

**LEGISLATIVE COUNCIL BRIEF**

Electoral Affairs Commission Ordinance (Cap. 541)

**ELECTORAL AFFAIRS COMMISSION (REGISTRATION OF ELECTORS) (LEGISLATIVE COUNCIL GEOGRAPHICAL CONSTITUENCIES) (DISTRICT COUNCIL CONSTITUENCIES) (AMENDMENT) REGULATION 2016**

**ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) (AMENDMENT) REGULATION 2016**

**ELECTORAL AFFAIRS COMMISSION (REGISTRATION OF ELECTORS) (RURAL REPRESENTATIVE ELECTION) (AMENDMENT) REGULATION 2016**

**INTRODUCTION**

On 18 January 2016, the Electoral Affairs Commission (“EAC”) made three Amendment Regulations at **Annexes A to C** to amend three regulations under the Electoral Affairs Commission Ordinance (Cap. 541) (“EAC Regulations”). The amendments aim to improve the voter registration procedures and enhance the fairness and openness of the electoral system. This paper briefs Members on the main provisions of the Amendment Regulations.

## JUSTIFICATIONS

2. In view of the public concerns expressed on matters relating to voter registration (“VR”) in July and August 2015, the Government embarked on a review of the existing VR system and the relevant arrangements, and sought the preliminary views of Legislative Council (“LegCo”) Members on the directions of the review at a special meeting of the LegCo Panel on Constitutional Affairs (“CA Panel”) on 30 September 2015. Thereafter, the Government issued the Consultation Document on Enhancement of Voter Registration System (“Consultation Document”) on 26 November 2015 to collect views from the public regarding specific improvement proposals. The EAC discussed the proposed measures on 17 December 2015 and the CA Panel was consulted at the meeting on 21 December 2015. The public consultation period ended on 8 January 2016.

3. The Government has carefully examined the views received during the consultation period and issued the Consultation Report on Enhancement of Voter Registration System (“Consultation Report”) on 21 January 2016. According to the views received during the public consultation period, there was general public support for the measures proposed for implementation in the near term, including in particular the following two legislative proposals to –

- (a) advance the statutory deadline for applying for change of registration particulars to align with the deadline for new registration; and
- (b) use surface mail instead of registered post for sending inquiry letters and other electoral notifications issued by the Electoral Registration Officer.

4. In the light of the outcome of the public consultation, the EAC has decided to exercise its power under the EAC Ordinance to amend the relevant EAC Regulations to implement the two proposals stated in paragraph 3(a) and (b) above in the 2016 VR cycle.

## **AMENDMENT REGULATIONS**

5. The Amendment Regulations seek to amend the following EAC Regulations in respect of the VR arrangements:

- (a) the EAC (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A);
- (b) the EAC (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B); and
- (c) the EAC (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K).

### **Aligning the statutory deadlines for applications for new registration and change of registration particulars**

6. At present, the statutory deadlines for new VR applications for the geographical constituencies, functional constituencies and Election Committee subsectors (i.e., 2 May for a non-District Council (“DC”) election year and 2 July for a DC election year) and change of registration particulars (i.e., 25 June for a non-DC election year and 25 August for a DC election year) fall on two different dates. The primary purpose of such a design aims to reduce the time gap between the deadline for change of registration particulars and the polling day so that the registration particulars of electors can be brought more up-to-date before the election. However, there are views that the current arrangement prevents the public from inspecting the updated particulars of all electors in the provisional registers (“PR”), therefore undermining the transparency and effective public scrutiny of the register. If a fraudster impersonates an elector to update the latter’s particulars after the publication of the PR, the elector might only be aware of such after the publication of the final registers (“FR”) and, therefore, would be deprived of the chance of making claims and objections to correct his/her registration particulars in accordance with the statutory procedures.

7. To address the potential problem arising from the time gap between the statutory deadline for new registration and the deadline for change of registration particulars, it is necessary to advance the statutory deadline for change of registration particulars and align it with the deadline for new registration. By doing so, all requests for updating of registration particulars filed in that VR cycle will be reflected in the PR for public inspection. This can enhance the overall transparency of the VR system and prevent electors' addresses from being maliciously amended by a third party after publication of the PR.

8. After implementation of the proposal, the statutory deadline for new VR applications and change of registration particulars will both fall on 2 May in non-DC election years or 2 July in DC election years. The current statutory deadlines for publishing the PR and the FR will remain unchanged.

9. The Home Affairs Department agrees that the above alignment proposal should similarly apply to the Rural Representative Election. In the case of the Rural Representative Election, the statutory deadline for change of registration particulars will be advanced from 9 September to 16 July under the proposal.

### **Using surface mail for all inquiries and notifications**

10. Under the current electoral laws, inquiry letters and some other notifications relating to VR for geographical constituencies, functional constituencies, Election Committee subsectors and Rural Representative Election must be sent to the relevant electors by registered post.

11. According to the arrangements of the Hongkong Post, if nobody is present on the spot to acknowledge receipt of a registered mail when it is delivered, the Hongkong Post will issue a notification of collection of registered item and request the addressee to collect the registered mail from the post office within two weeks. If the addressee fails to collect the registered mail within the timeframe, it will be returned to the sender. There are views that such an arrangement causes inconvenience to many electors. In case the elector misses the deadline for collecting the registered mail, he/she will not be able to respond to the inquiry process in time and will, therefore, risk losing his/her registration

in the next FR.

12. It is understood that whether a correspondence is sent by surface mail or registered post would not result in any difference in its legal effect<sup>1</sup>. As such, it is considered appropriate to use surface mail, instead of registered post, for sending all inquiries and VR notifications in order to address the difficulty and risk experienced by electors described in paragraph 11 above.

### **Other technical amendments**

13. Section 35A of Cap. 541 sub. leg. B provides for the transitional arrangement for the compilation of the first register of electors for the District Council (second) functional constituency in 2012. On the other hand, section 35 of Cap. 541 sub. leg. K and its Schedule cover the transitional provisions relating to the compilation of the first Market Towns provisional register for Rural Representative Election in 2014. As these provisions are spent, the opportunity is also taken to repeal them through the Amendment Regulations.

### **LEGISLATIVE TIMETABLE**

14. The Amendment Regulations will be published in the Gazette on 22 January 2016 and tabled in the LegCo on 27 January 2016 for negative vetting. Subject to negative vetting by the LegCo, the Amendment Regulations will come into operation on 18 March 2016.

### **IMPLICATIONS OF THE AMENDMENT REGULATIONS**

15. The Amendment Regulations are in conformity with the Basic Law,

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<sup>1</sup> According to section 8 of the Interpretation and General Clauses Ordinance (Cap. 1), “where any Ordinance authorizes or requires any documents to be served or any notice to be given by post or by registered post, whether the expression “serve” or “give” or “send” or any other expression is used, the service or notice shall be deemed to be effected by properly addressing, pre-paying the postage thereon and dispatching it by post or by registered post, as the case may be, to the last known postal address of the person to be served or given notice, and, unless the contrary is proved, such service or notice shall be deemed to have been effected at the time at which the document or notice would be delivered in the ordinary course of post.”

including the provisions concerning human rights. They have no civil service, economic, environmental, family, financial, gender, productivity or sustainability implications. The amendments will not affect the current binding effect of the respective Regulations.

## **PUBLIC CONSULTATION**

16. As stated in paragraphs 2 and 3 above, the Government conducted a public consultation between 26 November 2015 and 8 January 2016 to collect views from the public regarding enhancement of the VR system. The CA Panel was consulted on the proposals set out in the Consultation Document on 21 December 2015, and Members in general supported that the Government should introduce measures to enhance the voter registration system. Among the submissions received in the public consultation, the majority of the views agreed, inter alia, that the Government should advance the statutory deadline for change of registration particulars and align it with the deadline for new registration, and use surface mail for all inquiries and notifications.

## **PUBLICITY**

17. A press release will be issued and a spokesman will be made available to answer public enquiries.

## **ENQUIRIES**

18. For enquiries about the Amendment Regulations, please contact Mr SHUM Nam-lung, Deputy Chief Electoral Officer (Operations) of the Registration and Electoral Office, at 2827 7047.

Registration and Electoral Office  
January 2016

**Electoral Affairs Commission (Registration of Electors)  
(Legislative Council Geographical Constituencies)  
(District Council Constituencies) (Amendment)  
Regulation 2016**

**Contents**

| Section   | Page |
|---|------|
| 1. Commencement .....   | 1    |
| 2. Electoral Affairs Commission (Registration of Electors)<br>(Legislative Council Geographical Constituencies) (District<br>Council Constituencies) Regulation amended .....                       | 1    |
| 3. Section 2A amended (effect of inclement weather warning<br>on date and period) .....   | 1    |
| 4. Section 5 amended (Electoral Registration Officer to<br>determine whether or not applicant is eligible for registration<br>and may ask for additional information).....                          | 2    |
| 5. Section 7 amended (Electoral Registration Officer may make<br>inquiries regarding persons registered in the existing final<br>register).....   | 3    |
| 6. Section 8 amended (Electoral Registration Officer to<br>determine whether persons registered in the existing final<br>register are registered in the appropriate section and<br>subsection)..... | 3    |

| Section  | Page |
|--|------|
| 7. Section 9 amended (Electoral Registration Officer to prepare<br>an omissions list) .....  | 3    |
| 8. Section 11 amended (Electoral Registration Officer to<br>correct entries in existing final register in compiling next<br>provisional register)..... | 4    |
| 9. Section 17 repealed (Electoral Registration Officer to correct<br>entries in a provisional register in compiling final register) .....              | 6    |
| 10. Section 18 amended (Electoral Registration Officer to<br>correct entries in provisional register with approval of<br>Revising Officer).....        | 6    |
| 11. Section 19 amended (what is to be contained in final<br>register).....   | 6    |
| 12. Section 22 amended (offences and penalties).....   | 7    |
| 13. Section 24 amended (communications by registered post).....  | 7    |

**Electoral Affairs Commission (Registration of Electors)  
(Legislative Council Geographical Constituencies)  
(District Council Constituencies) (Amendment)  
Regulation 2016**

(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 18 March 2016.

**2. Electoral Affairs Commission (Registration of Electors)  
(Legislative Council Geographical Constituencies) (District  
Council Constituencies) Regulation amended**

The Electoral Affairs Commission (Registration of Electors)  
(Legislative Council Geographical Constituencies) (District  
Council Constituencies) Regulation (Cap. 541 sub. leg. A) is  
amended as set out in sections 3 to 13.

**3. Section 2A amended (effect of inclement weather warning on  
date and period)**

(1) Section 2A(4), Table 1—

**Repeal**

“17(9)(a)(i)”

**Substitute**

“11(5)(b)(ii)(A)”.

(2) Section 2A(4), Table 1—

**Repeal**

“17(9)(a)(ii)”

**Substitute**

“11(5)(b)(i) and (ii)(B)”.

(3) Section 2A(4), Table 1—

**Repeal**

“section 13(3)(a)                      sections 11(5)(b)(ii)(A) and  
17(9)(b)(i)”.

(4) Section 2A(4), Table 1—

**Repeal**

“section 13(3)(b)                      sections 11(5)(b)(i) and (ii)(B) and  
17(9)(b)(ii)”.

**4. Section 5 amended (Electoral Registration Officer to determine  
whether or not applicant is eligible for registration and may ask  
for additional information)**

(1) Section 5(9)—

**Repeal**

“registered post”

**Substitute**

“post”.

(2) Section 5(10)—

**Repeal**

“registered”.



5. **Section 7 amended (Electoral Registration Officer may make inquiries regarding persons registered in the existing final register)**

Section 7(2)—

**Repeal**

“registered”.

6. **Section 8 amended (Electoral Registration Officer to determine whether persons registered in the existing final register are registered in the appropriate section and subsection)**

Section 8(3)—

**Repeal**

“, by registered post”

**Substitute**

“by post”.

7. **Section 9 amended (Electoral Registration Officer to prepare an omissions list)**

(1) Section 9(4)(a)—

**Repeal**

everything after “has informed” and before “and other personal particulars”

**Substitute**

“the person in writing by post (sent to the address recorded against the person’s name in the existing final register and any other address that Officer considers appropriate) that the Electoral Registration Officer proposes to omit the person’s name”.

(2) Section 9(4A)—

**Repeal**

“registered”.

8. **Section 11 amended (Electoral Registration Officer to correct entries in existing final register in compiling next provisional register)**

(1) Section 11, heading—

**Repeal**

“next”.

(2) Section 11(2)—

**Repeal**

“next provisional register”

**Substitute**

“first provisional register after that period”.

(3) Section 11(3)—

**Repeal**

“next provisional register”

**Substitute**

“first provisional register after that period”.

(4) Section 11(4)—

**Repeal**

“registered”.

(5) Section 11(5)—

**Repeal paragraph (a)**

**Substitute**

“(a) the provisional register for 2016, after 25 August 2015 but not later than 2 May 2016; or”.

(6) Section 11(5)(b)(i)—

**Repeal**

“25 June”

**Substitute**

“2 May”.

(7) Section 11(5)(b)(ii)(A)—

**Repeal**

“25 August”

**Substitute**

“2 July”.

(8) Section 11(5)(b)(ii)(B)—

**Repeal**

“25 June”

**Substitute**

“2 May”.

(9) After section 11(5)—

**Add**

“(6) The Electoral Registration Officer may, before acting under subsection (2), require in writing the person who makes the request under subsection (1) to furnish in writing either or both of the following within the specified period—

(a) further particulars relating to the request as specified by the Electoral Registration Officer;

(b) proof that the entry is incorrect.

(7) In this section—

*specified period* (指明期間), in relation to a requirement made under subsection (6), means—

(a) if the first 11 July that follows the making of the requirement falls in a District Council election year—a period specified by the Electoral Registration Officer ending not later than that 11 July; or

(b) in any other case—a period specified by the Electoral Registration Officer ending not later than the first 11 May that follows the making of the requirement.”.

9. **Section 17 repealed (Electoral Registration Officer to correct entries in a provisional register in compiling final register)**

Section 17—

**Repeal the section.**

10. **Section 18 amended (Electoral Registration Officer to correct entries in provisional register with approval of Revising Officer)**

Section 18(2)(b)—

**Repeal**

“registered”.

11. **Section 19 amended (what is to be contained in final register)**

Section 19(1)(a)—

**Repeal**

“17 or”.

**12. Section 22 amended (offences and penalties)**

Section 22(1)(e)—

**Repeal**

“or 17”.

**13. Section 24 amended (communications by registered post)**

(1) Section 24, heading—

**Repeal**

“registered”.

(2) Section 24—

**Repeal**

“registered”.

Made this            day of January 2016.

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

Arthur LUK Yee-shun  
Member,  
Electoral Affairs Commission

Fanny M. C. CHEUNG  
Member,  
Electoral Affairs Commission

### Explanatory Note

This Regulation amends the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) (*principal Regulation*).

2. This Regulation repeals section 17 of the principal Regulation which allows the Electoral Registration Officer (*ERO*), when compiling a final register of electors for geographical constituencies, to alter the particulars recorded or to be recorded in the relevant provisional register on receiving a request or obtaining information.
3. Section 11 of the principal Regulation is amended correspondingly so that requests for alteration of particulars received after the deadline for applying for registration in the provisional register compiled for a year will only be considered by the ERO for the purpose of compiling the provisional register for the next year.
4. This Regulation also amends various provisions in the principal Regulation to replace the requirement to send communication by registered post by the requirement to send it by post.

**Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2016**

**Contents**

| Section   | Page |
|---|------|
| 1. Commencement .....   | 1    |
| 2. Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation amended ..... | 1    |
| 3. Section 2A amended (effect of inclement weather warning on date and period) .....  | 1    |
| 4. Section 21 amended (Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information).....   | 2    |
| 5. Section 22 amended (Electoral Registration Officer may make inquiries regarding persons registered in the existing functional constituencies or subsector final register).....                               | 3    |
| 6. Section 23 amended (Electoral Registration Officer to determine whether persons registered in the existing functional constituencies or subsector final register are   |      |

| Section  | Page |
|--|------|
| registered in the appropriate part).....   | 3    |
| 7. Section 24 amended (Electoral Registration Officer to prepare an omissions list) .....  | 3    |
| 8. Section 26 amended (Electoral Registration Officer to correct entries in existing final register in compiling next provisional register)..... | 4    |
| 9. Section 27 amended (what is to be contained in a functional constituencies provisional register) .....  | 7    |
| 10. Section 33 amended (Electoral Registration Officer to correct entries in provisional register in compiling final register).....              | 7    |
| 11. Section 34 amended (Electoral Registration Officer to correct entries in provisional register with approval of Revising Officer).....        | 10   |
| 12. Section 35 amended (what is to be contained in a functional constituencies final register) .....   | 10   |
| 13. Section 35A repealed (first register of electors for District Council (second) functional constituency) .....                                | 10   |
| 14. Section 36 amended (what is to be contained in a subsector final register).....  | 10   |
| 15. Section 44 amended (communications by registered post).....  | 11   |

**Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2016**

(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 18 March 2016.

**2. Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation amended**

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 as set out in sections 3 to 15.

**3. Section 2A amended (effect of inclement weather warning on date and period)**

(1) Section 2A(4), Table 1—

**Repeal**

“33(10)(a)(i)(A)”

**Substitute**

“26(5)(b)(ii)(A)”.

(2) Section 2A(4), Table 1—

**Repeal**

“33(10)(a)(i)(B)”

**Substitute**

“26(5)(b)(i) and (ii)(B)”.

(3) Section 2A(4), Table 1—

**Repeal**

“section 29(3)(a)(i) section 26(5)(b)(ii)(A)”.

(4) Section 2A(4), Table 1—

**Repeal**

“section 29(3)(a)(ii) section 26(5)(b)(i) and (ii)(B)”.

**4. Section 21 amended (Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information)**

(1) Section 21(9)—

**Repeal**

“registered post”

**Substitute**

“post”.

(2) Section 21(10)—

**Repeal**

“registered”.

5. **Section 22 amended (Electoral Registration Officer may make inquiries regarding persons registered in the existing functional constituencies or subsector final register)**

Section 22(3)—

**Repeal**

“registered”.

6. **Section 23 amended (Electoral Registration Officer to determine whether persons registered in the existing functional constituencies or subsector final register are registered in the appropriate part)**

Section 23(3)—

**Repeal**

“, by registered post”

**Substitute**

“by post”.

7. **Section 24 amended (Electoral Registration Officer to prepare an omissions list)**

- (1) Section 24(1C)(a)—

**Repeal**

“(1A);”

**Substitute**

“(1A); or”.

- (2) Section 24(1C)—

**Repeal paragraph (b).**

- (3) Section 24(5)(a)—

**Repeal**

everything after “has informed” and before “and other particulars”

**Substitute**

“the person in writing by post (sent to the address recorded against the person’s name in the existing final register and any other address that Officer considers appropriate) that the Electoral Registration Officer proposes to omit the person’s name”.

- (4) Section 24(7A)—

**Repeal**

“registered”.

8. **Section 26 amended (Electoral Registration Officer to correct entries in existing final register in compiling next provisional register)**

- (1) Section 26, heading—

**Repeal**

“next”.

- (2) Section 26(2)—

**Repeal**

“next functional constituencies provisional register, the next subsector provisional register or the next Election Committee provisional register (as the case may be)”

**Substitute**

“first functional constituencies provisional register, subsector provisional register or Election Committee provisional register (as the case may be) after that period”.

(3) Section 26(3)—

**Repeal**

“next functional constituencies provisional register, the next subsector provisional register or the next Election Committee provisional register (as the case may be)”

**Substitute**

“first functional constituencies provisional register, subsector provisional register or Election Committee provisional register (as the case may be) after that period”.

(4) Section 26(4)—

**Repeal**

“registered”.

(5) Section 26(5)—

**Repeal paragraph (ab)**

**Substitute**

“(ab) the functional constituencies provisional register or the subsector provisional register for 2016, after 25 August 2015 but not later than 2 May 2016;”.

(6) Section 26(5)(b)(i)—

**Repeal**

“25 June”

**Substitute**

“2 May”.

(7) Section 26(5)(b)(ii)(A)—

**Repeal**

“25 August”

**Substitute**

“2 July”.

(8) Section 26(5)(b)(ii)(B)—

**Repeal**

“25 June”

**Substitute**

“2 May”.

(9) After section 26(6)—

**Add**

“(7) The Electoral Registration Officer may, before acting under subsection (2) in relation to the compilation of the functional constituencies provisional register or the subsector provisional register, require in writing the person who makes the request under subsection (1) to furnish in writing either or both of the following within the specified period—

- (a) further particulars relating to the request as specified by the Electoral Registration Officer;
- (b) proof that the entry is incorrect.

(8) In this section—

*specified period* (指明期間), in relation to a requirement made under subsection (7), means—

- (a) if the first 11 July that follows the making of the requirement falls in a District Council election year—a period specified by the Electoral Registration Officer ending not later than that 11 July; or



(b) in any other case—a period specified by the Electoral Registration Officer ending not later than the first 11 May that follows the making of the requirement.”.

9. **Section 27 amended (what is to be contained in a functional constituencies provisional register)**

Section 27—

**Repeal subsection (2).**

10. **Section 33 amended (Electoral Registration Officer to correct entries in provisional register in compiling final register)**

(1) Section 33, heading, after “compiling”—

**Add**

“Election Committee”.

(2) Section 33(1)—

**Repeal**

“or a body whose name is or is to be recorded in a functional constituencies provisional register, a subsector provisional register or”

**Substitute**

“is or is to be recorded in”.

(3) Section 33(1)—

**Repeal**

“him, her or it”

**Substitute**

“him or her”.

(4) Section 33(2)(a)—

**Repeal**

“(10)(a)”

**Substitute**

“(10)(a)(ii)”.

(5) Section 33(2)—

**Repeal**

“relevant final register”

**Substitute**

“first Election Committee final register after that period”.

(6) Section 33(2), Chinese text—

**Repeal**

“或該團體”.

(7) Section 33—

**Repeal subsection (3).**

(8) Section 33(5)—

**Repeal**

“or (3)”.

(9) Section 33(5)—

**Repeal**

“registered”.

(10) Section 33(6)—

**Repeal**

“a functional constituencies register, a subsector register or”.

(11) Section 33(6)—

**Repeal**

“(10)(a)”

**Substitute**

“(10)(a)(ii)”.

(12) Section 33(6)—

**Repeal**

everything after “compiling”

**Substitute**

“the next Election Committee provisional register.”.

(13) Section 33(7)—

**Repeal paragraph (a).**

(14) Section 33(8)—

**Repeal**

“(10)(a)”

**Substitute**

“(10)(a)(ii)”.

(15) Section 33—

**Repeal subsection (9).**

(16) Section 33(10)(a)—

**Repeal subparagraph (i).**

(17) Section 33(10)(a)(ii)—

**Repeal**

“register; or”

**Substitute**

“register.”.

(18) Section 33(10)—

**Repeal paragraph (b).**

11. **Section 34 amended (Electoral Registration Officer to correct entries in provisional register with approval of Revising Officer)**

Section 34(2)(b)—

**Repeal**

“registered”.

12. **Section 35 amended (what is to be contained in a functional constituencies final register)**

Section 35(1)(a)—

**Repeal**

“33 or”.

13. **Section 35A repealed (first register of electors for District Council (second) functional constituency)**

Section 35A—

**Repeal the section.**

14. **Section 36 amended (what is to be contained in a subsector final register)**

Section 36(1)(a)—

**Repeal**

“33 or”.

**15. Section 44 amended (communications by registered post)**

(1) Section 44, heading—

**Repeal**

“registered”.

(2) Section 44—

**Repeal**

“registered”.

Made this        day of January 2016.

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

Arthur LUK Yee-shun  
Member,  
Electoral Affairs Commission

Fanny M. C. CHEUNG  
Member,  
Electoral Affairs Commission

### Explanatory Note

This Regulation amends 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) (*principal Regulation*).

2. Section 33 of the principal Regulation allows the Electoral Registration Officer (*ERO*), when compiling a final register of electors for functional constituencies, final register of voters for subsectors or final register of members of the Election Committee, to alter the particulars recorded or to be recorded in the relevant provisional register on receiving a request or obtaining information. This Regulation amends that section so that the ERO may no longer alter the particulars under that section when compiling registers for functional constituencies and subsectors.
3. Section 26 of the principal Regulation is amended correspondingly so that, in relation to the compilation of registers for functional constituencies and subsectors, requests for alteration of particulars received after the deadline for applying for registration in the provisional register compiled for a year will only be considered by the ERO for the purpose of compiling the provisional register for the next year.
4. In addition, this Regulation—
  - (a) amends various provisions in the principal Regulation to replace the requirement to send communication by registered post by the requirement to send it by post; and
  - (b) repeals sections 24(1C)(b), 27(2) and 35A of the principal Regulation which relate to the first register of

electors for the District Council (second) functional constituency as they are spent.

**Electoral Affairs Commission (Registration of Electors)  
(Rural Representative Election) (Amendment)  
Regulation 2016**

**Contents**

| Section   | Page |
|---|------|
| 1. Commencement .....   | 1    |
| 2. Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation amended .....     | 1    |
| 3. Section 1A amended (effect of inclement weather warning on date and period) .....                                    | 1    |
| 4. Section 15 amended (ERO to inform applicants of determinations and decisions).....                                   | 2    |
| 5. Section 17 amended (ERO may make inquiries about persons registered in existing final register).....                 | 2    |
| 6. Section 18 amended (ERO to prepare omissions list).....  | 2    |
| 7. Section 20 amended (ERO to correct entries in existing final register when compiling next provisional register)..... | 3    |
| 8. Section 27 amended (ERO to correct entries in provisional register when compiling final register).....               | 5    |
| 9. Section 28 amended (ERO to correct entries in provisional register with approval of Revising Officer).....           | 5    |

| Section   | Page |
|---|------|
| 10. Section 29 amended (what is to be contained in final register).....   | 5    |
| 11. Section 32 amended (offences and penalties).....  | 6    |
| 12. Section 34 amended (ERO’s responsibility regarding communications) .....  | 6    |
| 13. Section 35 repealed (transitional provisions relating to Rural Representative Election Legislation (Amendment) Ordinance 2014)..... | 7    |
| 14. Schedule repealed (transitional provisions relating to Rural Representative Election Legislation (Amendment) Ordinance 2014).....   | 7    |

**Electoral Affairs Commission (Registration of Electors)  
(Rural Representative Election) (Amendment)  
Regulation 2016**

(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 18 March 2016.

**2. Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation amended**

The Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K) is amended as set out in sections 3 to 14.

**3. Section 1A amended (effect of inclement weather warning on date and period)**

(1) Section 1A(4), Table—

**Repeal**

“section 9(2)”

**Substitute**

“sections 9(2) and 20(7)(b)”.

(2) Section 1A(4), Table—

**Repeal**

“section 27(10)(b)                      section 20(7)”.

(3) Section 1A(5)—

**Repeal**

everything after “falls on” and before “to the day”

**Substitute**

“an inclement weather warning day, section 21(2)(c) has effect in relation to that year as if the reference to “17 July” in that section is substituted by a reference”.

**4. Section 15 amended (ERO to inform applicants of determinations and decisions)**

(1) Section 15(3)—

**Repeal**

“registered post”

**Substitute**

“post”.

(2) Section 15(5)—

**Repeal**

“registered”.

**5. Section 17 amended (ERO may make inquiries about persons registered in existing final register)**

Section 17(2)—

**Repeal**

“registered”.

**6. Section 18 amended (ERO to prepare omissions list)**

(1) Section 18(6)—

**Repeal**

everything after “has informed” and before “from the next”

**Substitute**

“the person in writing and by post (sent to the address recorded against the person’s name in the existing final register) that the ERO proposes to omit the person’s name”.

- (2) Section 18(7A)—

**Repeal**

“registered”.

7. **Section 20 amended (ERO to correct entries in existing final register when compiling next provisional register)**

- (1) Section 20, heading—

**Repeal**

“next”.

- (2) Section 20(2)—

**Repeal**

“next provisional register”

**Substitute**

“first provisional register after that period”.

- (3) Section 20(3)—

**Repeal**

“next provisional register”

**Substitute**

“first provisional register after that period”.

- (4) Section 20(5)—

**Repeal**

“registered”.

- (5) Section 20(7)—

**Repeal**

everything after “relevant period is”

**Substitute**

“—

- (a) in relation to the compilation of the provisional register for 2016—after 9 September 2015, but on or before 16 July 2016; or

- (b) in relation to the compilation of any subsequent provisional register—after 16 July of the preceding year, but on or before 16 July of the current year.”.

- (6) After section 20(7)—

**Add**

“(7A) The ERO may, before acting under subsection (2), require in writing the person who makes the request under subsection (1) to furnish in writing either or both of the following within the specified period—

- (a) further particulars relating to the request as specified by the ERO;

- (b) proof that the entry is incorrect.”.

- (7) Section 20—

**Repeal subsection (8)**

**Substitute**

“(8) In this section—

*personal particulars* (個人詳情) means, in relation to the compilation of—

- (a) the Existing Villages provisional register or the Market Towns provisional register, the name and principal residential address of a person; and

(b) the Indigenous Villages and Composite Indigenous Villages provisional register, the name of a person;

*specified period* (指明期間) means, in relation to a requirement made under subsection (7A), a period specified by the ERO ending not later than 6 August that follows the making of the requirement.”.

**8. Section 27 amended (ERO to correct entries in provisional register when compiling final register)**

(1) Section 27, heading—

**Repeal**

“entries in provisional register when compiling”

**Substitute**

“principal residential addresses when compiling Indigenous Villages and Composite Indigenous Villages”.

(2) Section 27—

**Repeal subsections (1), (2), (3), (4), (5), (6), (7), (8), (10) and (11).**

**9. Section 28 amended (ERO to correct entries in provisional register with approval of Revising Officer)**

Section 28(2)(b)—

**Repeal**

“registered”.

**10. Section 29 amended (what is to be contained in final register)**

Section 29(1)(a)—

**Repeal**

“sections 27 and”

**Substitute**

“section 27(9) or”.

**11. Section 32 amended (offences and penalties)**

Section 32(1)(d)—

**Repeal**

“or 27”.

**12. Section 34 amended (ERO’s responsibility regarding communications)**

(1) Section 34(1)—

**Repeal**

“registered” (wherever appearing).

(2) Section 34(2)—

**Repeal**

“registered” (wherever appearing).

(3) Section 34(3)—

**Repeal**

“registered”.

(4) Section 34(4)—

**Repeal**

“registered post”

**Substitute**

“post”.

(5) Section 34(5)—

**Repeal**

“registered post”



**Substitute**

“post”.

13. **Section 35 repealed (transitional provisions relating to Rural Representative Election Legislation (Amendment) Ordinance 2014)**

Section 35—

**Repeal the section.**

14. **Schedule repealed (transitional provisions relating to Rural Representative Election Legislation (Amendment) Ordinance 2014)**

The Schedule—

**Repeal the Schedule.**

Made this        day of January 2016.

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

Arthur LUK Yee-shun  
Member,  
Electoral Affairs Commission

Fanny M. C. CHEUNG  
Member,  
Electoral Affairs Commission

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### Explanatory Note

This Regulation amends the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K) (*principal Regulation*).

2. Section 27 of the principal Regulation allows the Electoral Registration Officer (*ERO*), when compiling a final register of electors for Existing Villages, final register of electors for Indigenous Villages and Composite Indigenous Villages or final register of electors for Market Towns, to alter certain personal particulars recorded or to be recorded in the relevant provisional register on receiving a request or obtaining information. This Regulation amends that section so that the ERO may no longer alter certain personal particulars under that section.
3. Section 20 of the principal Regulation is amended correspondingly so that requests for alteration of certain personal particulars received after the deadline for applying for registration in the provisional register compiled for a year will only be considered by the ERO for the purpose of compiling the provisional register for the next year.
4. In addition, this Regulation—
  - (a) amends various provisions in the principal Regulation to replace the requirement to send communication by registered post by the requirement to send it by post; and
  - (b) repeals section 35 of, and the Schedule to, the principal Regulation which are transitional provisions relating to the Rural Representative Election Legislation (Amendment) Ordinance 2014 (5 of 2014) as they are spent.