

Election Committee (Registration) (Voters
For Subsectors) (Members of Election
Committee) (Appeals) Regulation

(Made by the Chief Executive in Council under section 46 of the Chief Executive
Election Ordinance (Cap. 569))

1. Commencement

This Regulation shall come into operation on 16 November 2001.

2. Interpretation

In this Regulation, unless the context otherwise requires---

"appeal" (上訴) means an appeal made under the Regulation against the decision of the Electoral Registration Officer not to register as an authorized representative a person appointed by a corporate voter as a replacement or a substitute under section 20 of the Regulation;

"appellant" (上訴人) means---

(a) a corporate voter who has made an appeal under the Regulation by means of a notice of appeal; or

(b) a person who has made a claim or an objection under the Regulation by means of a notice of claim or a notice of objection;

"authorized representative" (獲授權代表) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

"claim" (申索) means a claim made under the Regulation as regards an entry, or registration, in a subsector register or an Election Committee register;

"corporate voter" (團體投票人) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

"Election Committee final register" (選舉委員會正式委員登記冊) means the final register of members of the Election Committee required to be published under section 40 of the Schedule to the Ordinance;

"Election Committee provisional register" (選舉委員會臨時委員登記冊) means the provisional register of members of the Election Committee required to be compiled and published under section 4 of the Schedule to the Ordinance;

"Election Committee register" (選舉委員會委員登記冊) means an Election Committee provisional register or an Election Committee final register;

"Electoral Registration Officer" (選舉登記主任) has the meaning assigned to it by section 1(1) of the Schedule to the Ordinance;

"notice of appeal" (上訴通知書) means a notice lodged by a corporate voter under the Regulation for the purpose of making an appeal;

"notice of claim" (申索通知書) means a notice lodged by a person under the Regulation for the purpose of making a claim;

"notice of objection" (反對通知書) means a notice lodged by a person under the Regulation for the purpose of making an objection;

"objection" (反對) means an objection made under the Regulation as regards an entry, or registration, in a subsector register or an Election Committee register;

"Regulation" (《規例》) means the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg.);

"subsector" (界別分組) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

"subsector final register" (界別分組正式投票人登記冊) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

"subsector provisional register" (界別分組臨時投票人登記冊) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

"subsector register" (界別分組投票人登記冊) means a subsector provisional register or a subsector final register.

3. Fixing of hearing and notifying appellant thereof

(1) Where the Revising Officer receives a copy of a notice of appeal or a notice of claim or a notice of objection from the Electoral Registration Officer, the Revising Officer shall, as soon as practicable---

(a) subject to subsections (3), (4) and (5), fix a date, time and place for holding a hearing as regards the appeal or the claim or the objection to which the notice relates; and

(b) send by post, a notice under subsection (2)---

(i) to the appellant concerned to the address furnished as his address in the notice of appeal or the notice of claim or the notice of objection, as the case may be; and

(ii) in the case of a notice of objection, in addition to the appellant, to the person in respect of whom the objection is made.

(2) A notice for the purposes of subsection (1)(b) shall---

(a) state that a hearing is to be held as regards the notice of appeal or the notice of claim or the notice of objection, as the case may be;

(b) specify the date, time and place fixed under subsection (1)(a) for such hearing;

(c) state that the appellant or the person in respect of whom the objection is made, as the case may be---

(i) may appear in person at the hearing and make representations to the Revising Officer regarding the appeal or claim or objection concerned, as the case may be;

(ii) may be represented at such hearing by a legal practitioner or any other person (authorized in writing by the appellant or the person in respect of whom the objection is made, as may be appropriate) who may make representations on his behalf; or

(iii) whether or not he appears or is represented, may make representations in writing regarding the appeal or claim or objection concerned and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer on a date not later than 1 day before the date fixed for the hearing; and

(d) in the case of a notice sent to an appellant, state that if the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and if the appellant---

(i) does not appear at the hearing;

(ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and

(iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer on a date not later than 1 day before the date of the hearing, the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand.

(3) Where a copy of a notice of appeal is received by the Revising Officer-

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(a) on a date not later than the eighth day before the polling date for the subsector concerned in any year, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 21 days beginning from 25 days before such polling date; and

(b) on a date later than the eighth day before the polling date for the subsector concerned in any year, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 27 days ending on---

(i) where the copy of notice is so received on 9 May or 10 May in any year, 11 May in the following year;

(ii) where the copy of notice is so received on any other day in any year, the 11 May which immediately follows the day on which the copy of notice is so received.

(4) Where a copy of a notice of claim or a notice of objection as regards an entry, or registration, in a subsector register, is received by the Revising

Officer---

(a) not later than the tenth day after the date of publication of the subsector provisional register to be compiled for the year 2001, the date fixed under subsection (1)(a) as regards that notice shall be a date not later than the twentieth day after that date of publication;

(b) during the period beginning on the eleventh day after the date of publication as referred to in paragraph (a) and ending on 2 May 2002, the date fixed under subsection (1)(a) as regards that notice shall be a date during the period beginning on 15 April 2002 and ending on 11 May 2002;

(c) during the period beginning on 3 May in any year after the year 2001 and ending on 2 May the next following year, the date fixed under subsection (1)(a) as regards that notice shall be a date during the period beginning on 15 April in that following year and ending on 11 May in the same year,

which date so fixed in accordance with paragraph (a), (b) or (c) shall not be earlier than the third day after the day on which the copy of notice is received.

(5) Where a copy of a notice of claim or a notice of objection as regards an entry, or registration, in an Election Committee register, is received by the Revising Officer not later than the tenth day after the date of publication of the relevant Election Committee provisional register, the date fixed under subsection (1)(a) as regards that notice shall be a date not later than the twentieth day after that date of publication, which date so fixed shall not be earlier than the third day after the day on which the copy of the notice is received.

(6) As regards any notice of appeal or notice of claim or notice of objection---

(a) in the case where the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and the appellant---

(i) does not appear at the hearing;

(ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and

(iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer on a date not later than 1 day before the date of the hearing,

the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand; or

(b) in any other case, the Revising Officer shall make a ruling either allowing or dismissing the appeal or the claim or the objection, as the case may be, to which that notice relates.

4. Appellant to be notified of ruling

Where---

(a) the decision of the Electoral Registration Officer stands pursuant to section 3(6)(a); or

(b) the Revising Officer makes a ruling under section 3(6)(b), the Revising Officer shall notify the appellant at the address as referred to in section 3(1)(b) and where appropriate, the person in respect of whom the objection is made, by post, that such decision shall stand or of his ruling, as may be appropriate.

5. Electoral Registration Officer to be notified of rulings

The Revising Officer shall, as regards those hearings held pursuant to section 3 and concluded---

(a) during the period of 21 days as referred to in section 3(3)(a), notify the Electoral Registration Officer not later than the third working day before the polling date for the subsector concerned;

(b) during the period of 27 days as referred to in section 3(3)(b), notify the Electoral Registration Officer not later than 17 May in the same year;

(c) not later than the twentieth day after the date of publication of the subsector provisional register to be compiled for the year 2001 as referred to in section 3(4)(a), notify the Electoral Registration Officer not later than the twenty-first day after that date of publication;

(d) during the period beginning on 15 April 2002 and ending on 11 May 2002 as referred to in section 3(4)(b), notify the Electoral Registration Officer not later than 17 May 2002;

(e) during the period beginning on 15 April and ending on 11 May as referred to in section 3(4)(c), notify the Electoral Registration Officer not later than 17 May in the same year;

(f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5), notify the Electoral Registration Officer not later than the twenty-first day after that date of publication,

in relation to each notice of appeal or notice of claim or notice of objection concerned, that the decision of the Electoral Registration Officer shall stand pursuant to section 3(6)(a), or of the ruling of the Revising Officer under section 3(6)(b), as may be appropriate.

6. Determination of matters and powers of adjournment, etc.

The Revising Officer shall determine every matter to be determined by him under

this Regulation as soon as practicable, and the hearing of any such matter shall, as far as practicable having regard to the interests of justice, be continued from day to day (excluding general holidays) until its conclusion, but subject to the foregoing, the determination and hearing of any such matter may be adjourned at any time to a date not later than the last day of the period as referred to in section 7(2)(a), (b), (c), (d), (e) or (f), as the case may be.

7. Review of rulings by Revising Officer

(1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made, review any ruling made under section 3(6)(b), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.

(2) A ruling under section 3(6)(b) made---

(a) during the period of 21 days as referred to in section 3(3)(a) may only be reviewed during that period;

(b) during the period of 27 days as referred to in section 3(3)(b) may only be reviewed during that period;

(c) not later than the twentieth day after the date of publication of the subsector provisional register to be compiled for the year 2001 as referred to in section 3(4)(a) may only be reviewed during the period of 20 days after that date of publication;

(d) during the period beginning on 15 April 2002 and ending on 11 May 2002 as referred to in section 3(4)(b) may only be reviewed during that period;

(e) during the period beginning on 15 April and ending on 11 May as referred to in section 3(4)(c) may only be reviewed during that period;

(f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5) may only be reviewed during the period of 20 days after that date of publication.

(3) In the case where the Revising Officer decides to review any ruling made under section 3(6)(b), he shall determine the procedure for such review.

8. Approval of Revising Officer in relation to Electoral Registration Officer's proposal

In the case where the Electoral Registration Officer has sought the Revising Officer's approval as referred to in section 34 of the Regulation in relation to a subsector register or an Election Committee register, the Revising Officer shall, as soon as practicable, make a determination and notify the Electoral Registration Officer of his determination.

9. Revising Officer may require Electoral

Registration Officer to provide
information

The Revising Officer may require the Electoral Registration Officer to provide any information which the Revising Officer considers necessary for him to make a determination under this Regulation.

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

25 September 2001

Explanatory Note

The object of this Regulation is to provide for the appeal procedures in relation to the registration of the voters for the subsectors of the Election Committee ("EC") and the registration of the members of the EC.

2. Section 1 provides for the commencement of the Regulation.
3. Section 2 contains the definitions necessary for the interpretation of the Regulation.
4. Section 3 provides for the manners of fixing of hearing and notifying the appellant by the Revising Officer ("RO").
5. Sections 4 and 5 require the appellant and the Electoral Registration Officer ("ERO") to be notified of the rulings of the RO.
6. Section 6 deals with the RO's powers of determination and adjournment.
7. Section 7 provides for review of rulings by the RO.
8. Section 8 enables the RO to approve certain proposals of the ERO.
9. Section 9 enables the RO to require the ERO to provide information.