

LEGISLATIVE COUNCIL BRIEF

Legislative Council Ordinance (Chapter 542)
District Councils Ordinance (Chapter 547)
Chief Executive Election Ordinance (Chapter 569)

REGISTRATION OF ELECTORS (APPEALS) (AMENDMENT) REGULATION 2003

ELECTION COMMITTEE (REGISTRATION) (VOTERS FOR SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) (APPEALS) (AMENDMENT) REGULATION 2003

INTRODUCTION

At the meeting of the Executive Council on 28 January 2003, the Council ADVISED and the Chief Executive ORDERED that –

- A
- (a) the Registration of Electors (Appeals) (Amendment) Regulation 2003, at Annex A , should be made under section 82 of the Legislative Council Ordinance and section 81 of the District Councils Ordinance; and
 - B (b) the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) (Amendment) Regulation 2003, at Annex B, should be made under section 46 of the Chief Executive Election Ordinance.

JUSTIFICATIONS

Changes to Publication Dates of Electoral Registers

2. The Electoral Provisions (Miscellaneous Amendments) Ordinance 2002 which seeks to, amongst other things, revise the publication dates of registers for electors of geographical constituencies (GCs) and functional constituencies (FCs) as well as voters of Election Committee (EC) subsectors, has been enacted. Specifically, the Ordinance provides that the annual publication of provisional registers

(PRs) and final registers (FRs) be changed from April and May to August and September in District Council (DC) election years, and to June and July in other years.

Regulations on Handling Appeals

3. The relevant electoral laws provide that persons dissatisfied with an entry/omission in the electoral registers may submit appeal notices to the Electoral Registration Officer (ERO) and such cases would be heard by the Revising Officer (RO). The appeal handling procedures in respect of GC and FC registers are prescribed in the Registration of Electors (Appeals) Regulation (Cap. 542 sub.leg.), while those for the EC subsector registers and EC registers are set out in the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub.leg.).

4. These two Regulations provide for appeal handling procedures in respect of the following types of appeal:

- (a) a person may make an **objection** to the registration of an elector, voter or authorized representative (AR) if he considers that the relevant person is not eligible to be so registered;
- (b) a person may make a **claim** that he is entitled to be registered as an elector, voter or AR if he has made an application for registration and has been determined by the ERO to be not eligible to be registered, or he is a person whose name is included in an omissions list; and
- (c) a corporate elector or voter may make an **appeal** against the decision of the ERO of not registering as an AR a person appointed by it as a replacement or substitute.

5. Specifically, the Regulations set out the dates for the RO to conduct hearings for objections, claims and appeals, notify the ERO of his rulings, and review his own rulings etc. These dates are currently provided for on the basis that the PRs and FRs are published in April and May respectively. With the revision of the publication dates of the electoral registers, we need to amend the Regulations correspondingly to provide for a new set of dates relating to the appeal handling procedures.

6. Our specific proposals on the revised timetable in relation to the handling of objections, claims and appeals in respect of GC, FC and EC subsector registers are as follows –

	<u>Existing dates</u>	<u>Proposed dates for DC election years</u>	<u>Proposed dates for other years</u>
(a) Deadline for publication of PR	15 April	15 August	15 June
(b) Deadline for lodging objections and claims with ERO	29 April	29 August	29 June
(c) Deadline for ERO to deliver notices of objection, claim and appeal ¹ to RO	2 May	2 September	2 July
(d) (i) Period for RO to conduct hearings for objections and claims and make rulings	15 April – 11 May	15 August – 11 September	15 June – 11 July
(ii) Period for RO to conduct hearings for appeals ¹ and make rulings	A period of 27 days ending on the following 11 May	A period of 28 days ending on 11 September in the same year ² / A period of 27 days ending on 11 July in the following year ³	A period of 27 days ending on 11 July in the same year ⁴ / A period of 27 days ending on 11 July in the following year ⁵ / A period of 28 days ending on 11 September in the following year ⁶

¹ These appeals refer to those received less than 8 days before the relevant polling date by the Revising Officer.

² In cases where the appeal notice is received on or before 8 September by the Revising Officer.

³ In cases where the appeal notice is received after 8 September by the Revising Officer.

⁴ In cases where the appeal notice is received on or before 8 July by the Revising Officer.

⁵ In cases where the appeal notice is received after 8 July by the Revising Officer and the following year is not a DC election year.

⁶ In cases where the appeal notice is received after 8 July by the Revising Officer and the following year is a DC election year.

- | | | | |
|---|--------|--------------|---------|
| (e) Deadline for RO to notify ERO of rulings referred to in (d) | 17 May | 17 September | 17 July |
| (f) Deadline for publication of FR | 25 May | 25 September | 25 July |

7. We will give effect to the above proposals by means of two amendment Regulations, the provisions of which are explained in the following paragraphs.

THE REGULATIONS

Registration of Electors (Appeals) (Amendment) Regulation 2003

8. This amendment Regulation revises the existing Regulation which deals with objections, claims and appeals in relation to the registration of GC and FC electors. **Section 3** of the amendment Regulation provides that the period for the RO to hear cases of objections and claims will be changed to between 15 August and 11 September in a DC election year, and between 15 June and 11 July in any other year. It also provides for the period for hearing of appeals to be changed to 28 days ending on 11 September in a DC election year or 27 days ending on 11 July in any other year, as the case may be. **Section 5** provides that the deadline for the RO to notify the ERO of his rulings in respect of objections, claims and appeals should not be later than 17 September in a DC election year, and 17 July in any other year, so as to enable the rulings to be reflected in the relevant final register. **Section 7** seeks to amend the period during which the RO may review his own rulings in order to tie in with the revised hearing period. A copy of the existing Regulation is at Annex C for Members' easy reference.

C

Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) (Amendment) Regulation 2003

9. This amendment Regulation provides for amendments to the appeal handling procedures relating to the registration of EC subsector voters. **Section 3** of the amendment Regulation provides for the hearing period for appeals to be changed to 28 days ending on 11 September in a DC election year or 27 days ending on 11 July in any other year, as the case may be. It also provides that the period for RO to conduct hearings for objections and claims should be between 15 August and 11 September

in a DC election year, and between 15 June and 11 July in any other year. **Section 5** further provides that the RO should notify the ERO of his rulings in respect of objections, claims and appeals no later than 17 September in a DC election year, and 17 July in any other year. **Section 7** amends the period during which the RO may review his own rulings. A copy of the existing Regulation is at Annex D for Members' easy reference.

D

LEGISLATIVE TIMETABLE

10. The amendment Regulations will be published in the Gazette on 7 February 2003 and tabled at the Legislative Council on 12 February 2003.

IMPLICATIONS OF THE PROPOSAL

11. The amendment Regulations are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the relevant Ordinances and existing Regulations. The amendment Regulations have no additional financial and staffing implications. They have no economic, civil service, productivity, environmental or sustainability implications.

PUBLIC CONSULTATION

12. There is no need for public consultation given the technical nature of the amendment Regulations.

PUBLICITY

13. A press release will be issued to announce the publication of the amendment Regulations in the Gazette. A spokesman will be made available to answer media and public enquiries.

ENQUIRY

14. Any enquiries on the brief should be addressed to Ms Eva Yam, Principal Assistant Secretary (Constitutional Affairs) 4, on 2810 2908.

Constitutional Affairs Bureau
7 February 2003
File Ref.: CAB C1/30/5/1 & C5/7/1

MC0075

**REGISTRATION OF ELECTORS (APPEALS)
(AMENDMENT) REGULATION 2003**

(Made by the Chief Executive in Council under section 82
of the Legislative Council Ordinance (Cap. 542) and
section 81 of the District Councils Ordinance
(Cap. 547))

1. Commencement

This Regulation shall come into operation on 4 April 2003.

2. Interpretation

Section 1 of the Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg.) is amended -

- (a) in the definition of "functional constituencies register", by repealing everything after "means" and substituting -

"-

- (a) a provisional register of functional constituencies required to be compiled under section 32(1)(a)(ii) or (1A)(a)(ii) of the Legislative Council Ordinance (Cap. 542); or
- (b) a final register of functional constituencies required to be compiled under section 32(1)(b)(ii) or (1A)(b)(ii) of the

Legislative Council

Ordinance (Cap. 542);";

(b) in the definition of "geographical constituencies register", by repealing everything after "means" and substituting -

" -

(a) a provisional register of geographical constituencies required to be compiled under section 32(1)(a)(i) or (1A)(a)(i) of the Legislative Council Ordinance (Cap. 542); or

(b) a final register of geographical constituencies required to be compiled under section 32(1)(b)(i) or (1A)(b)(i) of the Legislative Council Ordinance (Cap. 542);";

(c) by adding -

" "District Council election year" (區議會選舉年) means a year in which an ordinary election is to be held;".

3. Fixing of hearing and notifying the appellant thereof

Section 2 is amended -

(a) in subsection (1)(b), by adding "registered"

before "post";

(b) in subsection (3), by repealing everything after "Officer -" and substituting -

"(a) during the period beginning on 3 May 2002 and ending on 2 September 2003, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 August 2003 and 11 September 2003 (both dates inclusive);

(b) during the period beginning on 3 September in any year subsequent to 2002, if that subsequent year is a District Council election year, and ending on 2 July in the year following that subsequent year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 June and 11 July (both dates inclusive) in that following year; or

(c) during the period beginning on 3 July in any year subsequent to 2002, if that subsequent year is not a District Council election year, and -

(i) ending on 2 September in the year following that subsequent year, if that following year is a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 August and 11 September

(both dates
inclusive) in
that

following
year; or

(ii) ending on 2
July in the
year
following
that
subsequent
year, if that
following
year is not a
District
Council
election year,
the date
fixed under
subsection
(1)(a) as
regards that
notice shall
be a date
between 15
June and 11
July (both
dates
inclusive) in

that
following
year,

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

(c) in subsection (4)(b), by repealing everything after "that notice" and substituting -

"shall be -

- (i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11 September in that year;
- (ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year;
- (iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election

year, a date within a period of 27 days ending on 11 July in that year; or

(iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year -

(A) a date within a period of 28 days ending on 11 September in the next following year, if that following year is a District Council election year; or

(B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year."

4. Appellant to be notified of ruling

Section 3 is amended by adding "registered" before "post".

**5. Electoral Registration Officer
to be notified of rulings**

Section 4 is amended -

(a) by repealing everything after "concluded -"
and before paragraph (c) and substituting -

"(a) during the period beginning on 15
August in a District Council
election year and ending on 11
September in that year, notify the
Electoral Registration Officer, on
or before 17 September in that year;

(b) during the period beginning on
15 June in any year which is not a
District Council election year and
ending on 11 July in that year,
notify the Electoral Registration
Officer, on or before 17 July in
that year;"

(b) in paragraph (c), by repealing "and" at the
end;

(c) by repealing paragraph (d) and substituting -

"(d) during the period of 27 days as
referred to in section 2(4)(b)(ii),
(iii) or (iv)(B), as the case may
be, notify the Electoral
Registration Officer not later than
17 July in the same year; or

(e) during the period of 28 days as

referred to in section 2(4)(b)(i) or (iv)(A), as the case may be, notify the Electoral Registration Officer not later than 17 September in the same year,".

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

Section 5 is amended by repealing "6(2)(b), (c) or (d)" and substituting "6(2)(a), (b), (c), (d)(i), (ii) or (iii) or (e)(i) or (ii)".

7. Review of rulings by Revising Officer

Section 6(2) is amended -

(a) by repealing everything after "made -" and before paragraph (c) and substituting -

"(a) during the period beginning on 15 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period;

(b) during the period beginning on 15 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period;" ;

(b) by repealing paragraph (d) and substituting -

"(d) during the period of 27 days as referred to in -

- (i) section 2(4)(b)(ii) may only be reviewed during that period;
 - (ii) section 2(4)(b)(iii) may only be reviewed during that period; or
 - (iii) section 2(4)(b)(iv)(B) may only be reviewed during that period; or
- (e) during the period of 28 days as referred to in -
- (i) section 2(4)(b)(i) may only be reviewed during that period; or
 - (ii) section 2(4)(b)(iv)(A) may only be reviewed during that period."

Clerk to the Executive Council

COUNCIL CHAMBER

2003

Explanatory Note

This Regulation amends the Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg.) -

- (a) to revise the dates in relation to -
 - (i) the hearings of appeals against the decisions of the Electoral Registration Officer not to register persons as authorized representatives of corporate electors, and claims or objections as regards entries or registration in a functional constituencies register or a geographical constituencies register;
 - (ii) the notification of the rulings on those appeals, claims and objections to be given to the Electoral Registration Officer; and
 - (iii) the review of those rulings, following the adjustment of the cycle for the compilation of those registers as effected by the Electoral Provisions (Miscellaneous Amendments) Ordinance 2002 (33 of 2002); and
- (b) to make other consequential and related amendments.

**ELECTION COMMITTEE (REGISTRATION) (VOTERS
FOR SUBSECTORS) (MEMBERS OF ELECTION
COMMITTEE) (APPEALS) (AMENDMENT)
REGULATION 2003**

(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 4 April 2003.

2. Interpretation

Section 2 of the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg.) is amended by adding -

"District Council election year" (區議會選舉年) means a year in which elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils are to be held;".

3. Fixing of hearing and notifying appellant thereof

Section 3 is amended -

- (a) in subsection (1)(b), by adding "registered" before "post";
- (b) in subsection (3)(b), by repealing everything after "that notice" and substituting -
"shall be -

- (i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11 September in that year;
- (ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year;
- (iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election year, a date within a period of 27 days ending on 11 July in that year; or
- (iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year -
 - (A) a date within a period of 28 days ending on 11 September in the next

following year, if that following year is a District Council election year; or

(B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year." ;

(c) in subsection (4), by repealing everything after "Officer -" and substituting -

"(a) during the period beginning on 3 May 2002 and ending on 2 September 2003, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 August 2003 and 11 September 2003 (both dates inclusive);

(b) during the period beginning on 3 September in any year subsequent to 2002, if that subsequent year is a District Council

election year, and
ending on 2 July in the
year following that
subsequent year, the
date fixed under
subsection (1)(a) as
regards that notice
shall be a date between
15 June and 11 July
(both dates inclusive)
in that following year;
or

(c) during the period
beginning on 3 July in
any year subsequent to
2002, if that subsequent
year is not a District
Council election year,
and -

(i) ending on 2
September in
the year
following
that
subsequent
year, if that
following
year is a
District

Council
election year,
the date
fixed under
subsection
(1)(a) as
regards that
notice shall
be a date
between 15
August and 11
September
(both dates
inclusive) in
that
following
year; or

- (ii) ending on 2
July in the
year
following
that
subsequent
year, if that
following
year is not a
District
Council
election year,

the date
fixed under
subsection
(1)(a) as
regards that
notice shall
be a date
between 15
June and 11
July (both
dates
inclusive) in
that
following
year,

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

**4. Appellant to be notified of
ruling**

Section 4 is amended by adding "registered" before
"post".

**5. Electoral Registration Officer
to be notified of rulings**

Section 5 is amended -

(a) by adding before paragraph (a) -

"(aa) during the period beginning on 15 August in a District Council election year and ending on 11 September in that year, notify the Electoral Registration Officer on or before 17 September in that year;

(ab) during the period beginning on 15 June in any year which is not a District Council election year and ending on 11 July in that year, notify the Electoral Registration Officer on or before 17 July in that year;" ;

(b) by repealing paragraphs (b) to (e) and substituting -

"(b) during the period of 27 days as referred to in section 3(3)(b)(ii), (iii) or (iv)(B), as the case may be, notify the Electoral Registration Officer not later than 17 July in the same year;

(c) during the period of 28 days as referred to in section 3(3)(b)(i) or (iv)(A), as the case may be, notify the Electoral Registration Officer not later than 17 September in the same year; or".

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

Section 6 is amended by repealing "7(2)(a), (b), (c), (d), (e)" and substituting "7(2)(aa), (ab), (a), (b)(i), (ii) or (iii), (c)(i) or (ii)".

7. Review of rulings by Revising Officer

Section 7(2) is amended -

(a) by adding before paragraph (a) -

"(aa) during the period beginning on 15 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period;

(ab) during the period beginning on 15 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period;"

(b) by repealing paragraphs (b) to (e) and substituting -

"(b) during the period of 27 days as referred to in -

(i) section 3(3)(b)(ii) may only be reviewed during that period;

(ii) section 3(3)(b)(iii) may only be reviewed during that period; or

- (iii) section 3(3)(b)(iv)(B)
may only be reviewed
during that period;
- (c) during the period of 28 days as
referred to in -
 - (i) section 3(3)(b)(i) may
only be reviewed during
that period; or
 - (ii) section 3(3)(b)(iv)(A)
may only be reviewed
during that period; or".

Clerk to the Executive Council

COUNCIL CHAMBER

2003

Explanatory Note

This Regulation amends the Election Committee
(Registration) (Voters for Subsectors) (Members of Election
Committee) (Appeals) Regulation (Cap. 569 sub. leg.) -

- (a) to revise the dates in relation to -
 - (i) the hearings of appeals against the
decisions of the Electoral
Registration Officer not to

register persons as authorized representatives of corporate voters, and claims or objections as regards entries or registration in a subsector register;

(ii) the notification of the rulings on those appeals, claims and objections to be given to the Electoral Registration Officer; and

(iii) the review of those rulings, following the adjustment of the cycle for the compilation of subsector registers as effected by the Electoral Provisions (Miscellaneous Amendments) Ordinance 2002 (33 of 2002); and

(b) to make other consequential and related amendments.

[附屬法例]

[Subsidiary]

選民登記 (上訴) 規例

(1999 年第 282 號法律公告)

REGISTRATION OF ELECTORS (APPEALS) REGULATION

(L.N. 282 of 1999)

(第 542 章第 82 條及第 547 章第 81 條)

(Cap. 542, section 82 and Cap. 547, section 81)

[1997 年 11 月 21 日]

[21 November 1997]

1. 釋義

在本規例中，除文意另有所指外——

“上訴”(appeal)指根據《功能界別登記規例》針對選舉登記主任不將團體選民根據該規例第 20 條委任以更換或代替獲授權代表的人登記為獲授權代表的決定而提出的上訴；(2001 年第 199 號法律公告)

“上訴人”(appellant)指——

- (a) 已根據《功能界別登記規例》藉上訴通知書而提出上訴的團體選民；或
- (b) 已根據《功能界別登記規例》或《地方選區登記規例》藉申索通知書或反對通知書而提出申索或反對的人；(2001 年第 199 號法律公告)

“上訴通知書”(notice of appeal)指任何團體選民為提出上訴而根據《功能界別登記規例》遞交的通知書；(2001 年第 199 號法律公告)

“反對”(objection)指根據《功能界別登記規例》或《地方選區登記規例》就功能界別選民登記冊或地方選區選民登記冊內某一記項或就在功能界別選民登記冊或地方選區選民登記冊上登記而提出的反對；(2001 年第 199 號法律公告)

“反對通知書”(notice of objection)指任何人為提出反對而根據《功能界別登記規例》或《地方選區登記規例》遞交的通知書；(2001 年第 199 號法律公告)

“申索”(claim)指根據《功能界別登記規例》或《地方選區登記規例》就功能界別選民登記冊或地方選區選民登記冊內某一記項或就在功能界別選民登記冊或地方選區選民登記冊上登記而提出的申索；(2001 年第 199 號法律公告)

1. Interpretation

In this Regulation, unless the context otherwise requires—

“appeal” (上訴) means an appeal made under the FC Registration Regulation against the decision of the Electoral Registration Officer not to register as an authorized representative a person appointed by a corporate elector as a replacement or a substitute under section 20 of the FC Registration Regulation; (L.N. 199 of 2001)

“appellant” (上訴人) means—

- (a) a corporate elector who has made an appeal under the FC Registration Regulation by means of a notice of appeal; or
- (b) a person who has made a claim or an objection under the FC Registration Regulation or the GC Registration Regulation by means of a notice of claim or a notice of objection; (L.N. 199 of 2001)

“claim” (申索) means a claim made under the FC Registration Regulation or the GC Registration Regulation as regards an entry, or registration, in a functional constituencies register or a geographical constituencies register; (L.N. 199 of 2001)

“corporate elector” (團體選民) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

“FC Registration Regulation” (《功能界別登記規例》) 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.); (L.N. 199 of 2001)

“functional constituencies register” (功能界別選民登記冊) means a provisional register or a final register of electors for functional constituencies required to be compiled under section 32(1)(a)(ii) or (b)(ii) of the Legislative Council Ordinance (Cap. 542); (L.N. 199 of 2001)

[附屬法例]

[Subsidiary]

- “中索通知書”(notice of claim)指任何人為提出中索而根據《功能界別登記規例》或《地方選區登記規例》遞交的通知書；(2001 年第 199 號法律公告)
- “《功能界別登記規例》”(FC Registration Regulation)指《選舉管理委員會(登記)(立法會功能界別選民)(選舉委員會界別分組投票人)(選舉委員會委員)規例》(第 541 章，附屬法例)；(2001 年第 199 號法律公告)
- “功能界別選民登記冊”(functional constituencies register)指根據《立法會條例》(第 542 章)第 32(1)(a)(i) 或 (b)(i) 條須為功能界別編製的臨時選民登記冊或正式選民登記冊；(2001 年第 199 號法律公告)
- “《地方選區登記規例》”(GC Registration Regulation)指《選舉管理委員會(選民登記)(立法會地方選區)(區議會選區)規例》(第 541 章，附屬法例)；(2001 年第 199 號法律公告)
- “地方選區選民登記冊”(geographical constituencies register)指根據《立法會條例》(第 542 章)第 32(1)(a)(i) 或 (b)(i) 條須為地方選區編製的臨時選民登記冊或正式選民登記冊；(2001 年第 199 號法律公告)
- “團體選民”(corporate elector)具有《立法會條例》(第 542 章)第 3(1) 條給予該詞的涵義。
- (2001 年第 199 號法律公告)

2. 安排聆訊並就聆訊事宜通知上訴人

- (1) 凡審裁官從選舉登記主任處接獲上訴通知書、中索通知書或反對通知書的文本，他須在切實可行的範圍內盡快——
- 在符合第 (3) 款的規定下，訂定日期、時間及地點，以就該通知書所關乎的上訴、中索或反對舉行聆訊；及
 - 以郵遞方式將符合第 (2) 款的通知書——
 - 按該上訴通知書、中索通知書或反對通知書(視屬何情況而定)所提供的有關上訴人地址送交該上訴人；及
 - (如屬反對通知書)除送交有關上訴人外，亦送交有關反對所針對的人。
- (2) 根據第 (1)(b) 款送交的通知書——
- 須述明將會就有關上訴通知書、中索通知書或反對通知書(視屬何情況而定)舉行聆訊；

- “GC Registration Regulation”(《地方選區登記規例》) means the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg.); (L.N. 199 of 2001)
- “geographical constituencies register”(地方選區選民登記冊) means a provisional register or a final register of electors for geographical constituencies required to be compiled under section 32(1)(a)(i) or (b)(i) of the Legislative Council Ordinance (Cap. 542); (L.N. 199 of 2001)
- “notice of appeal”(上訴通知書) means a notice lodged by a corporate elector under the FC Registration Regulation for the purpose of making an appeal; (L.N. 199 of 2001)
- “notice of claim”(中索通知書) means a notice lodged by a person under the FC Registration Regulation or the GC Registration Regulation for the purpose of making a claim; (L.N. 199 of 2001)
- “notice of objection”(反對通知書) means a notice lodged by a person under the FC Registration Regulation or the GC Registration Regulation for the purpose of making an objection; (L.N. 199 of 2001)
- “objection”(反對) means an objection made under the FC Registration Regulation or the GC Registration Regulation as regards an entry, or registration, in a functional constituencies register or a geographical constituencies register. (L.N. 199 of 2001)
- (L.N. 199 of 2001)

2. Fixing of hearing and notifying the 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, he shall, as soon as practicable—
- subject to subsection (3), 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
 - send by post, a notice under subsection (2)—
 - 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
 - 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—
- 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;

[附屬法例]

[Subsidiary]

- (b) 須指明根據第(1)(a)款為該聆訊訂定的日期、時間及地點；
- (c) 須述明上訴人或有關反對所針對的人(視屬何情況而定)——
- (i) 可親自出席聆訊，並可就有關上訴、申索或反對(視屬何情況而定)向審裁官作出申述；
 - (ii) 可由一名法律執業者或任何其他人士(獲該上訴人或該受針對的人(視何者適用而定)以書面授權者)在聆訊中作為其代表，而該代表可代該上訴人或該受針對的人作出申述；或
 - (iii) 不論是否親自出席或由他人代表出席，均可就有關上訴、申索或反對作出書面申述，並可以郵遞或專人送遞方式將該書面申述在聆訊日期前 1 日或之前交往某地址(須在該通知書中指明)以送抵審裁官；及
- (d) 在將通知書送交上訴人的情況下，須述明如選舉登記主任不在聆訊中向審裁官作出申述，以及如上訴人——
- (i) 不出席該項上訴、申索或反對(視屬何情況而定)的聆訊；
 - (ii) 並無法律執業者或任何其他人士(獲上訴人以書面授權者)代表他出席該聆訊；及
 - (iii) 亦無在該聆訊日期前 1 日或之前將他就有關上訴、申索或反對作出的書面申述送抵審裁官，
- 則該上訴通知書、申索通知書或反對通知書所關乎的選舉登記主任的決定須維持有效。
- (3) 凡——
- (a) (b) (由 1999 年第 282 號法律公告廢除)
 - (ba) (由 2001 年第 199 號法律公告廢除)
 - (c) 審裁官在 1999 年其後任何一年的 5 月 3 日至該其後一年的翌年的 5 月 2 日(該兩日亦包括在內)期間內，接獲申索通知書或反對通知書的文本，則根據第(1)(a)款就該通知書訂定的日期須在該其後一年的翌年的 4 月 15 日至 5 月 11 日(該兩日亦包括在內)期間內，而該日期必須在審裁官接獲該通知書文本當日之後的第 3 日或以後。(1999 年第 282 號法律公告)

- (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;
 - (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 relates, shall stand.
- (3) Where a copy of a notice of claim or a notice of objection is received by the Revising Officer—
- (a)-(b) (Repealed L.N. 282 of 1999)
 - (ba) (Repealed L.N. 199 of 2001)
 - (c) during the period beginning on 3 May in any year after the year 1999 and ending on 2 May in the next following year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 April and 11 May (both dates inclusive) in that following year which date shall not be earlier than the date of expiry of a period of 3 days after the day on which the notice is received. (L.N. 282 of 1999)

[附屬法例]

(4) 凡——

- (a) 審裁官在有關的功能界別投票日期前的第 8 日或之前接獲上訴通知書的文本，則根據第 (1)(a) 款就該通知書訂定的日期須在該投票日期前 25 日至該投票日期前 5 日的 21 日期間內；及 (2001 年第 244 號法律公告)
- (b) 審裁官在有關的功能界別投票日期前的第 8 日之後接獲上訴通知書的文本，則根據第 (1)(a) 款就該通知書訂定的日期—— (2001 年第 244 號法律公告)

(i) (如該通知書是在任何一年的 5 月 9 日或 5 月 10 日接獲的) 須於在翌年的 5 月 11 日屆滿的一段為期 27 日的期間內；

(ii) (如該通知書是在任何一年的其他日子接獲的) 須於在緊接審裁官接獲該通知書文本當日之後的 5 月 11 日屆滿的一段為期 27 日的期間內。 (2001 年第 199 號法律公告)

(5) 就任何上訴通知書、申索通知書或反對通知書而言——

(a) 如選舉登記主任不在聆訊中向審裁官作出申述，而上訴人亦——

(i) 不出席有關上訴、申索或反對(視屬何情況而定)的聆訊；

(ii) 並無法律執業者或任何其他人士(獲上訴人以書面授權者)代表他出席該聆訊；及

(iii) 並無在該聆訊日期前 1 日或之前將他就有關上訴、申索或反對(視屬何情況而定)作出的書面申述送抵審裁官，

則該上訴通知書、申索通知書或反對通知書(視屬何情況而定)所關乎的選舉登記主任的決定須維持有效；或

(b) 在任何其他情況下，審裁官須作出判定，接納或駁回該通知書所關乎的上訴、申索或反對(視屬何情況而定)。

(2001 年第 199 號法律公告)

3. 須將判定通知上訴人

凡——

(a) 選舉登記主任的決定依據第 2(5)(a) 條維持有效；或

(b) 審裁官根據第 2(5)(b) 條作出判定，

[Subsidiary]

(4) Where a copy of a notice of appeal is received by the Revising Officer—

(a) on a date not later than the eighth day before the polling date for the functional constituency 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 functional constituency concerned, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 27 days ending on— (L.N. 244 of 2001)

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

(ii) where the notice is so received on any other day in any year, the 11 May which immediately follows the day on which the notice is so received. (L.N. 199 of 2001)

(5) 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 thereof;

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

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

(L.N. 199 of 2001)

3. Appellant to be notified of ruling

Where—

(a) the decision of the Electoral Registration Officer stands pursuant to section 2(5)(a); or

(b) the Revising Officer makes a ruling under section 2(5)(b),

[附屬法例]

[Subsidiary]

審裁官須將該項決定維持有效一事或將他所作出的判定(視何者適用而定),以郵遞方式按第 2(1)(b) 條所提述的地址通知上訴人,而在適當情況下,亦須將該等事項以郵遞方式通知有關反對所針對的人。

the Revising Officer shall notify the appellant at the address referred to in section 2(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.

4. 須將判定通知選舉登記主任

4. Electoral Registration Officer to be notified of rulings

依據第 2 條舉行的聆訊如——

The Revising Officer shall, as regards those hearings held pursuant to section 2 and concluded—

- (a) (由 1999 年第 282 號法律公告廢除)
- (b) 在 1999 年其後任何一年的 4 月 15 日至該其後一年的 5 月 11 日(該兩日亦包括在內)期間內完結,則審裁官須在該其後一年的 5 月 17 日或之前; (1999 年第 282 號法律公告)
- (c) 在第 2(4)(a) 條所提述的 21 日期間內完結,則審裁官須在第 2(4)(a) 條所提述的投票日期前 3 個工作日或之前;及
- (d) 在第 2(4)(b) 條所提述的 27 日期間內完結,則審裁官須在第 2(4)(b) 條所提述的下一個投票日期前 3 個工作日或之前,

- (a) (*Repealed L.N. 282 of 1999*)
- (b) during the period beginning on 15 April in any year after the year 1999 and ending on 11 May in that year, notify the Electoral Registration Officer, on or before 17 May in that year; (*L.N. 282 of 1999*)
- (c) during the period of 21 days as referred to in section 2(4)(a), notify the Electoral Registration Officer, on a date not later than 3 working days before the polling date as referred to in section 2(4)(a); and
- (d) during the period of 27 days as referred to in section 2(4)(b), notify the Electoral Registration Officer, on a date not later than 3 working days before the next following polling date as referred to in section 2(4)(b),

就每份有關的上訴通知書、申索通知書或反對通知書,將選舉登記主任的決定依據第 2(5)(a) 條維持有效一事或將審裁官根據第 2(5)(b) 條作出的判定(視何者適用而定)通知選舉登記主任。

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 2(5)(a) or of the ruling of the Revising Officer under section 2(5)(b), as may be appropriate.

(2001 年第 199 號法律公告)

(*L.N. 199 of 2001*)

5. 事宜的裁定及押後的權力等

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

審裁官須在切實可行的範圍內盡快裁定根據本規例須由他裁定的每宗事宜,而任何該等事宜的聆訊,則須於在顧及公正原則後屬在切實可行的範圍內日復一日地(公眾假日除外)接續進行,直至聆訊完結為止;但在符合上述規定下,任何該等事宜的聆訊及裁定可在任何時間予以押後至第 6(2)(b)、(c) 或 (d) 條(視屬何情況而定)所提述期間的最後一日或之前。

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 is 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 hearing and determination of any such matter may be adjourned at any time to a date not later than the last day of the period referred to in section 6(2)(b), (c) or (d), as the case may be.

(1998 年第 150 號法律公告; 1999 年第 282 號法律公告)

(*L.N. 282 of 1999*)

[附屬法例]

[Subsidiary]

6. 覆核審裁官的判定

(1) 在符合第(2)款的規定下，審裁官可主動或基於選舉登記主任、上訴人或有關反對所針對的人所提出的充分因由，覆核該審裁官根據第2(5)(b)條作出的判定，並可為此目的重新聆訊該事宜的全部或部分，並推翻或確認其先前的判定。

(2) 根據第2(5)(b)條作出的判定——

(a) (由1999年第282號法律公告廢除)

(b) 如在1999年其後任何一年的4月15日至該其後一年的5月1日(該兩日亦包括在內)期間內作出，則只可在該期間內予以覆核；(1999年第282號法律公告)

(c) 如在第2(4)(a)條所提述的21日的期間內作出，則只可在該期間內予以覆核；

(d) 如在第2(4)(b)條所提述的27日的期間內作出，則只可在該期間內予以覆核。(2001年第199號法律公告)

(3) 如審裁官決定覆核任何根據第2(5)(b)條所作出的判定，他須決定該覆核的程序。

7. 審裁官就選舉登記主任的建議作出批准

如選舉登記主任已就功能界別選民登記冊尋求《功能界別登記規例》第34條提述的審裁官的批准或尋求《地方選區登記規例》第18條提述的審裁官的批准，則審裁官須在切實可行的範圍內儘快作出裁定，並將他的裁定通知選舉登記主任。

(1999年第282號法律公告；2001年第199號法律公告)

8. 審裁官可要求選舉登記主任提供資料

審裁官可要求選舉登記主任提供任何審裁官認為為根據本規例作出裁定而需要的資料。

6. 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 2(5)(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 2(5)(b) made——

(a) (Repealed L.N. 282 of 1999)

(b) during the period beginning on 15 April in any year after the year 1999 and ending on 11 May in that year may only be reviewed during that period; (L.N. 282 of 1999)

(c) during the period of 21 days as referred to in section 2(4)(a) may only be reviewed during that period;

(d) during the period of 27 days as referred to in section 2(4)(b) may only be reviewed during that period. (L.N. 199 of 2001)

(3) In the case where the Revising Officer decides to review any ruling made under section 2(5)(b), he shall determine the procedure for such review.

7. 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 FC Registration Regulation in relation to a functional constituencies register, or the Revising Officer's approval as referred to in section 18 of the GC Registration Regulation, the Revising Officer shall, as soon as practicable, make a determination and notify the Electoral Registration Officer of his determination.

(L.N. 282 of 1999; L.N. 199 of 2001)

8. 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.

[附屬法例]

選舉委員會(登記)(界別分組投票人)
(選舉委員會委員)(上訴)規例

(第 569 章第 46 條)

[2001 年 11 月 16 日]

1. (已失時效而略去)

2. 釋義

在本規例中，除文意另有所指外——

“上訴”(appeal)指根據《規例》針對選舉登記主任不將團體投票人根據《規例》第 20 條委任以更換或代替獲授權代表的人登記為獲授權代表的決定而提出的上訴；

“上訴人”(appellant)指——

(a) 已根據《規例》藉上訴通知書而提出上訴的團體投票人；或

(b) 已根據《規例》藉申索通知書或反對通知書而提出申索或反對的人；

“上訴通知書”(notice of appeal)指任何團體投票人為提出上訴而根據《規例》遞交的通知書；

“反對”(objection)指根據《規例》就界別分組投票人登記冊或選舉委員會委員登記冊內某一記項或就在界別分組投票人登記冊或選舉委員會委員登記冊上登記而提出的反對；

“反對通知書”(notice of objection)指任何人為提出反對而根據《規例》遞交的通知書；

“申索”(claim)指根據《規例》就界別分組投票人登記冊或選舉委員會委員登記冊內某一記項或就在界別分組投票人登記冊或選舉委員會委員登記冊上登記而提出的申索；

“申索通知書”(notice of claim)指任何人為提出申索而根據《規例》遞交的通知書；

“界別分組”(subsector)具有本條例的附表第 11(1)條給予該詞的涵義；

[Subsidiary]

ELECTION COMMITTEE (REGISTRATION) (VOTERS
FOR SUBSECTORS) (MEMBERS OF ELECTION
COMMITTEE) (APPEALS) REGULATION

(Cap. 569, section 46)

[16 November 2001]

1. (Omitted as spent)

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;

[附屬法例]

- “界別分組正式投票人登記冊”(subsector final register)具有本條例的附表第 11(1)條給予該詞的涵義；
- “界別分組投票人登記冊”(subsector register)指界別分組臨時投票人登記冊或界別分組正式投票人登記冊；
- “界別分組臨時投票人登記冊”(subsector provisional register)具有本條例的附表第 11(1)條給予該詞的涵義；
- “《規例》”(Regulation)指《選舉管理委員會(登記)(立法會功能界別選民)(選舉委員會界別分組投票人)(選舉委員會委員)規例》(第 541 章，附屬法例)；
- “團體投票人”(corporate voter)具有本條例的附表第 11(1)條給予該詞的涵義；
- “選舉委員會正式委員登記冊”(Election Committee final register)指須根據本條例的附表第 40 條發表的選舉委員會委員正式登記冊；
- “選舉委員會委員登記冊”(Election Committee register)指選舉委員會臨時委員登記冊或選舉委員會正式委員登記冊；
- “選舉委員會臨時委員登記冊”(Election Committee provisional register)指須根據本條例的附表第 4 條編製和發表的選舉委員會委員臨時登記冊；
- “選舉登記主任”(Electoral Registration Officer)具有本條例的附表第 1(1)條給予該詞的涵義；
- “獲授權代表”(authorized representative)具有本條例的附表第 11(1)條給予該詞的涵義。

3. 安排聆訊並就聆訊事宜通知上訴人

(1) 凡審裁官從選舉登記主任處接獲上訴通知書、申索通知書或反對通知書的文本，審裁官須在切實可行範圍內盡快——

- (a) 在符合第 (3)、(4) 及 (5) 款的規定下，訂定日期、時間及地點，以就該通知書所關乎的上訴、申索或反對舉行聆訊；及
- (b) 以郵遞方式將符合第 (2) 款的通知書——
 - (i) 按該上訴通知書、申索通知書或反對通知書(視屬何情況而定)所提供的有關上訴人地址送交該上訴人；及
 - (ii) (如屬反對通知書)除送交有關上訴人外，亦送交有關反對所針對的人。

[Subsidiary]

- “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.

[附屬法例]

- (2) 根據第(1)(b)款送交的通知書——
- (a) 須述明將會就有關上訴通知書、申索通知書或反對通知書(視屬何情況而定)舉行聆訊;
 - (b) 須指明根據第(1)(a)款為該聆訊訂定的日期、時間及地點;
 - (c) 須述明上訴人或有關反對所針對的人(視屬何情況而定)——
 - (i) 可親自出席聆訊,並可就有關上訴、申索或反對(視屬何情況而定)向審裁官作出申述;
 - (ii) 可由一名法律執業者或任何獲該上訴人或該受針對的人(視何者適用而定)以書面授權的其他人在聆訊中作為其代表,而該代表可代他作出申述;或
 - (iii) 不論是否親自出席或由他人代表出席,均可就有關上訴、申索或反對作出書面申述,並可藉郵遞或專人送遞方式,將該申述在聆訊日期前交往某地址(須在該通知書中指明)以送抵審裁官;及
 - (d) 在將通知書送交上訴人的情況下,須述明如選舉登記主任不在有關聆訊中向審裁官作出申述,以及如上訴人——
 - (i) 不出席該聆訊;
 - (ii) 既無法律執業者亦無任何獲上訴人以書面授權的其他人代表他出席該聆訊;及
 - (iii) 亦無在該聆訊日期前將他就有關上訴、申索或反對作出的書面申述送抵審裁官,
 則該上訴通知書、申索通知書或反對通知書(視屬何情況而定)所關乎的選舉登記主任的決定須維持有效。
- (3) 凡審裁官在——
- (a) 有關的界別分組投票日期前的第 8 日或之前接獲上訴通知書的文本,則根據第(1)(a)款就該通知書訂定的日期,須在自該投票日期前 25 日(起計的一段 21 日的期間內;及 (2001 年第 243 號法律公告)

[Subsidiary]

- (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 before the date fixed for the hearing; and (L.N. 243 of 2001)
 - (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 before the date of the hearing, (L.N. 243 of 2001)
 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—
- (a) on a date not later than the eighth day before the polling date for the subsector concerned, 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 (L.N. 243 of 2001)

[附屬法例]

[Subsidiary]

- (b) 有關的界別分組投票日期前的第 8 日之後接獲上訴通知書的文本，則根據第 (1)(a) 款就該通知書訂定的日期——(2001 年第 243 號法律公告)
- (i) (如該通知書的文本是在任何一年的 5 月 9 日或 5 月 10 日接獲的) 須於在翌年的 5 月 11 日屆滿的一段為期 27 日的期間內；
 - (ii) (如該通知書的文本是在任何一年的其他日子接獲的) 須於在緊接審裁官接獲該通知書的文本當日之後的 5 月 11 日屆滿的一段為期 27 日的期間內。
- (4) 凡審裁官在——
- (a) 為 2001 年編製的界別分組臨時投票人登記冊的發表日期後的第 10 日或之前，接獲關乎界別分組投票人登記冊內某一記項或關乎在該登記冊上登記的申索通知書或反對通知書的文本，則根據第 (1)(a) 款就該通知書訂定的日期，須在該發表日期後的第 20 日或之前；
 - (b) (a) 段所提述的發表日期後的第 11 日至 2002 年 5 月 2 日(該兩日亦包括在內) 期間內，接獲關乎界別分組投票人登記冊內某一記項或關乎在該登記冊上登記的申索通知書或反對通知書的文本，則根據第 (1)(a) 款就該通知書訂定的日期，須在 2002 年 4 月 15 日或之後而在 2002 年 5 月 11 日或之前；
 - (c) 2001 年其後任何一年的 5 月 3 日至該其後一年的翌年的 5 月 2 日(該兩日亦包括在內) 期間內，接獲關乎界別分組投票人登記冊內某一記項或關乎在該登記冊上登記的申索通知書或反對通知書的文本，則根據第 (1)(a) 款就該通知書訂定的日期，須在該其後一年的翌年的 4 月 15 日或之後而在同年 5 月 11 日或之前，
- 而按照 (a)、(b) 或 (c) 段如此訂定的日期須在審裁官接獲該通知書的文本當日之後的第 3 日或以後。
- (5) 凡審裁官在有關的選舉委員會臨時委員登記冊的發表日期後的第 10 日或之前，接獲關乎選舉委員會委員登記冊內某一記項或關乎在該登記冊上登記的申索通知書或反對通知書的文本，則根據第 (1)(a) 款就該通知書訂定的日期，須在該發表日期後的第 20 日或之前而在審裁官接獲該通知書的文本當日之後的第 3 日或以後。
- (6) 就任何上訴通知書、申索通知書或反對通知書而言——
- (a) 如選舉登記主任不在有關聆訊中向審裁官作出申述，而上訴人——
 - (i) 不出席該聆訊；

- (b) on a date later than the eighth day before the polling date for the subsector concerned, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 27 days ending on— (L.N. 243 of 2001)
- (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;

[附屬法例]

- (ii) 既無法律執業者亦無任何獲上訴人以書面授權的其他人代表他出席該聆訊；及
- (iii) 亦無在該聆訊日期前將他就有關上訴、申索或反對作出的書面申述送抵審裁官，
- 則該上訴通知書、申索通知書或反對通知書(視屬何情況而定)所關乎的選舉登記主任的決定須維持有效；或
- (b) 在任何其他情況下，審裁官須作出判定，接納或駁回該通知書所關乎的上訴、申索或反對(視屬何情況而定)。

4. 須將判定通知上訴人

凡——

- (a) 選舉登記主任的決定依據第 3(6)(a) 條維持有效；或
- (b) 審裁官根據第 3(6)(b) 條作出判定，

審裁官須將該項決定維持有效一事或將他所作出的判定(視何者適用而定)，以郵遞方式按第 3(1)(b) 條所提述的地址通知上訴人，而在適當情況下，亦須將該等事項以郵遞方式通知有關反對所針對的人。

5. 須將判定通知選舉登記主任

依據第 3 條舉行的聆訊如——

- (a) 在第 3(3)(a) 條所提述的 21 日期間內完結，則審裁官須在有關的界別分組投票日期前的第 3 個工作日或之前；
- (b) 在第 3(3)(b) 條所提述的 27 日期間內完結，則審裁官須在同年 5 月 17 日或之前；
- (c) 在第 3(4)(a) 條所提述的為 2001 年編製的界別分組臨時投票人登記冊的發表日期後的第 20 日或之前完結，則審裁官須在該發表日期後的第 21 日或之前；

[Subsidiary]

- (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 before the date of the hearing. (*L.N. 243 of 2001*)

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;

[附屬法例]

- (d) 在第 3(4)(b) 條所提述的 2002 年 4 月 15 日至 2002 年 5 月 11 日期間內完結，則審裁官須在 2002 年 5 月 17 日或之前；
- (e) 在第 3(4)(c) 條所提述的 4 月 15 日至 5 月 11 日期間內完結，則審裁官須在同年 5 月 17 日或之前；
- (f) 在第 3(5) 條所提述的有關的選舉委員會臨時委員登記冊的發表日期後的第 20 日或之前完結，則審裁官須在該發表日期後的第 21 日或之前，就每份有關上訴通知書、申索通知書或反對通知書，將選舉登記主任的決定依據第 3(6)(a) 條維持有效一事或將審裁官根據第 3(6)(b) 條作出的判定(視何者適用而定)通知選舉登記主任。

6. 事宜的裁定及押後的權力等

審裁官須在切實可行範圍內盡快裁定根據本規例須由他裁定的每宗事宜，而任何該等事宜的聆訊，則須於在顧及公正原則後屬在切實可行範圍內日復一日地(公眾假日除外)接續進行，直至聆訊完結為止；但在符合上述規定下，任何該等事宜的聆訊及裁定可在任何時間押後至第 7(2)(a)、(b)、(c)、(d)、(e) 或 (f) 條(視屬何情況而定)所提述期間的最後一日或之前。

7. 覆核審裁官的判定

(1) 在符合第 (2) 款的規定下，審裁官可主動或基於選舉登記主任、上訴人或有關反對所針對的人所提出的充分理由，覆核該審裁官根據第 3(6)(b) 條作出的判定，並可為此目的重新聆訊該事宜的全部或部分，並推翻或確認其先前的判定。

(2) 根據第 3(6)(b) 條作出的判定——

- (a) 如在第 3(3)(a) 條所提述的 21 日期間內作出，則只可在該期間內予以覆核；
- (b) 如在第 3(3)(b) 條所提述的 27 日期間內作出，則只可在該期間內予以覆核；
- (c) 如在第 3(4)(a) 條所提述的為 2001 年編製的界別分組臨時投票人登記冊的發表日期後的第 20 日或之前作出，則只可在該發表日期後的 20 日期間內予以覆核；

[Subsidiary]

- (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;

[附屬法例]

- (d) 如在第 3(4)(b) 條所提述的 2002 年 4 月 15 日至 2002 年 5 月 11 日期間內作出，則只可在該期間內予以覆核；
- (e) 如在第 3(4)(c) 條所提述的 4 月 15 日至 5 月 11 日期間內作出，則只可在該期間內予以覆核；
- (f) 如在第 3(5) 條所提述的有關的選舉委員會臨時委員登記冊的發表日期後的第 20 日或之前作出，則只可在該發表日期後的 20 日期間內予以覆核。

(3) 如審裁官決定覆核任何根據第 3(6)(b) 條所作出的判定，他須決定該覆核的程序。

8. 審裁官就選舉登記主任的建議作出批准

選舉登記主任如已就界別分組投票人登記冊或選舉委員會委員登記冊尋求《規例》第 34 條所提述的審裁官的批准，則審裁官須在切實可行的範圍內盡快作出裁定，並將其裁定通知選舉登記主任。

9. 審裁官可要求選舉登記主任提供資料

審裁官可要求選舉登記主任提供任何審裁官認為根據本規例作出裁定而需要的資料。

[Subsidiary]

- (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.