

L.N. 157 of 2009

**ELECTORAL AFFAIRS COMMISSION (REGISTRATION)
(ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL
CONSTITUENCIES) (VOTERS FOR ELECTION
COMMITTEE SUBSECTORS) (MEMBERS OF
ELECTION COMMITTEE) (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) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) is amended, in the definition of “principal residential address”, by repealing everything after “to a” and substituting “person, means the address of the only or principal residence (within the meaning of section 28(1B) or (3) of the Legislative Council Ordinance (Cap. 542)) of that person;”.

3. Electoral Registration Officer to publish a notice that omissions list is available for public inspection

Section 25 is amended by adding—

“(4) Without affecting subsection (1), the Electoral Registration Officer may, if he or she considers it appropriate to do so, make a copy of a specific part of the functional constituencies omissions list, the subsector omissions list or the Election Committee omissions list available for inspection by members of the public, free of charge.

(5) The Electoral Registration Officer may determine—
(a) the period during which; and
(b) the times and the place at which,
the copy may be inspected under subsection (4).

(6) The Electoral Registration Officer may require a person who wishes to inspect an omissions list or a copy under subsection (1) or (4) to—

- (a) produce to that Officer the identity document of the person; and
- (b) complete a form furnished by that Officer.”.

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

Section 30 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 31 is amended by adding—

“(8A) 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 (8), 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 main object of this Regulation is to amend the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) (“the principal Regulation”) to provide for matters relating—

- (a) to registration of persons serving a sentence of imprisonment or otherwise detained under any lawful authority as electors and voters for Legislative Council functional constituencies and Election Committee subsectors; and
- (b) to registration of such persons in the Election Committee register.

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 25 of the principal Regulation requires the Electoral Registration Officer to publish a notice concerning an omissions list containing the personal particulars of persons who are no longer eligible to have their names included in the relevant registers. Section 3 amends that section to provide for public inspection of a copy of a specific part of the relevant omissions lists.

4. Section 30 of the principal Regulation allows a person to make, under certain circumstances, an objection to another person’s registration in the relevant final register 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 31 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.