted	s.80	Broadly similar. The reference to ballot papers stamped 'deceased' or 'disqualified' are removed as they are not applicable to the CE election by virtue of s.22 of CEEO.
51 - Determination of validity of questionable ballot papers	s.81, 82 s.78 of EAC(EP)(EC)R	Broadly similar. Chinese translations of some of the phrases used in the section such as 'rejected', 'rejection objected to' and 'acceptance objected to' are revised to tally with those used in EAC(EP)(EC)R.
52 - Verification of ballot paper account	s.74A, 74B	Broadly similar. As ballot papers will be counted manually, modifications are made to reflect that the counting of votes cast for individual candidates will be done before verification of ballot paper account to speed up the counting process. This is an improvement made in accordance with the recommendation of the EAC in the Report on the 2000 Legislative Council Elections.
53 - Result of counting and re-count	s.79	Similar

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54 - Notice of further round of voting	No equivalent	A new section to cater for the CE election as there may be more than one round of voting.
55 - Notice of election result	s. 84	Similar
Part 7 - Disposal of documents		
56 – Ballot papers to be sealed	s.85	Similar
57 – Ballot papers, accounts, packets, etc. to be sent to CEO	s.86	Similar
58 – Inspection of ballot paper kept by the CEO	s.87	Similar
59 – Retention of election documents	s.88	Similar
Part 8 - Termination, postponement or adjournment of proceedings		
60 - Procedure after termination of election proceedings	s. 97	Broadly similar. References which are not applicable to CE election (e.g. by-election) are excluded.
61 - Postponement or adjournment of polling or counting of votes	s.1-3 of Sch.2	Similar
62 - Publication of postponement or adjournment of polling or counting	s.4 of Sch. 2	Similar
63 - Procedure after adjournment of polling	s.5 of Sch. 2	Similar
64 - Procedure after postponement or adjournment of counting	s.6 of Sch. 2	Similar

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65 - Resumption of postponed or adjourned polling or counting	s.7 of Sch.2	Similar
Part 9 - Miscellaneous and supplemental provisions		
66- Certain officers cannot act as candidate's agent	s.89	Similar
67 - Employees of candidates shall not act as electoral officers	s.90	Similar
68 - Act done in the absence of candidates or agents still valid	s.94	Similar
69 - Declaration of secrecy	s.95	Similar
70 - Secrecy	s.96	Similar
71 - Declaration and undertaking concerning political affiliation	No equivalent	A new section relating to s.31(1)(a) and (b) of CEEO.
72 - Manner of giving notice	s.98	Similar
73 – Commission to specify forms	s.100	Similar
74 - Misnomer or inaccuracy does not affect election documents	s.55 of LC Ordinance	Similar
75 - Defect in appointment of officers do not affect election	s.57 of LC Ordinance	Similar
76 - Limit on the RO's power to delegate	s.92	Similar

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<i>77 - CEO's functions, powers and duties</i>	s.93	Similar
<i>78 - Elector need not disclose vote</i>	s.60 of LC Ordinance	Similar
<i>79 - Reporting of irregularities</i>	s.101	Similar
<i>80 - Provisions relating to free postage by candidates</i>	s.101A	Similar
<i>81 - Election Advertisement</i>	s.102	Similar
<i>82 - Offence</i>	No equivalent	A new section to list out the relevant provisions which involve commitment of offences for easy reference.
<i>83 - Offences by electoral officer</i>	s.59 of LC Ordinance	Similar
<i>84 - Offence of false statement</i>	s.103	Similar
<i>85 - Application of Parts 4 to 9</i>	No equivalent	A new section to specify that the polling and counting arrangements mentioned in earlier parts shall be applied to each round of poll and count.
Schedule		
<i>Ballot paper</i>	Schedule 3	Format of ballot paper is similar to the one used for Legislative Council elections which sets out the requirement for using 'tick' chops.