

**HONG KONG SPECIAL ADMINISTRATIVE REGION**

---

ORDINANCE No. 7 OF 2009

L.S.

Donald TSANG  
Chief Executive  
25 June 2009

An Ordinance to amend the Chief Executive Election Ordinance, the Legislative Council Ordinance, the District Councils Ordinance and the Village Representative Election Ordinance to remove restrictions on—

- (a) registration of persons who have been sentenced to death or imprisonment, persons who are serving a sentence of imprisonment and persons who have been convicted of certain election-related or bribery-related offences as electors under the Legislative Council Ordinance and the Village Representative Election Ordinance; and
- (b) voting at elections of the Chief Executive, members of the Legislative Council, members of District Councils, members of the Election Committee and village representatives by those persons.

[ ]

Enacted by the Legislative Council.

**PART 1**

**PRELIMINARY**

**1. Short title**

This Ordinance may be cited as the Voting by Imprisoned Persons Ordinance.

## 2. Commencement

This Ordinance comes into operation on a day to be appointed by the Secretary for Constitutional and Mainland Affairs by notice published in the Gazette.

## PART 2

### AMENDMENTS TO THE CHIEF EXECUTIVE ELECTION ORDINANCE

## 3. Disqualification from voting

(1) Section 26(*a*) of the Chief Executive Election Ordinance (Cap. 569) is amended by adding “or” at the end.

(2) Section 26(*b*) is repealed.

(3) Section 26(*c*) is amended by repealing “(*c*).”.

(4) Section 26(*c*) is amended by repealing “; or” and substituting a comma.

(5) Section 26(*d*) is repealed.

## 4. Election Committee

The Schedule is amended by repealing section 30(1)(*b*), (*c*) and (*d*).

## PART 3

### AMENDMENTS TO THE LEGISLATIVE COUNCIL ORDINANCE

## 5. Who is eligible to be registered as an elector: geographical constituencies

Section 24 of the Legislative Council Ordinance (Cap. 542) is amended by adding—

“(3) Subsection (2)(*b*) does not apply to a person who—

(*a*) is serving a sentence of imprisonment; and

(*b*) does not have a home in Hong Kong outside the prison.”.

**6. Elector to reside in Hong Kong**

(1) Section 28 is amended by adding—

“(1A) If—

(a) a person serving a sentence of imprisonment applies for registration as an elector in the register of geographical constituencies; and

(b) at the time of the application, the person does not have a home in Hong Kong outside the prison,

the prescribed address, as defined in subsection (1B), is deemed to be the person’s only or principal residence in Hong Kong for the purposes of subsection (1).

(1B) In subsection (1A), “prescribed address” (訂明地址) means—

(a) the last dwelling-place in Hong Kong at which the person resided and which constituted the person’s sole or main home; or

(b) if no address is established to the satisfaction of the Electoral Registration Officer to be the last dwelling-place in Hong Kong at which the person resided and which constituted the person’s sole or main home, the residential address of the person furnished under regulation 4(1)(b) or 18(1) of the Registration of Persons Regulations (Cap. 177 sub. leg. A) and last recorded under those Regulations.”.

(2) Section 28 is amended by adding—

“(2A) If—

(a) an elector is serving a sentence of imprisonment; and

(b) the elector no longer has a home in Hong Kong outside the prison,

the residential address of the elector last notified to the Electoral Registration Officer is deemed to continue to be the elector’s only or principal residence in Hong Kong for the purposes of subsection (2).”.

**7. When person is disqualified from being registered as an elector**

Section 31(1)(a), (b) and (c) is repealed.

**8. When an elector is disqualified from voting at an election**

Section 53(5)(a), (b) and (c) is repealed.

PART 4

AMENDMENT TO THE DISTRICT COUNCILS ORDINANCE

**9. When an elector is disqualified from voting  
at an election**

Section 30(*b*), (*c*) and (*d*) of the District Councils Ordinance (Cap. 547) is repealed.

PART 5

AMENDMENTS TO THE VILLAGE REPRESENTATIVE ELECTION  
ORDINANCE

**10. When an elector is disqualified from voting  
at an election**

Section 14(*b*), (*c*) and (*d*) of the Village Representative Election Ordinance (Cap. 576) is repealed.

**11. When a person is disqualified from being  
registered as an elector**

Section 16(*a*), (*b*) and (*c*) is repealed.