

立法會
Legislative Council

LC Paper No. LS66/07-08

**Paper for the House Committee Meeting
on 28 March 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 20 March 2008**

Date of tabling in LegCo : 9 April 2008

Amendment to be made by : 7 May 2008 (or 28 May 2008 if extended by resolution)

**Electoral Affairs Commission Ordinance (Cap. 541)
Electoral Affairs Commission (Electoral Procedure) (Legislative Council)
(Amendment) Regulation 2008 (L.N. 66)**

The Amendment Regulation is made by the Electoral Affairs Commission to prepare for the 2008 LegCo election. The amendments are mainly to effect re-alignments to tally the electoral procedures, where appropriate, with those for the Chief Executive, Election Committee Subsector and District Council elections and improvements to the polling-cum-counting arrangements. There are also minor amendments to improve the drafting and to clarify certain provisions of the principal Regulation.

2. The main re-alignments relate to minor adjustments to the duties of the Presiding Officers, allowing polling agents to stay in the polling station while it is being converted into a counting station and more opportunities for inspection of invalid ballot papers.

3. To facilitate the polling-cum-counting arrangement for the 2008 LegCo election, a new provision is introduced to allow the counting of votes at a counting station whose venue has to be returned to its management on the next day to be continued in another counting station. Where this is necessary, the Presiding Officer concerned must in the presence of the persons entitled to be present to oversee the counting process arrange the relevant election materials to be transferred to the new counting station.

4. At its meeting on 21 January, the Panel on Constitutional Affairs was briefed on the proposed amendments. Members expressed concerns and requested improvements over certain practical aspects in the implementation of the electoral arrangements in the light of the experience from the 2007 District Council election and the 2007 LegCo Hong Kong Island Geographical by-election.

5. LegCo Brief REO 14/30/4(CR) issued by the Registration and Electoral Office in March 2008 is relevant. The Amendment Regulation will commence operation on 1 June 2008. There are no difficulties with its drafting.

Prepared by
Arthur CHEUNG Ping-kam
Senior Assistant Legal Adviser
Legislative Council Secretariat
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