

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)
(LEGISLATIVE COUNCIL)(AMENDMENT) REGULATION 2004

RESOLVED that the Electoral Affairs Commission (Electoral Procedure)(Legislative Council)(Amendment) Regulation 2004, published in the Gazette as Legal Notice No. 84 of 2004 and laid on the table of the Legislative Council on 19 May 2004, be amended -

- (a) in section 2(a)(iii)(A), by repealing "(視何者適用而定)" and substituting "(視何者適用而定)";
- (b) in section 14, in the heading, by adding "某" before "地方選區";
- (c) in section 19(a), in the new section 28(1B), by repealing "200" and substituting "500";

(d) in section 19(a), in the new section 28(1C), by adding "any of the small polling" before "stations,";

(e) by adding -

"27A. Presiding Officer to exhibit at polling station notice providing information for the guidance of electors

Section 39 is amended by adding -

"(1A) The Presiding Officer of a small polling station must ensure that, before the commencement of the poll, a notice providing information of the main counting station designated for counting the votes of the small polling station is exhibited outside the small polling station.";

(f) by repealing section 29(a) and substituting -

"(a) in subsection (1) -

(i) in paragraph (a), by repealing "(17)(a)" and substituting "(17)";

(ii) by adding -

"(aa) conduct any activity for canvassing for votes, so that the sound of the activity

can be heard in the
no canvassing zone;" ;

(iii) in paragraph (ca) -

(A) by repealing "(17)(b)" and
substituting "(18)";

(B) by adding "or wear" after
"display";

(C) by repealing "or clothing"
and substituting ",
clothing or head-dress";

(D) by repealing subparagraph

(ii) and substituting -

"(ii) makes direct

reference to -

(A) a body any

member of

which is

standing as

a candidate

in the

election; or

(B) a prescribed

body the

registered

name or

registered

emblem of
which has
been printed
on any
ballot paper
for the
election;
or";";

- (g) by repealing section 32(a) and substituting -
 - "(a) in subsection (1), by repealing "Presiding Officer" and substituting "Returning Officer, Assistant Returning Officer, Presiding Officer or any polling officer";";
- (h) in section 32(b), in the new section 45(2)(b), by adding "或界別" after ")有關選區";
- (i) in section 32(d), by repealing the full stop and substituting a semicolon;
- (j) in section 32, by adding -
 - "(e) in subsection (7), by repealing everything after "an" and substituting -
 - "offence -
 - (a) under subsection (2)
is liable to a fine
at level 2 and to

imprisonment for 6
months;

(b) under subsection (1),
(3), (4) or (5) is
liable to a fine at
level 2 and to
imprisonment for 3
months.".";

(k) in section 36, in the new section 53A, by adding -

"(8) In this section, references to
"elector" are to be construed as including an
authorized representative.";

(l) in section 37(c), in the new section 54(3)(a), by
repealing "内";

(m) in section 37(c), in the new section 54(3)(b), by
repealing "内" where it secondly appears;

(n) in section 42, in the new section 63A(3), by
repealing everything after "boxes" and substituting
", the sealed packets and the ballot paper accounts
prepared by that Officer to the Presiding Officer
of the main counting station.".";

(o) in section 49(b), in the new section 69(2), by
repealing everything after "of the counting" where
it first appears and substituting -

"station,

the Chief Returning Officer or the Returning

Officer, as may be appropriate, may order the person to leave the counting station or the vicinity of the counting station, as the case may be, immediately." ;"

(p) by repealing section 50(a) and substituting -

"(a) in subsection (1), by repealing everything after "power under" and substituting -

"section 28(9)(a) -

(a) the Presiding Officer of a GC polling station which is also designated as a counting station (other than a main counting station) must deliver or arrange to be delivered to the central counting station the ballot boxes for the FC ballot papers from that

Officer's
polling station,
together with
the sealed
packets under
section 63 and
the ballot paper
accounts
prepared by that
Officer for the
functional
constituencies;
and

(b) the Presiding
Officer of a GC
polling station
which is also
designated as a
main counting
station must, in
addition to the
ballot boxes,
sealed packets
and ballot paper
accounts
referred to in

paragraph (a),
deliver or
arrange to be
delivered to the
central counting
station the
relevant ballot
box or boxes,
sealed packets
and ballot paper
accounts
delivered to
that Officer
under section
63A(3) for the
functional
constituencies."
";

(q) in section 55(c), by adding -

"(ia) in paragraph (a), by repealing "Chief
Returning Officer or to the";";

(r) in section 63, in the new section 79A(1), by adding
"recorded on the GC ballot papers for a
geographical constituency (other than those
recorded on the GC ballot papers to be handed over
to the Returning Officer under section 74(8)(c))"

before "are counted";

- (s) in section 63, in the new section 79A(3), by repealing "completion of the count or re-count," and substituting "completion, of the count or re-count";
- (t) in section 63, in the new section 79A(5), by adding "under subsection (4)" after "constituency" where it first appears;
- (u) in section 63, by repealing the new section 79A(6), (7), (8), (9) and (10) and substituting -

"(6) After the Returning Officer has been notified of the results of the counting of votes of all the counting stations for the geographical constituency under subsection (5), that Officer must make known the results to the candidates or their election agents or counting agents at the place specified by the Returning Officer. If a candidate or the election agent of the candidate who is present at the specified place makes a request to the Returning Officer for a re-count of the votes of all the counting stations for the geographical constituency, that Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.

(7) After the Returning Officer has made known the results under subsection (6), that Officer must also make known the estimated number of GC ballot papers to be handed over to him under section 74(8)(c) for the geographical constituency (if any) to the candidates or their election agents or counting agents at the place specified by the Returning Officer. A candidate or the election agent of the candidate who is present at the specified place may make a request to the Returning Officer for a re-count of the votes of all the counting stations for the geographical constituency and the votes recorded on the GC ballot papers to be handed over to that Officer under section 74(8)(c) for the geographical constituency.

(8) Where there is no request for a re-count of the votes of all the counting stations for the geographical constituency under subsection (6) or such request is rejected by the Returning Officer, that Officer must add together -

- (a) the results made known under subsection (6); and

(b) the result of the counting of the votes recorded on the GC ballot papers handed over to that Officer under section 74(8)(c) for the geographical constituency (if any),

and make known the aggregate result to the candidates or their election agents or counting agents at the place specified by the Returning Officer. If a candidate or the election agent of the candidate who is present at the specified place makes a request to the Returning Officer for a re-count of the votes referred to in paragraph (b), that Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.

(9) If the Returning Officer decides to comply with the request referred to in subsection (6), that Officer must require all the Assistant Returning Officers to instruct the Presiding Officers of the counting stations in their respective charge to conduct a re-count at the relevant counting stations forthwith.

(10) The Presiding Officer of each of the counting stations for the geographical constituency must make known the result of the re-count at the counting station to the candidates or their election agents or counting agents who are present at the counting station and must report that result to the relevant Assistant Returning Officer.

(11) After the Assistant Returning Officer has been notified of the results of the re-count of all the counting stations in his charge for the geographical constituency under subsection (10), that Officer must make known the results to the Returning Officer for the geographical constituency.

(12) After the Returning Officer has been notified of the results of the re-count of all the counting stations for the geographical constituency under subsection (11), that Officer must add together -

- (a) such results; and
- (b) the result of the counting of the votes recorded on the GC ballot papers handed over to that Officer under section

74(8)(c) for the
geographical constituency
(if any),

and make known the aggregate result to the candidates or their election agents or counting agents at the place specified by the Returning Officer. If a candidate or the election agent of the candidate who is present at the specified place makes a request to the Returning Officer for a re-count of the votes referred to in paragraph (b), that Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.

(13) Subject to subsection (14), if the Returning Officer decides to comply with a request referred to in subsection (7), that Officer must conduct a re-count of -

- (a) the votes of all the counting stations in accordance with the steps as described in subsections (9), (10) and (11);
and
- (b) the votes recorded on the GC ballot papers handed over to that Officer under section

74(8)(c) for the geographical
constituency,

and make known the final result to the
candidates or their election agents or
counting agents at the place specified by that
Officer. When the final result has been made
known, the counting of the votes and re-counts
are completed for the purposes of section
83(1).

(14) The Returning Officer must not
conduct a re-count under subsection (7) -

(a) unless the request for such
re-count is made immediately
after that Officer makes known,
under that subsection, the
estimated number of GC ballot
papers to be handed over to
him under section 74(8)(c) for
the geographical constituency;
or

(b) if the estimated number of GC
ballot papers to be handed
over to that Officer under
section 74(8)(c) for the
geographical constituency is
less than the difference

between the numbers of
remaining votes cast for any 2
lists of candidates for the
geographical constituency, as
determined in accordance with
the counting system under
section 49 of the Legislative
Council Ordinance (Cap. 542).";

(v) by adding -

**"72A. Enforcement of provisions
as to secrecy**

Section 96(10) is amended by repealing

"3" and substituting "6".";

(w) in section 78, by adding -

"(ba) in section 5(1) and (5), by repealing "or
section 18 of Schedule 2 to that
Ordinance";";

(x) by repealing section 78(c)(i) and substituting -

"(i) in subsection (1) -

(A) by repealing "or section 18 of
Schedule 2 to that Ordinance";

(B) by adding "or the Presiding Officer,
as may be appropriate," after
"Returning Officer";".