

LN254-e

Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) (Amendment)

Regulation 2002

(Made by the Electoral Affairs Commission under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541))

1. Commencement

This Regulation shall come into operation on 28 February 2003.

2. Interpretation

Section 2 of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg.) is amended---

(a) in subsection (1)---

(i) in the definition of "District Council constituency", by adding "or (1A), as the case may be," after "32(1)";

(ii) in the definition of "Electoral Registration Officer", by adding "or section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569)" before the semicolon;

(iii) in the definition of "final register", by adding "or (1A)(b)(i)" after "32(1)(b)(i)";

(iv) in the definition of "Legislative Council constituency", by adding "or (1A), as the case may be," after "32(1)";

(v) in the definition of "provisional register", by adding "or (1A)(a)(i)" after "32(1)(a)(i)";

(vi) in the definition of "register"---

(A) in paragraph (a), by adding "or (1A)(a)(i)" after "32(1)(a)(i)";

(B) in paragraph (b), by adding "or (1A)(b)(i)" after "32(1)(b)(i)";

(vii) by adding---

"District Council election year" (區議會選舉年) means a year in which an ordinary election within the meaning of section 2 of the District Councils Ordinance (Cap. 547) is to be held;"

(b) in subsection (2)(a), by adding "對" before "上一".

3. Form of register

Section 3 is amended---

(a) in subsection (4)---

(i) in paragraph (a), by repealing "signature was" and substituting "principal residential address is";

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

"(b) in English, if the person's principal residential address is in English on the application.";

(b) in subsection (8)---

(i) in the definition of "Election Committee", by repealing everything after "section" and substituting "2(1) of the Chief Executive Election Ordinance (Cap. 569)";

(ii) by repealing the definition of "subsector" and substituting---  
""subsector" (界別分組), subject to section 1(2) of the Schedule to the Chief Executive Election Ordinance (Cap. 569), has the meaning assigned to it by section 11(1) of that Schedule;"

(iii) in the definition of "voter", by repealing everything after "registered in" and substituting "a subsector provisional register or a subsector final register within the meaning of section 11(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569).";

(iv) by adding---

""sub-subsector" (小組) has the meaning assigned to it by section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569);".

#### 4. How to apply for registration in provisional register

Section 4 is amended---

(a) in subsection (1)(a), by repealing everything after "received by that" and substituting---

"Officer---

(i) if the provisional register is being compiled for a District Council election year, not later than 16 July in that year; or

(ii) if the provisional register is being compiled for a year which is not a District Council election year, not later than 16 May in that year;"

(b) in subsection (2), by repealing everything after "Officer---" and substituting---

"(a) after 16 March 2002 but not later than 16 July 2003 must be treated by that Officer as an application received on or before 16 July 2003 for registration in the provisional register for 2003;

(b) after 16 July in any year subsequent to 2002, if that subsequent year is a District Council election year, must be treated by that Officer as an application received on or before 16 May in the year following that subsequent year for registration in

the provisional register to be compiled for that following year; or  
(c) after 16 May in any year subsequent to 2002, if that subsequent year is not a District Council election year, must be treated by that Officer as an application received---

(i) on or before 16 July in the year following that subsequent year, if that following year is a District Council election year, for registration in the provisional register to be compiled for that following year; or

(ii) on or before 16 May in the year following that subsequent year, if that following year is not a District Council election year, for registration in the provisional register to be compiled for that following year."

5. Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information

Section 5 is amended---

(a) in subsection (2), by repealing everything after "within" and substituting "the specified period.";

(b) by adding---

"(11) In this section, "specified period" (指明期間), in relation to a requirement made under subsection (2), means---

(a) if the first 25 July that follows the making of the requirement falls in a District Council election year, a period ending not later than that 25 July; or

(b) in any other case, a period ending not later than the first 25 May that follows the making of the requirement, specified by the Electoral Registration Officer."

6. Electoral Registration Officer may make inquiries regarding persons registered in the existing final register

Section 7 is amended---

(a) in subsection (1)(a)(ii)---

(i) by repealing "無權";

(ii) by adding "無權" before "登記";

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

"final register---

(a) in relation to the compilation of a provisional register for a District Council election year, only on or before 30 June in that year; or

(b) in relation to the compilation of a provisional register for a year which is not a District Council election year, only on or before 30 April in that year."

7. Electoral Registration Officer to prepare an omissions list

Section 9 is amended---

(a) in subsection (1)---

(i) by repealing "and section 1(5) of Schedule 3 to that Ordinance (as may be applicable)";

(ii) in paragraph (a)---

(A) by repealing "28 February in the current year" and substituting "the date referred to in section 7(3)(a) or (b), as the case may be";

(B) in subparagraph (i), by repealing "16 March in the current year" and substituting "the relevant date specified in subsection (5)";

(iii) in paragraph (b), by repealing "16 March in the current year" and substituting "the relevant date specified in subsection (5)";

(b) in subsection (4)(a), by repealing "16 March in the current year" and substituting "the relevant date specified in subsection (5)";

(c) by adding---

"(5) For the purposes of subsections (1)(a)(i) and (b) and (4)(a), the relevant date is, in relation to the compilation of---

(a) a provisional register for a District Council election year, 16 July in that year; or

(b) a provisional register for a year which is not a District Council election year, 16 May in that year."

8. Electoral Registration Officer to publish a notice that omissions list is available for public inspection

Section 10 is amended---

(a) in subsection (1), by repealing "or section 1(6) of Schedule 3 to that Ordinance, as the case may require";

(b) in subsection (2), by repealing everything after "(Cap. 542)" and substituting---  
", is---

(a) in the case of an omissions list prepared in compiling a provisional register for a District Council election year, the period beginning on the date the notice under subsection (1) is published and ending on 29 August in the same year; or

(b) in the case of an omissions list prepared in compiling a provisional register for a year which is not a District Council election year, the period beginning on the date the notice under subsection (1) is published and ending on 29 June in the

same year."

9. Electoral Registration Officer to correct entries in existing final register in compiling next provisional register

Section 11(5) is amended by repealing everything after "of---" and substituting---

"(a) the provisional register for 2003, after 29 April 2002 but not later than 16 July 2003; or

(b) any subsequent provisional register for---

(i) a District Council election year, after 29 June in the preceding year but not later than 16 July in the current year; or

(ii) a year which is not a District Council election year---

(A) after 29 August in the preceding year, if that preceding year is a District Council election year, but not later than

16 May in the current year; or

(B) after 29 June in the preceding year, if that preceding year is not a District Council election year, but not later than

16 May in the current year."

10. What is to be contained in provisional register

Section 12(c) is amended by repealing everything after "Officer---" and substituting---

"(i) in the case of the provisional register for 2003, during the period beginning on 17 March 2002 and ending on 16 July 2003; or

(ii) in the case of any subsequent provisional register to be compiled for---

(A) a District Council election year, during the period beginning on 17 May in the preceding year and ending on 16 July in the current year; or

(B) a year which is not a District Council election year---

(I) during the period beginning on 17 July in the preceding year, if that preceding year is a District Council election year, and ending on 16 May in the current year; or

(II) during the period beginning on 17 May in the preceding year, if that preceding year is not a District Council election year, and ending on 16 May in the current year."

11. Electoral Registration Officer to publish a notice that provisional register is available for public inspection

Section 13 is amended---

(a) in subsection (1), by repealing everything before "the Gazette" and

substituting---

"(1) The Electoral Registration Officer must publish, every year---

(a) in the case of a provisional register compiled for a District Council election year, not later than 15 August; or

(b) in the case of a provisional register compiled for a year which is not a District Council election year, not later than 15 June, in";

(b) in subsection (2)(a), by adding "relevant" before "period";

(c) in subsection (3), by repealing everything after "public inspection," and substituting---

"a copy of the provisional register---

(a) in the case of a provisional register compiled for a District Council election year, during the period beginning on the date the notice under subsection (1) is published and ending on 29 August in the same year; or

(b) in the case of a provisional register compiled for a year which is not a District Council election year, during the period beginning on the date the notice under subsection (1) is published and ending on 29 June in the same year,

at the place or places specified in the notice during ordinary business hours.";

(d) by adding---

"(6) Publication of a notice under subsection (1) is to be treated as the publication of the provisional register for the purposes of section 32(1)(a)(i) or (1A)(a)(i), as the case may be, of the Legislative Council Ordinance (Cap. 542).".

12. Person may object to registration of registered person in the provisional register

Section 14 is amended---

(a) in subsection (2)(c), by repealing everything after "Electoral Registration" and substituting---

"Officer---

(i) if the objection relates to a person registered in a provisional register compiled for a District Council election year, not later than 29 August in that year; or

(ii) if the objection relates to a person registered in a provisional register compiled for a year which is not a District Council election year, not later than 29 June in that year.";

(b) in subsection (4), in the definition of "elector", by repealing everything after "means" and substituting "any person whose name is included in the existing final register;".

13. Who may lodge a notice of claim

Section 15 is amended---

(a) in subsection (7), by repealing everything after "Electoral Registration" and substituting---

"Officer---

(a) if the claim relates to a register compiled, or an omissions list prepared in compiling a provisional register, for a District Council election year, not later than 29 August in that year; or

(b) if the claim relates to a register compiled, or an omissions list prepared in compiling a provisional register, for a year which is not a District Council election year, not later than 29 June in that year.";

(b) in subsection (8)---

(i) by repealing "(7)" and substituting "(7)(a) or (b), as the case may be";

(ii) in paragraph (a), by repealing "(5)(b) and (c)" and substituting "(5)(a) and (b)";

(c) by adding---

"(11) In this section, "elector" (選民) has the meaning assigned to it by section 14(4).".

14. Electoral Registration Officer to deliver copies of notices of objection and notices of claim to Revising Officer

Section 16 is amended---

(a) in subsection (2), by repealing everything after "appropriate.";

(b) by adding---

"(3) The copy of a notice of objection and notice of claim must be delivered---

(a) in the case of a notice received in respect of a register compiled, or an omissions list prepared in compiling a provisional register, for a District Council election year, not later than 2 September in that year; or

(b) in the case of a notice received in respect of a register compiled, or an omissions list prepared in compiling a provisional register, for a year which is not a District Council election year, not later than 2 July in that year.".

15. Electoral Registration Officer to correct entries in a provisional register in compiling final register

Section 17 is amended---

(a) in subsection (2)(a), by repealing "period specified in subsection (4)(a)" and substituting "relevant period specified in subsection (9)(a)";

(b) in subsection (3), by repealing "date specified in subsection (4)(b)" and substituting "relevant date specified in subsection (9)(b)";

(c) by repealing subsection (4);

(d) in subsection (6), by repealing "date specified in subsection (4)(b)" and substituting "relevant date specified in subsection (9)(b)";

(e) in subsection (7), by repealing everything after "received by that" and substituting---

"Officer---

(a) on or before 16 July in the year following the year in which the request was made in relation to the existing final register for that following year, if that following year is a District Council election year; or

(b) on or before 16 May in the year following the year in which the request was made in relation to the existing final register for that following year, if that following year is not a District Council election year.";

(f) in subsection (8), by repealing "period specified in subsection (4)(a)" and substituting "relevant period specified in subsection (9)(a)";

(g) by adding---

"(9) For the purposes of---

(a) subsections (2) and (8), the relevant period is, in relation to the compilation of---

(i) a final register for a District Council election year, after 16 July but not later than 29 August in that year; or

(ii) a final register for a year which is not a District Council election year, after 16 May but not later than 29 June in that year; or

(b) subsections (3) and (6), the relevant date is, in relation to the compilation of---

(i) a final register for a District Council election year, 29 August in that year; or

(ii) a final register for a year which is not a District Council election year, 29 June in that year.".

16. Electoral Registration Officer to correct entries in provisional register with approval of Revising Officer

Section 18(2)(a) is amended by repealing everything after "addition or" and substituting---

"removal---

(i) in relation to a final register being compiled for a District Council election year, not later than 11 September in that year; or

(ii) in relation to a final register being compiled for a year which is not a District Council election year, not later than 11 July in that year; and".

17. What is to be contained in final register

Section 19(5) is amended by repealing everything after "final register" and substituting---

"to be compiled for---

(a) a District Council election year, only decisions made by the Revising Officer during the period beginning on 15 August and ending on 11 September in that year; or

(b) a year which is not a District Council election year, only decisions made by the Revising Officer during the period beginning on 15 June and ending on 11 July in that year,

are to be taken into account for the purposes of subsection (1)(b), (2), (3) or (4).".

18. Electoral Registration Officer to publish notice

of final register and to make final register available for public inspection

Section 20 is amended---

(a) in subsection (1), by repealing "not later than 25 May in each year, in" and substituting---

"every year---

(a) in the case of a final register compiled for a District Council election year, not later than 25 September; or

(b) in the case of a final register compiled for a year which is not a District Council election year, not later than 25 July, in";

(b) in subsection (6), by adding "or (1A)(b)(i), as the case may be," after "32(1)(b)(i)".

19. Offences and penalties

Section 22 is amended---

(a) in subsection (7)---

(i) in paragraph (a), by repealing "and sections 5, 14 and 23 of Schedule 2 to that Ordinance; and" and substituting a semicolon;

(ii) in paragraph (b), by repealing the full stop and substituting "; and";

(iii) by adding---

"(c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap. 569) and sections 9,

18 and 30 of the Schedule to that Ordinance.";

(b) in subsection (8)---

(i) in paragraph (a), by repealing "and sections 5 and 14 of Schedule 2 to that Ordinance; and" and substituting a semicolon;

(ii) in paragraph (b), by repealing the full stop and substituting "; and";

(iii) by adding---

"(c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) and sections 9 and 18 of the Schedule to that Ordinance.";

(c) by adding---

"(9) In this section, "election" (選舉) has the meaning assigned to it by section 21(5).".

Made this 27th day of December 2002.

WOO Kwok-hing, J.A.

Chairman,

Electoral Affairs Commission

Norman LEUNG Nai-pang

Member,

Electoral Affairs Commission

Elizabeth S. C. SHING

Member,

Electoral Affairs Commission

Explanatory Note

This Regulation amends the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg.)---

(a) to revise the dates in relation to---

(i) the application for registration in electoral registers;

(ii) the requirement for particulars or proof relating to application for registration, and the response thereto;

(iii) the making of inquiries regarding persons registered, and the reply thereto;

(iv) the correction of entries in electoral registers;

(v) the publication and inspection of omissions lists and electoral registers; and

(vi) the lodging, and delivery of copies, of notices of objection and notices of claim,

following the adjustment of the cycle for the compilation of electoral registers as effected by the Electoral Provisions (Miscellaneous Amendments) Ordinance 2002 (33 of 2002);

(b) to provide that whether the name of a person is to be recorded in an electoral register in English or Chinese will depend on whether the person's principal

residential address (instead of the person's signature) is written or printed in English or Chinese on the person's application; and  
(c) to make other consequential and related amendments.