

L.N. 156 of 2009

**ELECTORAL AFFAIRS COMMISSION (REGISTRATION OF
ELECTORS) (LEGISLATIVE COUNCIL GEOGRAPHICAL
CONSTITUENCIES) (DISTRICT COUNCIL
CONSTITUENCIES) (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

Section 2(1) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) is amended, in the definition of “principal residential address”, by repealing “section 28(3)” and substituting “section 28(1B) or (3)”.

3. Electoral Registration Officer to prepare an omissions list

Section 9 is amended by adding—

“(2A) Despite subsection (1), if—

- (a) the Electoral Registration Officer is satisfied on reasonable grounds that—
 - (i) a person has served a sentence of imprisonment in Hong Kong;
 - (ii) the person used, under section 28(1B) of the Legislative Council Ordinance (Cap. 542), an address for the purpose of registration; and
 - (iii) the imprisonment has terminated; and

(b) that Officer is not notified of the person's new residential address,
that Officer must enter the name and the principal residential address on the omissions list without making an inquiry under section 7 in respect of the person.”.

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

Section 14 is amended by adding—

“(2A) If the objector is in custody within the meaning of section 2(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D), a notice sent by post by the objector is deemed, for the purposes of subsection (2)(c), to be a notice delivered by the objector in person.”.

5. Who may lodge a notice of claim

Section 15 is amended by adding—

“(7A) If the claimant is in custody within the meaning of section 2(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D), a notice sent by post by the claimant is deemed, for the purposes of subsection (7), to be a notice delivered by the claimant in person.”.

Made this 26th 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 object of this Regulation is to amend the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) (“the principal Regulation”) to provide for matters relating to registration of persons serving a sentence of imprisonment or otherwise detained under any lawful authority as electors for Legislative Council geographical constituencies and District Council constituencies. Under section 1, this Regulation comes into operation on a day to be appointed by the Chairman of the Electoral Affairs Commission.

2. Section 2 makes a minor amendment to the definition of “principal residential address” in section 2(1) of the principal Regulation. The amendment is consequential upon a recent amendment to section 28 of the Legislative Council Ordinance (Cap. 542).

3. Section 9 of the principal Regulation provides that the name and principal residential address of a registered elector may be entered on an omissions list under certain circumstances. Section 3 amends that section to provide for the application of that requirement to imprisoned persons who use an address under section 28(1B) of the Legislative Council Ordinance (Cap. 542) for the purpose of registration as electors.

4. Section 14 of the principal Regulation allows a person to make, under certain circumstances, an objection to another person’s registration in the final register of electors by means of lodging a notice of objection in person. Section 4 amends that section to provide that an imprisoned person or a person detained under any lawful authority may send a notice of objection by post.

5. Section 15 of the principal Regulation allows a person to object to certain decisions of the Electoral Registration Officer by making a claim by means of lodging a notice of claim in person. Section 5 amends that section to provide that an imprisoned person or a person detained under any lawful authority may send a notice of claim by post.