

L.N. 73 of 2011

Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011

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Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011

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

Part 1

Preliminary

1. Commencement

- (1) This Regulation (except Part 4) comes into operation on 8 July 2011.
- (2) Part 4 comes into operation on 1 June 2012.

2. Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation amended

The Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) is amended as set out in Parts 2 to 4.

Part 2

Amendments to Streamline Electoral Procedures and Minor and Textual Amendments

3. Section 34 heading amended

Section 34, English text, heading—

Repeal

“Presiding Officers”

Substitute

“Presiding Officer”.

**4. Section 91 amended (Presiding Officer may perform functions
through polling officers)**

Section 91(2), after “a poll”—

Add

“or a count”.

5. Section 102 amended (Election advertisements)

(1) After section 102(4)—

Add

**“(4A) Despite section 3 of the Electronic Transactions
(Exclusion) Order (Cap. 553 sub. leg. B), if—**

- (a) an election advertisement is to be displayed,
distributed or otherwise used by electronic means;
or**

(b) a digital image of an election advertisement is furnished to the Returning Officer in accordance with subsection (7)(b),

the declaration in respect of the advertisement may be submitted to the Returning Officer by electronic means in the manner and format specified by the Commission.”.

(2) After section 102(5)—

Add

“(5A) If it is not practicable for a candidate to comply with subsection (5) in relation to an election advertisement to be displayed, distributed or otherwise used by electronic means, the declaration in respect of the advertisement may be submitted in accordance with subsection (4A) within the time specified by the Commission.”.

(3) Section 102—

Repeal subsections (6) and (7)

Substitute

“(6) A candidate must furnish to the Returning Officer—

(a) in the manner and format specified by the Commission, an electronic copy of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—

(i) before so displaying, distributing or using it;
or

(ii) if compliance with subparagraph (i) is not practicable, within the time specified by the Commission; or

(b) subject to subsection (7), 2 copies of any other election advertisement before displaying, distributing or otherwise using it.

(7) If it is not practicable to make a copy of an election advertisement, the candidate must furnish to the Returning Officer—

(a) 2 colour photographs in postcard size of the advertisement; or

(b) in the manner and format specified by the Commission, an image of the advertisement that is kept on a computer system or on an electronic medium.”.

6. Schedule 2, section 3 amended (Adjournment of poll at a particular polling station)

(1) Schedule 2, section 3, heading—

Repeal

everything after “**poll**”

Substitute

“**or count at a particular station**”.

(2) Schedule 2, after section 3(1)—

Add

“(1A) If, at any time during counting at a general election or by-election, it appears to the Presiding Officer that the count at the counting station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the count at the counting station by making a declaration under section 4.”.

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Part 2

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(3) Schedule 2, section 3(2)—

Repeal

“subsection (1)”

Substitute

“subsections (1) and (1A)”.

Part 3

Amendments to Refine Voting Arrangements for Electors in Custody

7. Section 2 amended (Interpretation)

Section 2(1), definition of *verification of the ballot paper account*—

Repeal

“74AA(c)”

Substitute

“74AA(d)”.

8. Section 22A amended (Returning Officer to notify and declare if a validly nominated candidate for a GC is proved to have died)

Section 22A(2)(b)—

Repeal

everything after “prominent”

Substitute

“place—

- (i) outside each polling station (other than a dedicated polling station) used for polling for the geographical constituency concerned; and
- (ii) inside each dedicated polling station used for polling for the geographical constituency concerned.”.

9. Section 22B amended (Returning Officer to notify and declare if a validly nominated candidate for a GC is proved to be disqualified)

Section 22B(2)(b)—

Repeal

everything after “prominent”

Substitute

“place—

- (i) outside each polling station (other than a dedicated polling station) used for polling for the geographical constituency concerned; and
- (ii) inside each dedicated polling station used for polling for the geographical constituency concerned.”.

10. Section 30 amended (Chief Electoral Officer to assign polling stations for constituencies and to allocate polling stations to electors and authorized representatives)

Section 30—

Repeal subsections (6) and (7)

Substitute

- “(6) To enable the Chief Electoral Officer to perform his or her functions under this section in relation to electors, the Commissioner of Correctional Services must, upon a request by the Chief Electoral Officer, provide the following information concerning every person who is serving a sentence of imprisonment or detained by the Correctional Services Department on remand—
- (a) the name of the person;
 - (b) the number of the person’s identity document;

- (c) the prisoner registration number allocated by the Commissioner of Correctional Services to the person for identification purposes;
 - (d) the name and address of the premises in which the person is detained.
- (7) To enable the Chief Electoral Officer to perform his or her functions under this section in relation to electors, the head of any law enforcement agency must, upon a request by the Chief Electoral Officer, provide the following information concerning every person who is detained by the law enforcement agency under any lawful authority—
- (a) the name of the person;
 - (b) the number of the person's identity document;
 - (c) the name and address of the premises in which the person is detained.”.

11. Section 38 amended (Chief Electoral Officer to supply list of polling officers to assist Presiding Officer)

Section 38(3)—

Repeal

everything after “prominent”

Substitute

“place—

- (a) (if the polling station for which the Officer is appointed is not a dedicated polling station) outside the polling station; or
- (b) (if the polling station for which the Officer is appointed is a dedicated polling station) inside the polling station.”.

12. Section 40 amended (Returning Officer to determine no canvassing zones and no staying zones)

(1) Section 40(16)(b), before “use”—

Add

“subject to subsection (19),”.

(2) After section 40(18)—

Add

“(19) An officer of the Correctional Services Department may, on polling day, use a sound amplifying system or device for the performance of his or her duties in the no canvassing zone of a dedicated polling station situated in a prison.”.

13. Section 41 amended (Presiding Officer to keep order in no canvassing zone and no staying zone)

(1) Section 41(1)(b), before “use”—

Add

“subject to subsection (1A),”.

(2) After section 41(1)—

Add

“(1A) An officer of the Correctional Services Department may, on polling day, use a sound amplifying system or device for the performance of his or her duties in the no canvassing zone of a dedicated polling station situated in a prison.”.

14. Section 42 amended (Candidates may appoint polling agents)

(1) Section 42(12)—

Repeal

“subsection (14)”

Substitute

“subsections (14) and (14A)”.

- (2) Section 42(14)—

Repeal

everything after “Chief Electoral Officer.”.

- (3) After section 42(14)—

Add

“(14A) If the notice of revocation is given on the polling day—

- (a) (if the polling station for which the polling agent is appointed is not a dedicated polling station) it must be given to the Presiding Officer for the polling station; or
- (b) (if the polling station for which the polling agent is appointed is a dedicated polling station) it must be given to the Chief Electoral Officer.”.

15. Section 52 amended (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(3), after “arrested”(wherever appearing)—

Add

“or removed”.

- (2) Section 52(3)—

Repeal

“or the arrest”

Substitute

“, arrest or removal”.

16. Section 74A amended (Arrangements for verification of ballot paper account at GC counting station)

Section 74A(1)(b)(ii)—

Repeal

“(f)”

Substitute

“(e)”.

17. Section 74AA amended (Arrangements for sorting in ballot paper sorting stations)

Section 74AA—

Repeal paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (i)

Substitute

- “(a) sort the GC ballot papers in each ballot box under the Officer’s charge according to each geographical constituency;
- (b) count and record the number of GC ballot papers for each geographical constituency;
- (c) verify the ballot paper account by comparing it with the number of GC ballot papers recorded under paragraph (b);
- (d) prepare a statement in writing as to the result of the verification;
- (e) prepare a statement in writing as to the number of GC ballot papers recorded under paragraph (b);
- (f) make into separate bundles the sorted GC ballot papers together with the relevant statement prepared under paragraph (e);
- (g) place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone;

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- (h) arrange the receptacles to be delivered to the Presiding Officers of the respective main counting stations of the relevant geographical constituencies; and
 - (i) send to the Chief Electoral Officer the ballot paper accounts, verification of the ballot paper accounts and the sealed packets made up under section 63A.”.
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Part 4

Amendments Consequential to Legislative Council (Amendment) Ordinance 2011 (2 of 2011)

18. Section 2 amended (Interpretation)

- (1) Section 2(1), definition of *nomination form*—

Repeal

everything after “means”

Substitute

“a form referred to in section 10(1) or 11(1) (as applicable);”.

- (2) Section 2(1), definition of *ordinary functional constituencies*—

Repeal

“(zb)”

Substitute

“(zc)”.

19. Section 10 amended (How to nominate a candidate for a geographical constituency)

- (1) Section 10, heading, after “**geographical constituency**”—

Add

“**or District Council (second) functional constituency**”.

- (2) Section 10(1), after “geographical constituency”—

Add

“or a candidate for the District Council (second) functional constituency (as applicable)”.

(3) Section 10(5)(a), after “geographical constituency”—

Add

“or a candidate for the District Council (second) functional constituency (as applicable)”.

(4) Section 10(10)(a), after “geographical constituency”—

Add

“or a candidate for the District Council (second) functional constituency (as applicable)”.

20. Section 11 amended (How to nominate a candidate for a functional constituency)

(1) Section 11, heading, after “**functional constituency**”—

Add

“(other than District Council (second) functional constituency)”.

(2) Section 11(1), after “functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

21. Section 15 amended (Returning Officer not to accept nomination form without deposit and to issue receipt for deposit)

Section 15(3)—

Repeal

everything after “having regard to”

Substitute

“which constituency for which the nomination form is submitted.”.

22. Section 16 amended (Returning Officer to decide whether candidates are validly nominated)

Section 16(4)—

Repeal

everything after “having regard to”

Substitute

“which constituency for which the nomination form is submitted.”.

23. Section 18 amended (Returning Officer may give opportunity to rectify a nomination form)

Section 18(2), after “geographical constituency”—

Add

“or the District Council (second) functional constituency”.

24. Section 21 amended (Returning Officer to publish a notice of particulars of validly nominated candidates)

(1) After section 21(4)—

Add

“(4A) A notice published for the District Council (second) functional constituency must state—

- (a) which lists of candidates are validly nominated for that functional constituency;
- (b) state the letter of the alphabet assigned to that functional constituency followed by the number allocated to each list under section 49(6A); and
- (c) the name and the principal residential address of each validly nominated candidate in each list.”.

(2) Section 21(5), after “a functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

25. Section 22A amended (Returning Officer to notify and declare if a validly nominated candidate for a GC is proved to have died)

(1) Section 22A, heading—

Repeal

“GC”

Substitute

“geographical constituency or District Council (second) functional constituency”.

(2) Section 22A(1)(b)—

Repeal

“geographical”.

(3) Section 22A(2)(b)—

Repeal

“geographical”(wherever appearing).

(4) Section 22A(4)(b)—

Repeal

“geographical”.

(5) Section 22A(4)(c)—

Repeal

“that geographical constituency”

Substitute

“the constituency concerned”.

(6) Section 22A(5)(b)—

Repeal

“geographical”.

(7) Section 22A(5)(c)—

Repeal

“that geographical constituency”

Substitute

“the constituency concerned”.

(8) After section 22A(5)—

Add

“(6) In this section—

constituency (選區或選舉界別) means a geographical constituency or the District Council (second) functional constituency (as applicable).”.

26. Section 22B amended (Returning Officer to notify and declare if a validly nominated candidate for a GC is proved to be disqualified)

(1) Section 22B, heading—

Repeal

“GC”

Substitute

“geographical constituency or District Council (second) functional constituency”.

- (2) Section 22B(1)(b)—

Repeal

“geographical”.

- (3) Section 22B(2)(b)—

Repeal

“geographical”(wherever appearing).

- (4) Section 22B(4)(b)—

Repeal

“geographical”.

- (5) Section 22B(4)(d)—

Repeal

“that geographical constituency”

Substitute

“the constituency concerned”.

- (6) Section 22B(5)(b)—

Repeal

“geographical”.

(7) Section 22B(5)(c)—

Repeal

“that geographical constituency”

Substitute

“the constituency concerned”.

(8) After section 22B(5)—

Add

“(6) In this section—

constituency (選區或選舉界別) means a geographical constituency or the District Council (second) functional constituency (as applicable).”.

27. Section 22C amended (No poll upon death or disqualification of candidate for a GC under certain circumstances)

(1) Section 22C, heading—

Repeal

“GC”

Substitute

“geographical constituency or District Council (second) functional constituency”.

(2) Section 22C(1)(a)—

Repeal

“geographical”(wherever appearing).

(3) Section 22C(1)(b)—

Repeal

“geographical”.

(4) Section 22C(1)—

Repeal

“held for that geographical”

Substitute

“held for the”.

(5) After section 22C(4)—

Add

“(5) In this section—

constituency (選區或選舉界別) means a geographical constituency or the District Council (second) functional constituency (as applicable).”.

28. Section 23 amended (A candidate or a list of candidates may appoint election agent)

Section 23(3), after “functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

29. Section 24 amended (Returning Officer to send to other candidates a notice of particulars of election agent)

(1) Section 24(1)—

Repeal

“geographical”

Substitute

“same”.

(2) Section 24(2), after “functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

30. Section 35 amended (Chief Electoral Officer to supply candidates with copy of final register)

(1) Section 35(1), Chinese text—

Repeal

“某地方選區”

Substitute

“有關選區或界別”.

(2) Section 35(2), after “functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

31. Section 40 amended (Returning Officer to determine no canvassing zones and no staying zones)

(1) Section 40(3), after “one geographical constituency”—

Add

“or the District Council (second) functional constituency”.

(2) Section 40(3)—

Repeal

“the geographical constituency”

Substitute

“the constituency”.

(3) Section 40(4), after “one functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

32. Section 42 amended (Candidates may appoint polling agents)

(1) Section 42(5), after “functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

(2) Section 42(13), after “functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

33. Section 49 amended (Form of ballot papers and order of appearance of lists or names of candidates on ballot papers)

(1) After section 49(2)—

Add

“(2A) A ballot paper to be used to vote for the District Council (second) functional constituency is to be in Form 2A in Schedule 3.”.

(2) Section 49(3)—

Repeal

“an ordinary functional constituency”

Substitute

“any other functional constituency”.

(3) Section 49—

Repeal subsection (6)

Substitute

- “(6) The order in which lists of candidates appear on a GC ballot paper is to be determined by the Returning Officer by the drawing of lots. A number is to be allocated to each list according to the result of the draw, and the number is to be printed on the ballot paper against the list of candidates.
- (6A) The order in which lists of candidates appear on an FC ballot paper for the District Council (second) functional constituency is to be determined by the Returning Officer by the drawing of lots. A number which is preceded by a letter of the alphabet assigned by the Chief Electoral Officer to the District Council (second) functional constituency is to be allocated to each list according to the result of the draw, and the letter and number are to be printed on the ballot paper against the list of candidates.
- (6B) In each list to which subsections (6) and (6A) apply, each candidate is to be allocated a letter of the alphabet to indicate the order of priority, beginning with the letter “a” for the candidate ranking first in priority; and the letter so allocated is to be printed on the ballot paper against the name of the candidate.”.
- (4) Section 49(7), after “functional constituency”—
- Add**
- “(other than the District Council (second) functional constituency)”.
- (5) Section 49(8), after “Each ordinary functional constituency”—
- Add**
- “(other than the District Council (second) functional constituency)”.
- (6) Section 49(8), after “an ordinary functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

34. Section 54 amended (Procedure for voting)

(1) Section 54—

Repeal subsection (3)

Substitute

“(3) An elector voting for a geographical constituency or the District Council (second) functional constituency must fold the ballot paper so that the marked side is inside and put the folded ballot paper into the ballot box.

(3A) An elector or authorized representative voting for a functional constituency (other than the District Council (second) functional constituency) must put the ballot paper, unfolded, into the ballot box with the marked side facing down.”.

(2) Section 54(5)—

Repeal

“subsection (3)”

Substitute

“subsections (3) and (3A)”.

35. Section 55 amended (How GC ballot papers are to be marked)

(1) Section 55, heading—

Repeal

“GC”

Substitute

“geographical constituency and District Council (second) functional constituency”.

(2) Section 55(1), after “geographical constituency”—

Add

“or the District Council (second) functional constituency (as applicable)”.

36. Section 57 amended (How ordinary functional constituency ballot papers are to be marked)

(1) Section 57, heading, after “ordinary functional constituency”—

Add

“(other than District Council (second) functional constituency)”.

(2) Section 57(1), after “an ordinary functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

37. Section 66 amended (Candidates may appoint counting agents)

(1) Section 66(1)—

Repeal

“for a functional constituency”.

(2) Section 66(10)—

Repeal

“functional constituency”

Substitute

“candidate”.

38. Section 80 amended (Votes recorded on invalid ballot papers not to be counted)

(1) Section 80(1)(g)(i), after “GC ballot paper”—

Add

“or an FC ballot paper for the District Council (second) functional constituency,”.

(2) Section 80(1)(g)(ii), after “an ordinary functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

(3) Section 80(1)(ha), after “GC ballot paper”—

Add

“or an FC ballot paper for the District Council (second) functional constituency,”.

(4) Section 80(1)(hb), after “an ordinary functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

(5) Section 80(1)(i), after “GC ballot paper”—

Add

“or an FC ballot paper for the District Council (second) functional constituency,”.

39. Section 81 amended (Returning Officer or Presiding Officer to make decisions on questionable ballot papers)

Section 81(6)(i)—

Repeal

“a GC”

Substitute

“(in the case of a GC ballot paper or an FC ballot paper for the District Council (second) functional constituency) a”.

40. Section 83 amended (Returning Officer to declare election result)

(1) Section 83(2)(b)(i), after “a geographical constituency”—

Add

“or the District Council (second) functional constituency”.

(2) Section 83(2)(b)(i)(A)—

Repeal

“geographical”.

(3) Section 83(2)(b)(ii), after “functional constituency”—

Add

“(other than the District Council (second) functional constituency)”.

41. Section 84 amended (The form in which Returning Officer is to publish result of election)

Section 84(2)—

Repeal

“Form 2 in Schedule 4”

Substitute

“Form 2 or Form 4 in Schedule 4, as appropriate”.

42. Schedule 3 amended (Forms of ballot papers for a general election/by-election)

(1) Schedule 3, Form 1, note @—

Repeal

““h””

Substitute

““i””.

(2) Schedule 3, after Form 2—

Add

“FORM 2A

BALLOT PAPER FOR THE DISTRICT COUNCIL (SECOND)
FUNCTIONAL CONSTITUENCY

Electoral Affairs Commission (Electoral Procedure) (Legislative Council)
(Amendment) Regulation 2011

B2849

Part 4

Section 42

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存根 COUNTERFOIL		(編號) (Serial Number)		
<p> 《選舉管理委員會(選舉程序)(立法會)規例》 ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL)REGULATION 立法會*換屆選舉/補選 區議會(第二)功能界別 LEGISLATIVE COUNCIL*GENERAL ELECTION/BY-ELECTION DISTRICT COUNCIL (SECOND) FUNCTIONAL CONSTITUENCY *(選舉日期) *(date of election) </p>	<p>選 票 BALLOT PAPER</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">#(代號)</td> </tr> <tr> <td style="text-align: center;">#(code)</td> </tr> </table>	#(代號)	#(code)
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#(code)				
<p>只可投票選一名單 VOTE FOR ONE LIST ONLY</p> <p>請用投票站提供的印章在所選名單內的圓圈蓋上“✓”號 Use the chop provided at the polling station to stamp “✓” in the circle of the list of your choice.</p>				
<p>@ 1</p> <p> * 訂明團體的登記名稱及登記標誌及 訂明人士的登記標誌 * Registered names and registered emblems of prescribed bodies and registered emblems of prescribed persons * 獨立候選人 * Independent Candidates * 無黨派候選人 * Non-affiliated Candidates </p>	<p>候選人照片 Photographs of Candidates</p>	<p>@ 4</p>		
<p> ^ *(候選人提名公告上顯示的候選人姓名 ——按候選人名單上的排名次序) ^ *(Names of candidates as shown in Notice of Nominations in order of priority) </p> <div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>	<div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>	<div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>		
<p>@ 2</p> <div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>	<div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>	<p>@ 5</p> <div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>		
<p>@ 3</p> <div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>	<div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>	<p>@ 6</p> <div style="text-align: center; border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; border-radius: 50%;"></div>		

Electoral Affairs Commission (Electoral Procedure) (Legislative Council)
(Amendment) Regulation 2011

B2851

Part 4

Section 43

L.N. 73 of 2011

- # A code will be assigned to the District Council (second) functional constituency. Only the appropriate code will be printed.
- * Only the appropriate information will be printed.
- + Address of the candidate to be included if required under section 49(13)(b).
- ^ Each candidate on the list will be allocated a letter of the alphabet starting from ‘a’ and up to ‘e’, depending on the number of candidates.
- @ The code assigned for the District Council (second) functional constituency will precede the number allocated to each list of candidates.”.

- (3) Schedule 3, Form 3(a), heading, after “FUNCTIONAL CONSTITUENCY”—

Add

“(OTHER THAN THE DISTRICT COUNCIL (SECOND) FUNCTIONAL CONSTITUENCY)”.

- (4) Schedule 3, Form 3(a), note #—

Repeal

“each of the ordinary functional constituencies”

Substitute

“the ordinary functional constituency concerned”.

- (5) Schedule 3, Form 3(b), heading, after “FUNCTIONAL CONSTITUENCY”—

Add

“(OTHER THAN THE DISTRICT COUNCIL (SECOND) FUNCTIONAL CONSTITUENCY)”.

43. Schedule 4 amended (Forms for the notice of election result under section 58 of the Legislative Council Ordinance (Cap. 542))

- (1) Schedule 4, Form 2, heading, after “FUNCTIONAL CONSTITUENCIES”—

Add

Electoral Affairs Commission (Electoral Procedure) (Legislative Council)
(Amendment) Regulation 2011

B2855

Part 4

Section 43

L.N. 73 of 2011

2. 現公布：以下候選人 *依據以抽籤方式決定的選舉結果而在區議會 (第二) 功能界別當選—

It is notified that the following candidate(s) *is/are declared to be elected for the District Council (second) functional constituency *pursuant to a result determined by drawing lots—

名單編號 List Number	當選的候選人姓名 Name(s) of Candidate(s) Elected

日期：

Date:

區議會 (第二) 功能界別的選舉主任
Returning Officer for the District Council
(second) functional constituency

* Only the appropriate information will be printed.”.

Made this 9th day of May 2011.

The Hon. Mr. Justice
Barnabas Wah FUNG
Chairman,
Electoral Affairs Commission

Electoral Affairs Commission (Electoral Procedure) (Legislative Council)
(Amendment) Regulation 2011

B2857

L.N. 73 of 2011

Lawrence LOK Ying-kam
Member,
Electoral Affairs Commission

Andrew CHAN Chi-fai
Member,
Electoral Affairs Commission

Explanatory Note

This Regulation amends the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) (*principal Regulation*). The main purposes of the amendments are to improve certain election arrangements; to refine the voting arrangements for electors in custody; to introduce amendments consequential upon amendments made under the Legislative Council (Amendment) Ordinance 2011 (2 of 2011); and to provide for several technical and textual amendments.

2. Section 1 provides for commencement.

Part 2—Amendments to streamline electoral procedures and minor and textual amendments

3. Section 3 introduces a textual amendment to the English text of the heading of section 34 of the principal Regulation.
4. Sections 4 and 6 respectively amend section 91 of, and section 3 of Schedule 2 to, the principal Regulation to empower a Presiding Officer to adjourn the count at the counting station.
5. Section 5 amends section 102 of the principal Regulation to allow a candidate to submit the relevant declaration by electronic means if the election advertisement is to be displayed, distributed or otherwise used by electronic means, and to provide for the submission of an electronic copy of the election advertisement displayed, distributed or otherwise used by electronic means.

Explanatory Note

Paragraph 6

L.N. 73 of 2011

Part 3—Amendments to refine voting arrangements for electors in custody

6. Section 7 introduces a consequential amendment to the definition of *verification of the ballot paper account* in section 2(1) of the principal Regulation.
7. Sections 8 and 9 respectively amend sections 22A and 22B of the principal Regulation to empower the Returning Officer to display certain notices inside a dedicated polling station.
8. Section 10 amends section 30 of the principal Regulation to require the Commissioner of Correctional Services to, on request by the Chief Electoral Officer, provide the prisoner registration number of a person detained by the Correctional Services Department.
9. Section 11 amends section 38 of the principal Regulation to empower the Presiding Officer to display the list of polling officers inside a dedicated polling station.
10. Sections 12 and 13 respectively amend sections 40 and 41 of the principal Regulation to enable an officer of the Correctional Services Department to, on the polling day, use a sound amplifying system in the no canvassing zone of a dedicated polling station situated in a prison.
11. Section 14 amends section 42 of the principal Regulation to provide that a notice of revocation of appointment of a polling agent, if given on the polling day, must be given to the Chief Electoral Officer if the relevant polling station is a dedicated polling station situated in a prison.

Explanatory Note

Paragraph 12

L.N. 73 of 2011

12. Section 52 of the principal Regulation provides that in a dedicated polling station, an elector who is suspected to have engaged in corrupt conduct by impersonation is to be removed by an officer of the Correctional Services Department or any other law enforcement agency who is to report the case to the police. Section 15 introduces a consequential amendment to section 52(3) of the principal Regulation.
13. Section 16 introduces a consequential amendment to section 74A of the principal Regulation.
14. Section 17 amends section 74AA of the principal Regulation to refine the arrangements for sorting ballot papers in ballot paper sorting stations.

Part 4—Amendments consequential to Legislative Council (Amendment) Ordinance 2011 (2 of 2011)

15. Section 18 amends 2 definitions in section 2(1) of the principal Regulation.
16. The method of election of the 5 members of the new District Council (second) functional constituency is the same as that of the seats assigned to the geographical constituencies. Consequentially, amendments are made—
 - (a) to references to geographical constituencies in the principal Regulation to include the District Council (second) functional constituencies as regards electoral procedure (sections 19, 23, 25, 26, 27, 31(1), 34(2), 35, 38(1), (3) and (5), 39 and 40(1)); and
 - (b) to exclude the District Council (second) functional constituency from references to functional constituencies in the principal Regulation as regards electoral procedure (sections 20, 24(2), 28, 29, 30, 31(3), 32, 33(3), (4), (5) and (6), 34(1), 36, 37, 38(2) and (4) and 40(3)).

Electoral Affairs Commission (Electoral Procedure) (Legislative Council)
(Amendment) Regulation 2011

B2865

Explanatory Note

Paragraph 17

L.N. 73 of 2011

17. Section 21 introduces a technical amendment to section 15(3) of the principal Regulation.
18. Section 22 introduces a technical amendment to section 16(4) of the principal Regulation.
19. Section 24(1) adds a new subsection (4A) to section 21 of the principal Regulation to provide for the information that must be stated in a notice of particulars of validly nominated candidates published for the District Council (second) functional constituency.
20. Section 33(1) adds a new subsection (2A) to section 49 of the principal Regulation to provide that a ballot paper to be used to vote for the District Council (second) functional constituency is to be in Form 2A in Schedule 3. Section 33(3) amends section 49 of the principal Regulation to provide for the order of appearances of lists of candidates on ballot papers to be used to vote for the District Council (second) functional constituency.
21. Section 41 introduces a consequential amendment to section 84(2) of the principal Regulation.
22. Section 42 amends Schedule 3 to the principal Regulation by prescribing the form of ballot paper for the District Council (second) functional constituency.
23. Section 43 amends Schedule 4 to the principal Regulation by prescribing the form of notice of result of election for the District Council (second) functional constituency.