

L.N. 130 of 2009**ELECTORAL AFFAIRS COMMISSION (ELECTORAL
PROCEDURE) (LEGISLATIVE COUNCIL)
(AMENDMENT) REGULATION 2009****CONTENTS**

Section	Page
1. Commencement	B1425
2. Interpretation	B1425
3. A candidate or a list of candidates may appoint election agent	B1427
4. Chief Electoral Officer to appoint polling hours and to give notice in the Gazette	B1429
5. Chief Electoral Officer to designate polling stations, counting stations, small polling stations and main counting stations	B1429
6. Chief Electoral Officer to assign polling stations for constituencies and to allocate polling stations to electors and authorized representatives	B1431
7. Chief Electoral Officer to send poll cards to electors and authorized representatives	B1433
8. Presiding Officer to exhibit at polling station notice providing information for the guidance of electors	B1433
9. Presiding Officer to keep order in no canvassing zone and no staying zone	B1435
10. Candidates may appoint polling agents	B1435
11. Chief Electoral Officer to delineate polling stations on a map and display map outside the polling station	B1437
12. Who may enter or be present at a polling station	B1439
13. What constitutes an offence at a polling station	B1439
14. Presiding Officer to keep order at the polling station	B1439
15. A candidate or election agent or polling agent may challenge a person who has applied for a ballot paper or who has voted	B1441

Section	Page
16. Elector who has not cast vote may return to cast vote with permission.....	B1441
17. Steps to be taken at the close of the poll: a polling station which is not a small polling station.....	B1443
18. Steps to be taken at the close of the poll: a small polling station	B1443
19. Returning Officer and Presiding Officer to give notice of time and place of counting of votes to candidates	B1445
20. Section 66A added	
66A. Appointment of Presiding Officer of ballot paper sorting station	B1445
21. Ballot boxes for FC ballot papers to be delivered to the counting station.....	B1447
22. Arrangements for the supervision of counting station and counting zone.....	B1447
23. Arrangements for verification of ballot paper account at GC counting station.....	B1447
24. Section 74AA added	
74AA. Arrangements for sorting in ballot paper sorting stations	B1449
25. Counting of votes for geographical constituencies.....	B1449
26. Returning Officer or Presiding Officer to seal ballot papers in packets	B1451
27. Returning Officer or Presiding Officer to send ballot papers, accounts, packets, etc. to Chief Electoral Officer.....	B1451
28. Section 90A added	
90A. Certain visitors of electors or authorized representatives in custody not to canvass for votes	B1451
29. Electoral officers, candidates and agents to make declaration of secrecy.....	B1451
30. Enforcement of provisions as to secrecy.....	B1451
31. Procedure after election proceedings are terminated.....	B1453

**ELECTORAL AFFAIRS COMMISSION (ELECTORAL
PROCEDURE) (LEGISLATIVE COUNCIL)
(AMENDMENT) REGULATION 2009**

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

1. Commencement

This Regulation comes into operation on a day to be appointed by the Chairman of the Electoral Affairs Commission by notice published in the Gazette.

2. Interpretation

(1) Section 2(1) of the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation (Cap. 541 sub. leg. D) is amended, in the definition of “counting zone”, by repealing “for a particular constituency”.

(2) Section 2(1) is amended, in the definition of “Presiding Officer”, by repealing everything after “means” and substituting—

“—

- (a) in relation to a polling station, the person appointed under section 34(1) as the Presiding Officer for that polling station;
- (b) in relation to a ballot paper sorting station, the person appointed under section 66A(1) as the Presiding Officer for that ballot paper sorting station;”.

(3) Section 2(1) is amended, in the definition of “verification of the ballot paper account”, by repealing “or (b)(ii)” and substituting “or (b)(iii), 74AA(c)”.

(4) Section 2(1) is amended by adding—

““ballot paper sorting station” (選票分流站) means a place designated as a ballot paper sorting station under section 28;

“dedicated polling station” (專用投票站) means a place designated as a dedicated polling station under section 28;

“in custody” (受羈押), in relation to a person, means the person is—

- (a) serving a sentence of imprisonment;
- (b) detained by the Correctional Services Department on remand; or
- (c) otherwise detained by any law enforcement agency under any lawful authority;

“law enforcement agency” (執法機關) means—

- (a) the Customs and Excise Department;
- (b) the Hong Kong Police Force;
- (c) the Immigration Department;
- (d) the Independent Commission Against Corruption; or
- (e) any other department of the Government any officer of which is empowered by any Ordinance to exercise a power of arrest;

“maximum security prison” (高度設防監獄) means a prison which is specified as a maximum security prison under rule 47A(1)(b) of the Prison Rules (Cap. 234 sub. leg. A);”.

(5) Section 2(6)(a) is amended by adding “and a ballot paper sorting station” after “main counting station”.

(6) Section 2(6)(b) is amended by repealing “and a special polling station” and substituting “, a special polling station and a dedicated polling station”.

3. A candidate or a list of candidates may appoint election agent

(1) Section 23(18)(b) is amended by repealing “or”.

(2) Section 23(18)(c) is amended by repealing the full stop and substituting a semicolon.

(3) Section 23(18) is amended by adding—

“(d) subject to paragraph (e), be present in a dedicated polling station situated in a prison unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to his or her presence; or

(e) be present in a dedicated polling station situated in a maximum security prison.”.

(4) Section 23 is amended by adding—

“(19) The Commissioner of Correctional Services must not give consent to an election agent under subsection (18)(d) in respect of a polling station if a polling agent has been appointed under section 42 by the same candidate or list of candidates for that polling station.

(20) Despite subsection (18)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—

- (a) an elector in custody or authorized representative in custody who is entitled to vote for the relevant constituency at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
- (b) the application is lodged without undue delay after the admission or transfer.

(21) If the Commissioner of Correctional Services refuses to give consent under subsection (18)(d), the Commissioner must notify the candidate, any candidate on the list of candidates or the election agent as soon as practicable.”.

4. Chief Electoral Officer to appoint polling hours and to give notice in the Gazette

- (1) Section 27 is amended by repealing the heading and substituting—
“**Appointment and notification of polling hours**”.
- (2) Section 27(1) is amended by repealing “The” and substituting “Subject to subsections (2A) and (2B), the”.
- (3) Section 27 is amended by adding—
“(2A) The Commissioner of Correctional Services may assign a time slot during the polling hours appointed for a dedicated polling station situated in a prison to an elector in custody to whom the polling station is allocated under section 30.
(2B) Subject to section 53A, an elector to whom a time slot is assigned under subsection (2A) may only cast his or her vote during the time slot.”.
- (4) Section 27 is amended by adding—
“(3A) The Commissioner of Correctional Services must assign the time slot so as to give the electors a reasonable opportunity to vote.”.
- (5) Section 27 is amended by adding—
“(4A) The Commissioner of Correctional Services must, as early as practicable before the commencement of the poll, notify all electors to whom time slots are assigned under subsection (2A) of the time slot assigned to each of them.”.

5. Chief Electoral Officer to designate polling stations, counting stations, small polling stations and main counting stations

- (1) Section 28 is amended by repealing the heading and substituting—

**“Designation of polling stations,
counting stations and ballot
paper sorting stations”.**

(2) Section 28(1) is amended by repealing everything after “published in the” and substituting—

“Gazette—

- (a) one or more places as a polling station or polling stations for conducting a poll in respect of an election;
- (b) one or more places as a counting station or counting stations for counting of the votes; and
- (c) one or more places as a ballot paper sorting station or ballot paper sorting stations for sorting GC ballot papers received from dedicated polling stations in a general election.”.

(3) Section 28 is amended by adding—

“(1BA) Without affecting subsection (1B), the Chief Electoral Officer must designate one or more places as a dedicated polling station or dedicated polling stations at which electors in custody or authorized representatives in custody are allocated to vote.”.

(4) Section 28(1C) is amended by repealing everything after “is a small polling station” and substituting—

“or a dedicated polling station, the Chief Electoral Officer must designate a polling station (other than a small polling station or a dedicated polling station) as a main counting station for the purpose of counting the votes cast at the polling station and the small polling station, the small polling stations, the dedicated polling station or the dedicated polling stations, as may be appropriate.”.

**6. Chief Electoral Officer to assign polling stations for
constituencies and to allocate polling stations to
electors and authorized representatives**

(1) Section 30(4)(a) is amended by repealing “must allocate to a GC elector, a GC polling station” and substituting “subject to paragraph (aa), must allocate to a GC elector a GC polling station that is, as far as practicable,”.

(2) Section 30(4) is amended by adding—

“(aa) may allocate to a GC elector who will be serving a sentence of imprisonment on the polling day a dedicated polling station to cast the vote for the geographical constituency;”.

(3) Section 30(5) is amended by repealing “(4)(a),” and substituting “(4)(a) or (aa)”.

(4) Section 30 is amended by adding—

“(6) A prescribed public officer must, upon a request by the Chief Electoral Officer, provide the prescribed information concerning every person in custody who is detained by the public officer to enable the Chief Electoral Officer to perform his or her functions under this section in relation to electors and authorized representatives.

(7) In subsection (6)—

“prescribed information” (訂明資料) means—

- (a) the name of the person;
- (b) the number of the person’s identity document; and
- (c) the name and address of the premises in which the person is detained;

“prescribed public officer” (訂明公職人員) means—

- (a) the Commissioner of Correctional Services; or
- (b) the head of any law enforcement agency.”.

7. Chief Electoral Officer to send poll cards to electors and authorized representatives

Section 31 is amended by adding—

“(3A) A poll card sent to an elector or authorized representative who will be serving a sentence of imprisonment in a prison on the polling day must be addressed to the elector or authorized representative and sent, as far as practicable, to the prison.”.

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

(1) Section 39(1) is amended by repealing everything after “Presiding” and substituting—

“Officer of a polling station must ensure that a notice providing information for the guidance of electors and authorized representatives in voting procedure is—

- (a) exhibited—
 - (i) if the polling station is not a dedicated polling station, outside the polling station; or
 - (ii) if the polling station is a dedicated polling station, inside the polling station; and
- (b) exhibited inside every voting compartment of the polling station.”.

(2) Section 39(1A) is amended by repealing everything after “the votes” and substituting “cast at the polling station is exhibited outside the polling station.”.

(3) Section 39 is amended by adding—

“(1B) The Presiding Officer of a dedicated polling station must ensure that, before the commencement of the poll, there is exhibited inside the polling station a notice providing—

- (a) information of the ballot paper sorting station, if any, designated for sorting the ballot papers received from the polling station; and
- (b) information of the counting station or stations designated for counting the votes cast at the polling station.”.

9. Presiding Officer to keep order in no canvassing zone and no staying zone

Section 41(3) is amended by repealing everything after “be removed” and substituting—

“by—

- (a) a police officer;
- (b) a person authorized in writing by the Returning Officer or the Presiding Officer, as may be appropriate; or
- (c) if the no canvassing zone or the no staying zone, as may be appropriate, is determined in relation to a dedicated polling station, an officer of the Correctional Services Department or any law enforcement agency.”.

10. Candidates may appoint polling agents

(1) Section 42 is amended by adding—

“(8A) Despite subsections (1), (3), (4), (5) and (8)—

- (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate or a list of candidates for a dedicated polling station situated in a prison;
- (b) no polling agent may be appointed by a candidate or a list of candidates for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 23(18)(d) to the presence of the election agent of that candidate or list of candidates in that polling station;

- (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and
- (d) without affecting subsection (10), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to the appointment.

(8B) Despite subsection (8A)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—

- (a) an elector in custody or authorized representative in custody who is entitled to vote for the relevant constituency at the polling station concerned is admitted or transferred to the prison concerned during that week; and
- (b) the application is lodged without undue delay after the admission or transfer.

(8C) If the Commissioner of Correctional Services refuses to give consent under subsection (8A)(d), the Commissioner must notify the candidate, any candidate on the list of candidates or the election agent of the candidate or list of candidates as soon as practicable.”.

(2) Section 42(9) is amended by repealing everything before paragraph (a) and substituting—

“(9) A notice appointing a polling agent for a polling station other than a dedicated polling station situated in a prison must, if it is not given under subsection (8), be delivered on the polling day to the Presiding Officer of the polling station—”.

11. Chief Electoral Officer to delineate polling stations on a map and display map outside the polling station

(1) Section 43 is amended, in the heading, by repealing “**outside the polling station**”.

(2) Section 43(1) is amended by repealing everything after “or plans.”.

(3) Section 43 is amended by adding—

“(1A) The Chief Electoral Officer must display a map or plan referred to in subsection (1)—

- (a) subject to paragraph (b), outside the polling station concerned; and
- (b) if the map or plan is prepared for a dedicated polling station, inside the polling station.”.

12. Who may enter or be present at a polling station

Section 44 is amended by adding—

“(6A) Subsection (6) does not apply to a dedicated polling station situated in a maximum security prison.”.

13. What constitutes an offence at a polling station

(1) Section 45(6) is amended by adding—

- “(ga) an officer of the Correctional Services Department on duty at a dedicated polling station;
- (gb) an officer of any law enforcement agency on duty at a dedicated polling station;”.

(2) Section 45(6)(i) is amended, in the English text, by repealing “the polling” and substituting “a polling”.

14. Presiding Officer to keep order at the polling station

(1) Section 46 is amended by adding—

“(2A) If an elector or authorized representative who is allocated to vote at a dedicated polling station fails to cast his or her vote without undue delay pursuant to section 54(4), the Returning Officer or the Presiding Officer may order him or her to leave the polling station immediately.”.

(2) Section 46(3) is amended by repealing everything after “do so under” and substituting—

“subsection (2) or (2A), the person may be removed—

- (a) if the polling station is not a dedicated polling station, by a police officer or by a person authorized in writing by the Returning Officer or the Presiding Officer, as may be appropriate; or
- (b) if the polling station is a dedicated polling station, by—

- (i) a person authorized in writing by the Returning Officer or the Presiding Officer, as may be appropriate;
- (ii) an officer of the Correctional Services Department; or
- (iii) an officer of any law enforcement agency.”.

(3) Section 46(5) is amended by repealing “this section” and substituting “subsection (2)”.

15. A candidate or election agent or polling agent may challenge a person who has applied for a ballot paper or who has voted

(1) Section 52(1) is amended by repealing “request a police officer to arrest that person” and substituting “take the step specified in subsection (2A)”.

(2) Section 52(2) is amended by repealing “request a police officer to arrest that person” and substituting “take the step specified in subsection (2A)”.

(3) Section 52 is amended by adding—

“(2A) The step specified for the purposes of subsections (1) and (2) is—

- (a) if the polling station is not a dedicated polling station, requesting a police officer to arrest the person concerned; or
- (b) if the polling station is a dedicated polling station, requesting an officer of the Correctional Services Department or any law enforcement agency to remove the person concerned from the polling station and report the case to the police.”.

(4) Section 52(3) is amended by adding “pursuant to a request made” before “under subsection (2)”.

16. Elector who has not cast vote may return to cast vote with permission

(1) Section 53A(1)(c)(iii) is amended by repealing “and”.

(2) Section 53A(1)(d) is amended by repealing the full stop and substituting “; and”.

(3) Section 53A(1) is amended by adding—

“(e) if the polling station is a dedicated polling station situated in a prison, the elector returns to the polling station within the time slot assigned to him or her under subsection (2A) or section 27(2A).”.

(4) Section 53A is amended by adding—

“(2A) If the Presiding Officer of a dedicated polling station situated in a prison grants the permission to an elector under subsection (1), the Commissioner of Correctional Services must, as far as practicable—

- (a) assign to the elector a new time slot during the polling hours appointed for the polling station; and
- (b) notify the elector of the new time slot.”.

(5) Section 53A(3)(b) is amended by adding “or, if the polling station is a dedicated polling station, an officer of the Correctional Services Department or any law enforcement agency” before the full stop.

(6) Section 53A is amended by adding—

“(5A) If an elector in custody leaves a dedicated polling station situated in a prison under subsection (5), the Commissioner of Correctional Services must, as far as practicable—

- (a) assign to the elector a new time slot during the polling hours appointed for the polling station; and
- (b) notify the elector of the new time slot.

(5B) The right of an elector in custody who is allocated to vote at a dedicated polling station situated in a prison to cast the vote under subsection (5) is subject to the elector’s returning to the polling station within the time slot assigned to him or her under subsection (5A) or section 27(2A).”.

(7) Section 53A(6)(b) is amended by adding “or, if the polling station is a dedicated polling station, an officer of the Correctional Services Department or any law enforcement agency” before the full stop.

17. Steps to be taken at the close of the poll: a polling station which is not a small polling station

Section 63 is amended, in the heading, by repealing “**not a small polling**” and substituting “**also a counting**”.

18. Steps to be taken at the close of the poll: a small polling station

(1) Section 63A is amended, in the heading, by repealing “**small polling**” and substituting “**polling station which is not a counting**”.

(2) Section 63A(1) is amended by adding “station or a dedicated polling” after “small polling”.

(3) Section 63A is amended by adding—

“(2A) An election agent or a polling agent may not stay under subsection (2) in a dedicated polling station situated in a maximum security prison.”.

(4) Section 63A is amended by adding—

“(4) The Presiding Officer of the dedicated polling station must then deliver the ballot box or boxes, the sealed packets and the ballot paper accounts prepared by that Officer—

- (a) in the case of a general election, to the Presiding Officer of the ballot paper sorting station;
- (b) in the case of a by-election for a geographical constituency, to the Presiding Officer of the main counting station concerned;
- (c) in the case of a by-election for a functional constituency, to the Returning Officer at the counting station.”.

19. Returning Officer and Presiding Officer to give notice of time and place of counting of votes to candidates

(1) Section 65 is amended by adding—

“(2A) Despite subsection (2), the time determined under subsection (1) in respect of sorting ballot papers at the ballot paper sorting station—

- (a) must be a time after the poll has closed at all the dedicated polling stations situated in prisons at which polling for the constituency concerned was conducted; and
- (b) may be a time before the poll has closed at all the other polling stations at which polling for the constituency concerned is conducted.”.

(2) Section 65(9) is amended by adding “or a dedicated polling station” before the full stop.

20. Section 66A added

The following is added—

“66A. Appointment of Presiding Officer of ballot paper sorting station

(1) The Chief Electoral Officer must appoint a Presiding Officer to preside at each ballot paper sorting station.

(2) The Chief Electoral Officer may, at any time, with reasonable cause, revoke any appointment made under subsection (1).”.

21. Ballot boxes for FC ballot papers to be delivered to the counting station

(1) Section 70(1)(a) is amended by repealing “; and” and substituting a semicolon.

(2) Section 70(1)(b) is amended by repealing the full stop and substituting “; and”.

(3) Section 70(1) is amended by adding—

“(c) the Presiding Officer of a ballot paper sorting station must 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(4) for the functional constituencies.”.

(4) Section 70(2) is amended by adding “or 63A” after “section 63”.

22. Arrangements for the supervision of counting station and counting zone

Section 71(6) is amended by adding “or a dedicated polling station” before the full stop.

23. Arrangements for verification of ballot paper account at GC counting station

(1) Section 74A(1)(a) is amended by adding “or a ballot paper sorting station” before “must,”.

(2) Section 74A(1)(b) is amended by repealing everything after “, at the counting” and substituting—

“zone—

- (i) count and record the number of GC ballot papers in each ballot box under that Officer’s charge, and verify the ballot paper account by comparing it with the number of GC ballot papers so recorded;
- (ii) count and record the number of GC ballot papers in each receptacle received from a ballot paper sorting station, and verify the statement prepared under section 74AA(f) by comparing it with the number of GC ballot papers so recorded; and
- (iii) prepare a statement in writing as to the result of the verification;”.

24. Section 74AA added

The following is added—

“74AA. Arrangements for sorting in ballot paper sorting stations

The Presiding Officer of a ballot paper sorting station must—

- (a) count and record the number of GC ballot papers in each ballot box under that Officer’s charge;
- (b) verify the ballot paper account by comparing it with the number of GC ballot papers recorded under paragraph (a);
- (c) prepare a statement in writing as to the result of the verification;
- (d) sort the GC ballot papers according to each geographical constituency;
- (e) record the number of GC ballot papers according to each geographical constituency;
- (f) prepare a statement in writing as to the number of GC ballot papers recorded under paragraph (e);
- (g) make into separate bundles the sorted GC ballot papers together with the relevant statement prepared under paragraph (f);
- (h) place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone; and
- (i) arrange the receptacles to be delivered to the Presiding Officers of the respective main counting stations of the relevant geographical constituencies.”.

25. Counting of votes for geographical constituencies

Section 75(4A) is amended by repealing everything after “together” and substituting—

“with—

- (a) the ballot papers that have been delivered to the main counting station from one or more small polling stations; and
- (b) the ballot papers that have been delivered to the main counting station from—
 - (i) in the case of a general election, one or more ballot paper sorting stations;
 - (ii) in the case of a by-election, one or more dedicated polling stations,

before counting the votes at the main counting station.”.

26. Returning Officer or Presiding Officer to seal ballot papers in packets

Section 85(5) is amended by adding “, a dedicated polling station or a ballot paper sorting station” before the full stop.

27. Returning Officer or Presiding Officer to send ballot papers, accounts, packets, etc. to Chief Electoral Officer

Section 86(2) is amended by adding “, a dedicated polling station or a ballot paper sorting station” before the full stop.

28. Section 90A added

The following is added—

“90A. Certain visitors of electors or authorized representatives in custody not to canvass for votes

(1) If—

- (a) a person (“visitor”) visits in a certain capacity an elector in custody or authorized representative in custody for a business or official purpose; and
- (b) another person who is not acting in that capacity is not allowed to visit the elector or authorized representative for that purpose,

the visitor commits an offence if he or she, during the visit, canvasses for votes for the purpose of an election.

(2) A person who commits an offence under subsection (1) is liable to a fine at level 2 and to imprisonment for 3 months.”.

29. Electoral officers, candidates and agents to make declaration of secrecy

Section 95(5) is amended by adding “, an officer of the Correctional Services Department, an officer of any law enforcement agency” after “police officer”.

30. Enforcement of provisions as to secrecy

(1) Section 96 is amended by adding—

“(1A) A person who divulges to any other person the identity of an elector in custody commits an offence.”.

(2) Section 96(2) is amended by repealing “Subsection (1) does” and substituting “Subsections (1) and (1A) do”.

31. Procedure after election proceedings are terminated

Section 97 is amended by adding—

“(1A) If a declaration is made under subsection (1), the Commissioner of Correctional Services or the head of a law enforcement agency must, as soon as practicable, inform all electors in custody and authorized representatives in custody detained by him or her who have not yet voted in the poll of the declaration.”.

Made this 16th day of June 2009.

The Hon. Mr. Justice
PANG Kin-kee
Chairman,
Electoral Affairs Commission

Lawrence LOK Ying-kam
Member,
Electoral Affairs Commission

Andrew CHAN Chi-fai
Member,
Electoral Affairs Commission

Explanatory Note

The main object of this Regulation is to amend the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation (Cap. 541 sub. leg. D) (“the principal Regulation”) to make provision for voting by imprisoned persons and persons otherwise detained under lawful authority in Legislative Council election. Polling stations to be called “dedicated polling stations” will be set up in prisons or other suitable places such as police

stations. Geographical constituency ballot papers cast at dedicated polling stations in a general election will be sorted at ballot paper sorting stations before they are sent to counting stations for counting.

2. Section 1 empowers the Chairman of the Electoral Affairs Commission to appoint the commencement date of this Regulation.

Amendments to Part I of the principal Regulation

3. Section 2 amends section 2 of the principal Regulation to amend several definitions and add several new definitions, including the definitions of “ballot paper sorting station” and “dedicated polling station”.

Amendments to Part II of the principal Regulation (pre-polling matters)

4. Section 23 of the principal Regulation enables a candidate or a list of candidates to appoint an election agent. Section 3 introduces amendments to provide that an election agent may not enter a polling station situated in a maximum security prison. An election agent’s presence in polling stations situated in other prisons is subject to the consent of the Commissioner of Correctional Services. Such consent will not be given in respect of a polling station if a polling agent has been appointed by the same candidate or list of candidates for that polling station.

Amendments to Part III of the principal Regulation (arrangement for polling)

5. Section 4 amends section 27 of the principal Regulation to empower, for operational reason, the Commissioner of Correctional Services to assign time slots to electors in custody. They may only vote during the time slots assigned to them.

6. Section 5 amends section 28 of the principal Regulation to empower the Chief Electoral Officer to designate dedicated polling stations and ballot paper sorting stations.

7. Section 6 amends section 30 of the principal Regulation to empower the Chief Electoral Officer to allocate dedicated polling stations to geographical constituency electors who will be serving a sentence of imprisonment on the polling day. To enable the Chief Electoral Officer to perform this function, new provisions (the new section 30(6) and (7) of the principal Regulation) are introduced to require the Commissioner of Correctional Services and the heads of other law enforcement agencies to provide prescribed information of persons detained by them.

8. Under section 31 of the principal Regulation, poll cards containing information on polling are sent to electors before the poll. Section 7 amends that section to provide that poll cards sent to electors who will be serving a sentence of imprisonment are to be sent to the prisons.
9. Section 8 amends section 39 of the principal Regulation to require the Presiding Officer of a dedicated polling station to exhibit a notice inside the polling station to provide information of the relevant ballot paper sorting station and counting station.
10. Section 41 of the principal Regulation empowers police officers to assist Returning Officers or Presiding Officers to keep order in no canvassing zones and no staying zones outside polling stations. Section 9 amends that section to extend that power to officers of the Correctional Services Department and other law enforcement agencies.
11. Section 42 of the principal Regulation provides for appointment of polling agents by candidates. Section 10 amends that section to impose, for security reason, restrictions in relation to appointment of polling agents for dedicated polling stations situated in prisons. The consent of the Commissioner of Correctional Services is required.
12. Section 11 amends section 43 of the principal Regulation to require the Chief Electoral Officer to display a map or plan delineating a dedicated polling station inside the polling station.
13. Under section 44 of the principal Regulation, a polling agent may enter or be present in a polling station. Section 12 amends that section to provide, for security reason, that a polling agent may not be present in a dedicated polling station situated in a maximum security prison.
14. Section 45 of the principal Regulation imposes restrictions on communicating with electors or using a telecommunication device in a polling station but provides for an exemption for election officials. Section 13 amends that section to extend that exemption to officers of the Correctional Services Department and other law enforcement agencies on duty at dedicated polling stations.
15. Section 14 amends section 46 of the principal Regulation to provide that an elector who fails to cast his or her vote without undue delay may be removed from the dedicated polling station. The power of removal is also conferred on officers of the Correctional Services Department or other law enforcement agencies.

16. Section 52 of the principal Regulation provides that an elector who is suspected to have engaged in corrupt conduct by impersonation may be arrested by the police. Section 15 amends that section to provide that in a dedicated polling station, such an elector is to be removed by an officer of the Correctional Services Department or any law enforcement agency who is to report the case to the police.

17. Section 53A of the principal Regulation provides that an elector who has been issued with a ballot paper may, under certain circumstances, leave the polling station and return to the polling station to cast the vote later. Section 16 amends that section to make provision for the arrangements as regards a dedicated polling station situated in a prison.

18. Section 18 amends section 63A of the principal Regulation to provide for the steps to be taken by the Presiding Officer at the close of the poll at a dedicated polling station.

Amendments to Part IV of the principal Regulation (counting stage)

19. The polling hours appointed for dedicated polling stations may be shorter than those appointed for other polling stations. Section 19 amends section 65 of the principal Regulation to provide that the sorting of ballot papers received from dedicated polling stations situated in prisons at ballot paper sorting stations may commence before the poll has closed at all the other polling stations.

20. Section 20 adds a new section which confers on the Chief Electoral Officer a power to appoint Presiding Officers for ballot paper sorting stations.

21. Section 21 amends section 70 of the principal Regulation to make provision for delivery of ballot papers from ballot paper sorting stations to counting stations.

22. Section 22 makes a minor consequential amendment to section 71(6) of the principal Regulation.

23. Section 23 amends section 74A of the principal Regulation to extend the coverage of that section to ballot papers received from ballot paper sorting stations.

24. Section 24 adds the new section 74AA to provide for the arrangements for ballot paper sorting in ballot paper sorting stations.

25. Section 25 amends section 75 of the principal Regulation to provide that before the counting of votes begins, the ballot papers received from dedicated polling stations and other polling stations must be mixed with those at the counting stations.

Amendments to Part V of the principal Regulation (disposal of document)

26. Sections 26 and 27 make minor consequential amendments to sections 85(5) and 86(2) of the principal Regulation respectively.

Amendments to Part VI of the principal Regulation (miscellaneous matters)

27. Section 28 adds the new section 90A to prohibit a person who visits an elector in custody in a business or official capacity (for example, as a justice of the peace, social worker or solicitor) from canvassing for votes during the visit.

28. Section 95 of the principal Regulation requires certain persons to make a declaration of secrecy before entering a polling station or a counting station. Section 29 amends that section to exempt officers of the Correctional Services Department or other law enforcement agencies on duty at a polling station from that requirement.

29. Section 30 amends section 96 of the principal Regulation to prohibit divulging the identity of an elector in custody.

30. Section 31 amends section 97 of the principal Regulation to require the Commissioner of Correctional Services and the heads of other law enforcement agencies to inform electors in custody detained by them of a declaration of the termination of the election proceedings.