

Electoral Affairs Commission (Registration)  
(Electors for Legislative Council Functional Constituencies) (Voters for Election  
Committee Subsectors) (Members of  
Election Committee) (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(1) of 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.) is  
amended---

(a) in the definition of "existing subsector final register"---

(i) by repealing paragraph (a);

(ii) in paragraph (b), by repealing "any subsequent" and substituting "a";

(b) in the definition of "functional constituencies final register", by adding "or  
(1A)(b)(ii)" after "32(1)(b)(ii)";

(c) in the definition of "functional constituencies provisional register", by adding  
"or (1A)(a)(ii)" after "32(1)(a)(ii)";

(d) in the definition of "subsector final register", by adding "or (1A)(b)" after  
"14(1)(b)";

(e) in the definition of "subsector provisional register", by adding "or (1A)(a)"  
after "14(1)(a)";

(f) 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;"

3. Entries in a functional constituencies register or subsector register to be in  
Chinese or English

Section 6 is amended---

(a) in subsection (1)---

(i) in paragraph (a), by repealing everything after "person's" and substituting  
"principal residential address on the application for registration as an elector or  
voter or on the specified form for the appointment as an authorized representative,  
as the case may be, is in Chinese; or";

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

"(b) in English, if the person's principal residential address on the relevant application or specified form referred to in paragraph (a) is in English.";

(b) in subsection (2), by repealing "was" wherever it occurs and substituting "is".

#### 4. Entries in an Election Committee register

to be in Chinese or English

Section 7 is amended---

(a) in paragraph (a)---

(i) in subparagraph (i), by repealing everything after "member's" and substituting "principal residential address on the application to be registered as an elector for a functional constituency is in Chinese;"

(ii) in subparagraph (ii), by repealing everything after "member's" and substituting "principal residential address on the application to be registered as a voter for a subsector is in Chinese; or";

(iii) in subparagraph (iii), by repealing everything after "member's" and substituting "principal residential address on the application to be registered for a geographical constituency is in Chinese; or";

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

"(b) in English, if the member's principal residential address on the relevant application referred to in paragraph (a) is in English.".

#### 5. Interpretation of Part IV

Section 11(1) is amended---

(a) in the definition of "due date", by repealing everything after "notification," and substituting---

"means---

(a) if the first 16 July that follows the sending of the notification falls in a District Council election year, that 16 July; or

(b) in any other case, the first 16 May that follows the sending of the notification;"

(b) in the definition of "existing geographical constituencies final register", by adding "or (1A)(b)(i)" after "32(1)(b)(i)".

#### 6. Electoral Registration Officer may send notifications

Section 12(2) is amended by repealing everything after "sent," and substituting---

"by post---

(a) in the case of a functional constituencies provisional register or a subsector provisional register being compiled for a District Council election year, at least

14 days before

16 July in that year; or

(b) in the case of a functional constituencies provisional register or a subsector provisional register being compiled for a year which is not a District Council election year, at least 14 days before 16 May in that year."

7. Electoral Registration Officer may send notifications to natural persons eligible to be registered as voters for subsectors

Section 15(2)(a)(i) is amended by adding "or" after the semicolon.

8. Electoral Registration Officer to register persons in the functional constituencies provisional register or subsector provisional register in accordance with response to a notification

Section 16 is amended---

(a) in subsection (4)(b), by repealing ", she or it" and substituting "or she";

(b) in subsection (5)(c), by repealing ", she or it" and substituting "or she";

(c) in subsection (6), by repealing ", she or it" and substituting "or she".

9. When Electoral Registration Officer cannot register persons under a notification

Section 18(1) is amended by repealing everything after "Officer is" and substituting---

"satisfied---

(a) in the case of a functional constituencies provisional register or a subsector provisional register being compiled for a District Council election year, not later than 16 July in that year; or

(b) in the case of a functional constituencies provisional register or a subsector provisional register being compiled for a year which is not a District Council election year, not later than 16 May in that year,

that a notification sent to a person has not reached that person, the Electoral Registration Officer must not register that person under this Part on the basis that he or she has elected to be registered (within the meaning of section 11(3))."

10. How to apply for registration in functional constituencies provisional register and subsector provisional register

Section 19 is amended---

(a) in subsection (1)(a), by repealing everything after the dash and substituting---

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

(ii) if the relevant 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 (4), by repealing everything after "a functional constituency" and substituting---

"or as a voter for a subsector---

(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 functional constituencies provisional register or the subsector provisional register, as the case may be, 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 functional constituencies provisional register or the subsector provisional register, as the case may be, 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 functional constituencies provisional register or the subsector provisional register, as the case may be, 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 functional constituencies provisional register or the subsector provisional register, as the case may be, to be compiled for that following year.";

(c) by repealing subsection (6).

11. A corporate elector or corporate voter to appoint an authorized representative

Section 20(2) is amended---

(a) by repealing "appointment," and substituting "appointment and the personal particulars of the authorized representative";

(b) by repealing paragraphs (a) and (b) and substituting---

"(a) in the case of a form for registration in a functional constituencies provisional register or a subsector provisional register being compiled for a District Council election year, not later than 16 July in that year; or

(b) in the case of a form for registration in a functional

constituencies provisional register or a subsector provisional register being compiled for a year which is not a District Council election year, not later than 16 May in that year."

12. Electoral Registration Officer to determine whether or not applicant is eligible for registration and

may ask for additional information

Section 21(12)(b) is amended by repealing everything after "(2)," and substituting---

"means---

(i) 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

(ii) 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."

13. Electoral Registration Officer may make inquiries regarding persons registered in the existing

functional constituencies or subsector

final register

Section 22(5) is amended by repealing everything after "an existing" and substituting---

"final register---

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

14. Electoral Registration Officer to

prepare an omissions list

Section 24 is amended---

(a) in subsection (1)(i), by repealing "relevant date specified in subsection (6)" and substituting "date referred to in section 22(5)(a) or (b), as the case may be";

(b) in subsection (3), by repealing "relevant date specified in subsection (6)" and substituting "date referred to in section 22(5)(a) or (b), as the case may be,";

(c) by repealing subsection (6);

(d) by repealing subsection (7)(a) and (b) and substituting---

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

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

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

Section 25 is amended---

(a) in subsection (2), by repealing everything after the dash and substituting--  
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"(a) in the case of an omissions list prepared in compiling a functional constituencies provisional register or a subsector provisional register for---

(i) a District Council election year, the period beginning on the date the notice under subsection (1)(a) is published and ending on 29 August in the same year; or

(ii) a year which is not a District Council election year, the period beginning on the date the notice under subsection (1)(a) is published and ending on 29 June in the same year; or

(b) in the case of an Election Committee omissions list, the period beginning on the date the notice under subsection (1)(a) is published and ending on the seventh day after that date.";

(b) by adding---

"(3) The relevant period referred to in subsection (2) is the period prescribed for the purposes of section 32(6) of the Legislative Council Ordinance (Cap. 542) and sections 4(6) and 14(6) of the Schedule to the Chief Executive Election Ordinance (Cap. 569)."

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

Section 26(5) is amended---

(a) by repealing everything after "compilation of---" and before paragraph (e) and substituting---

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

(b) any subsequent functional constituencies provisional register or any subsequent subsector 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; or";

(b) in paragraph (e)---

(i) by repealing subparagraph (i);

(ii) in subparagraph (ii)---

(A) by repealing everything before sub-subparagraph (A) and substituting---

"an Election Committee provisional register ("the first-mentioned Election Committee provisional register")---";

(B) in sub-subparagraph (A)---

(I) by repealing "that subsequent Election Committee provisional register;" and substituting "the first-mentioned Election Committee provisional register; or";

(II) by renumbering it as subparagraph (i);

(C) in sub-subparagraph (B)---

(I) by repealing "that subsequent" and substituting "the first-mentioned";

(II) by renumbering it as subparagraph (ii).

17. What is to be contained in a functional constituencies provisional register

Section 27(c) is amended---

(a) in subparagraph (i), by repealing everything after "registered under" and substituting---

"Part IV---

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

(B) in the case of any subsequent functional constituencies provisional register to be compiled for---

(I) 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

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

(aa) 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

(bb) 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; and";

(b) in subparagraph (ii), by repealing everything after "received by that" and substituting---

"Officer---

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

(B) in the case of any subsequent functional constituencies provisional register to be compiled for---

(I) 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

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

(aa) 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

(bb) 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; and".

18. What is to be contained in a subsector provisional register

Section 28 is amended---

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

(i) by repealing subparagraph (i)(A) and (B) and substituting---

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

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

(I) 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

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



(aa) 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

(bb) 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; and";

(ii) by repealing subparagraph (ii)(A), (B) and (C) and substituting---

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

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

(I) 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

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

(aa) 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

(bb) 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; and";

(b) in subsection (2), by repealing "Subject to subsection (2A), the" and substituting "The";

(c) by repealing subsection (2A).

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

Section 29 is amended---

(a) in subsection (1)---

(i) by repealing everything before paragraph (d) and substituting---

"(1) The Electoral Registration Officer must publish-

--

(a) every year---

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

(ii) in the case of a functional constituencies

provisional register or a subsector provisional register compiled for a year which is not a District Council election year, not later than 15 June; or";

(ii) by repealing "publish in" and substituting "in";

(b) in subsection (3)---

(i) by adding before paragraph (ab)---

"(a) in the case of a functional constituencies provisional register or a subsector provisional register compiled for---

(i) 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

(ii) 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; or";

(ii) in paragraph (ab)---

(A) by repealing "the subsector provisional register to be compiled for the year 2001 or";

(B) by repealing "; and" and substituting a comma;

(iii) by repealing paragraph (b);

(c) by adding---

"(5A) Publication of a notice under subsection (1), relating to a functional constituencies provisional register, is to be treated as the publication of the functional constituencies provisional register for the purposes of section 32(1)(a)(ii) or (1A)(a)(ii), as the case may be, of the Legislative Council Ordinance (Cap. 542).";

(d) in subsection (6), by repealing "14(1)" and substituting "14(1)(a) or (1A)(a), as the case may be,".

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

Section 30(2)(c) is amended by repealing everything after the dash and substituting---

"(i) if the objection relates to a person registered in a functional constituencies provisional register or a subsector provisional register compiled for---

(A) a District Council election year, not later than 29 August in that year; or

(B) a year which is not a District Council election year, not later than 29 June in that year; or

(ii) if the objection relates to a person registered in an Election Committee

provisional register, not later than the seventh day after the date of publication of the relevant Election Committee provisional register."

21. Who may lodge a notice of claim

Section 31 is amended---

(a) in subsection (8), by repealing everything after "Officer---" and substituting---

"(a) if the claim relates to a functional constituencies register or a subsector register compiled, or an omissions list prepared in compiling a functional constituencies provisional register or a subsector provisional register, for---

(i) a District Council election year, not later than 29 August in that year; or

(ii) a year which is not a District Council election year, not later than 29 June in that year; or

(b) if the claim relates to an Election Committee register or an Election Committee omissions list, not later than the seventh day after the date of publication of the relevant Election Committee provisional register.";

(b) in subsection (9), by repealing "(8)(ab)(i) or (b)" and substituting "(8)(a)(i) or (ii)";

(c) in subsection (10), by repealing "(5)(c) and (d)" and substituting "(5)(a) and (b)".

22. Electoral Registration Officer to deliver copies of notices of objection, notices of claim and notices of appeal to Revising Officer

Section 32 is amended---

(a) in subsection (2)---

(i) by repealing paragraph (ab) and substituting---

"(ab) in the case of a notice received in respect of a functional constituencies register or a subsector register compiled, or an omissions list prepared in compiling a functional constituencies provisional register or a subsector provisional register, for---

(i) a District Council election year, not later than 2 September in that year; or

(ii) a year which is not a District Council election year, not later than 2 July in that year; or";

(ii) in paragraph (ac)---

(A) by repealing "the Election" where it twice occurs and

substituting "an Election";

(B) by repealing "; and" and substituting a full stop;

(iii) by repealing paragraph (b);

(b) in subsection (3)---

(i) in paragraph (a), by repealing "and" and substituting "or";

(ii) in paragraph (b), by repealing everything after "referred to in" and substituting---

"section 31A(2)(d)---

(i) if the first 2 September that follows the second day after the day on which the notice is so received falls in a District Council election year, not later than that 2 September; or

(ii) in any other case, not later than the first 2 July that follows the second day after the day on which the notice is so received."

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

Section 33 is amended---

(a) in subsection (2)(a), by repealing "(4)(a)" and substituting "(10)(a)";

(b) in subsection (3), by repealing "(4)(b)" and substituting "(10)(b)";

(c) by repealing subsection (4);

(d) in subsection (6), by repealing "(4)(a)" and substituting "(10)(a)";

(e) by repealing subsection (7)(a) and substituting---

"(a) in relation to the compilation of a functional constituencies provisional register or a subsector provisional register---

(i) 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

(ii) 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; or";

(f) in subsection (8), by repealing "(4)(a)" and substituting "(10)(a)";

(g) by adding---

"(10) For the purposes of---

(a) subsections (2), (6) and (8), the relevant period is, in relation to the compilation of---

(i) a functional constituencies final register or a subsector final register for---

(A) a District Council election year, after 16 July but

not later than 29 August in that year; or

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

(ii) an Election Committee final register, after the relevant date within the meaning of section 4 of the Schedule to the Chief Executive Election Ordinance (Cap. 569) in relation to the compilation of the relevant Election Committee provisional register but not later than the seventh day after the date of publication of that provisional register; or

(b) subsection (3), the relevant date is, in relation to the compilation of a functional constituencies final register or a subsector final register for---

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

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

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

Section 34(2)(a) is amended---

(a) by adding before subparagraph (ia)---

"(i) in relation to a functional constituencies final register or a subsector final register being compiled for---

(A) a District Council election year, not later than 11 September in that year; or

(B) a year which is not a District Council election year, not later than 11 July in that year; or";

(b) in subparagraph (ia)---

(i) by repealing "the subsector final register to be compiled for the year 2001 or";

(ii) by adding "Election Committee" after "relevant";

(c) by repealing subparagraph (ii).

25. What is to be contained in a functional constituencies final register

Section 35(5) is amended by repealing everything after "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)."

26. What is to be contained in a  
subsector final register

Section 36(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)."

27. Electoral Registration Officer to publish notice  
of and make available for public inspection  
functional constituencies final register  
and subsector final register

Section 38 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 functional constituencies final register or a subsector final register compiled for a District Council election year, not later than 25 September; or

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

in";

(b) in subsection (5), by repealing "32(1)(b)" and substituting "32(1)(b)(ii) or (1A)(b)(ii), as the case may be,";

(c) in subsection (6), by repealing "14(1)" and substituting "14(1)(b) or (1A)(b), as the case may be,".

## 28. Offences and penalties

Section 42 is amended---

(a) in subsection (9)(c), by adding ", 20" after "sections 14";

(b) in subsection (10)(c), by repealing "section 14" and substituting "sections 14 and 20";

(c) by adding---

"(11) In this section, "election" (選舉) has the meaning assigned to it by section 41(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) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg.)---

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

(i) the sending of notifications to natural persons for them to elect to be registered, and the response thereto;

(ii) the application for registration in a functional constituencies register or a subsector register;

(iii) the giving of notices of appointment of authorized representatives;

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

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

(vi) the correction of entries in functional constituencies registers, subsector registers and Election Committee registers;

(vii) the publication and inspection of omissions lists and functional

constituencies registers and subsector registers; and

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

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 a functional constituencies register, a subsector register or an Election Committee register, as the case may be, 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.