

**立法會**  
**Legislative Council**

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**Paper for the House Committee meeting on 27 October 2017**

**Report of the Subcommittee on Amendments to Five Regulations  
under the Electoral Affairs Commission Ordinance**

**Purpose**

This paper reports on the deliberations of the Subcommittee on Amendments to Five Regulations under the Electoral Affairs Commission Ordinance.

**Background**

2. At present, section 50(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) stipulates that the Presiding Officer ("PRO") in a Legislative Council ("LegCo") election must not give a ballot paper to a person unless PRO is satisfied, after inspection of the person's identity document<sup>1</sup> or any other document showing that person's name and photograph, that he/she is the person registered in the Final Register ("FR") as claimed. According to the LegCo Brief [REO 14-32/7 (Con)], the existing legislation does not specify precisely the specific forms or types of documents that PRO may accept for the purpose of being satisfied as to whether a person is the elector registered in FR as claimed. It also mentions that different practices among different PROs as to what "any other document showing that person's name and photograph" is considered acceptable would create inconsistency and lead to possible disputes.

3. In the 2016 LegCo General Election, there were media reports that a candidate and an elector were able to collect ballot papers by only producing photocopies of their Hong Kong Permanent Identity Cards ("HKIDs") on the

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<sup>1</sup> Section 2 of Cap. 541D stipulates that "identity document" has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542) ("LCO"); and section 3(1) of LCO stipulates that "identity document" means:

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177); or
- (b) a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity.

polling day. The Electoral Affairs Commission ("EAC") issued a press release in the afternoon of the polling day pointing out that under the existing legislation, an elector is required to produce an identity document when applying for his/her ballot paper(s), but that document is not necessarily an HKID. If PRO is satisfied of the identity of an elector based on any other document produced by the elector, a ballot paper can be issued to the elector under the law. Furthermore, EAC clarified that a ballot paper will not be issued to an elector who merely produces a photocopy of an HKID. The incidents highlighted public concern on the possibility of persons using counterfeit documents or impersonating electors to apply for ballot papers.

4. In January 2017, EAC published the Report on the 2016 LegCo General Election ("EAC Report"). One of the recommendations of the EAC Report is that the relevant authority should consider amending the legislation to set out expressly that an elector must produce the original of his/her HKID before a ballot paper can be issued.

#### **The five Amendment Regulations (L.N. 129 to L.N. 133 of 2017)**

5. On 19 June 2017, EAC made five Amendment Regulations to amend five regulations<sup>2</sup> under the Electoral Affairs Commission Ordinance (Cap. 541) ("EACO") to provide for the documents to be inspected by PRO or polling officer, as appropriate, for satisfying himself/herself of a person's identity before giving a ballot paper to that person. The amendments aim to implement the aforementioned EAC's recommendation that an elector must produce the original of his/her HKID before ballot paper(s) can be issued to him/her, and to provide for alternative measures in case such an original cannot be produced and arrangements for dedicated polling stations situated in prisons. Details of the Administration's proposals are set out in **Appendix I**.

6. The five Amendment Regulations were gazetted on 23 June 2017 and tabled at LegCo on 28 June 2017 for negative vetting. Subject to negative vetting by LegCo, the five Amendment Regulations will come into operation on 1 December 2017.

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<sup>2</sup> The Amendment Regulations seek to amend the following regulations under EACO:

- (a) Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D);
- (b) Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F);
- (c) Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I);
- (d) Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J); and
- (e) Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L).

## **The Subcommittee**

7. At the House Committee meeting on 30 June 2017, Members agreed to form a subcommittee to study the five Amendment Regulations. The membership list of the Subcommittee is in **Appendix II**. Under the chairmanship of Hon MA Fung-kwok, the Subcommittee has held two meetings with the Administration.

8. To allow more time for the Subcommittee to study the five Amendment Regulations, the Subcommittee agreed that the Chairman should move a motion to extend the scrutiny period of the subsidiary legislation to the Council meeting of 8 November 2017. However, the motion could not be dealt with at the Council meeting of 18 October 2017 before the adjournment of the meeting. As such, the period for amending the five Amendment Regulations expired at the Council meeting of 18 October 2017.

## **Deliberations of the Subcommittee**

### Production of HKID to apply for ballot papers

9. Members in general have expressed support for the proposal that an elector must produce the original of his/her HKID before ballot paper(s) can be issued to him/her. However, some members, including Hon Starry LEE and Hon Paul TSE, have expressed concerns that some elderly electors may have the original of their HKIDs kept by their family members for safety reasons, and these elderly electors would thus have difficulty in producing the original of their HKIDs for collection of ballot paper(s) on the polling day. Ms LEE suggests that the Administration should take into consideration the practical difficulty that elderly electors may encounter and put in place a special alternative measure to cater for them in order to preserve their voting right. She has specifically proposed that if an elderly elector is unable to produce the original of his/her HKID on the polling day, he/she should be allowed to produce other documents issued by the Government, such as the Senior Citizen Card, to apply for a ballot paper.

10. The Administration has explained that only a permanent resident of Hong Kong who ordinarily resides in Hong Kong, holds an identity document and has reached 18 years of age is eligible to be registered as an elector. Moreover, persons listed in FR may have the same names, while their identity card numbers are unique for identification purpose. Therefore, EAC recommended in its Report that in order to avoid unnecessary queries, the relevant authority should consider amending the related legislation, setting out expressly that an elector must produce the original of his/her HKID before a ballot paper can be issued. Moreover, the Administration considers it necessary for PROs to adopt

a more prudent approach in ascertaining the identity of an elector before the issuance of ballot paper(s) in order to maintain public confidence in the integrity of the electoral system and guard against the possibility of persons using counterfeit documents or impersonating electors to apply for ballot papers.

11. The Administration has further explained that in accordance with section 17C of the Immigration Ordinance (Cap. 115), every person who has attained the age of 15 years and is the holder of an identity card shall have with him/her at all times proof of his/her identity. Therefore, there should not be any difficulty for an elector to fulfill the requirement to produce the original of his/her HKID when applying for ballot paper(s) at the polling station.

12. Furthermore, the Administration has undertaken to step up its publicity on the requirement that an elector has to produce the original of his/her HKID before ballot paper(s) can be issued to him/her. The Registration and Electoral Office will keep in view the implementation of the revised requirement and consider further enhancing its publicity work in the future as appropriate. On the other hand, after careful consideration, the Administration has reiterated that as it is a statutory requirement for every person who has attained the age of 15 years and is the holder of an identity card to have his/her identity card with him/her at all times, it will be legally inappropriate for the Administration to condone that elderly electors need not comply with the statutory requirement and introduce a special alternative measure for elderly electors to collect ballot papers with other documents. The Administration has also pointed out that according to PROs of a number of polling stations with a relatively high proportion of elderly electors in the 2016 LegCo General Election, nearly all elderly electors produced the original of their HKIDs for issuance of ballot papers. As such, the Administration does not intend to introduce amendments in this respect.

#### Alternative measures

13. Members are generally in support of the Administration's proposed alternative measures (as detailed in Appendix I) to cater for situations where an elector has genuine and justifiable difficulty in producing the original of his/her identity document (e.g., loss of HKID on or some days before the polling day). However, a few members, including Hon Paul TSE, Hon YUNG Hoi-yan, and Hon YIU Si-wing consider the alternative measure as set out in paragraph 7(b)(v) in the LegCo Brief, i.e., an elector has to produce (i) a memo of lost property, coupled with (ii) a valid passport or similar travel document (e.g. a passport (other than the Hong Kong Special Administrative Region ("HKSAR") Passport) or the Home Return Permit) showing his/her name and photograph, and (iii) a copy of his/her HKID in paper form for issuance of a ballot paper, to be over-stringent. They have remarked that some electors might not readily

keep a copy of their HKIDs in paper form. Hon Paul TSE has also pointed out that the name and HKID number of an elector, as provided by him/her when reporting to the police, are already contained in the memo of lost property. He has therefore suggested that the production of a memo of lost property together with a valid passport or similar travel document (e.g. a passport (other than the HKSAR Passport) or the Home Return Permit) showing his/her name and photograph should suffice.

14. The Administration has agreed that the name and HKID number of an elector contained in the memo of lost property can be used to cross-check against information that appears on the passport or similar travel document concerned, as well as the relevant entry in FR. Moreover, as it is a criminal offence to make a false report to the police, the authenticity of the information provided in the memo of lost property should to a large extent be warranted. After carefully considering members' suggestion, the Administration has proposed amendments to the effect that PRO may still issue ballot paper(s) to an elector if PRO is satisfied of the elector's identity upon inspecting a memo of lost property and a valid passport or similar travel document (e.g. a passport (other than the HKSAR Passport) or the Home Return Permit). Members in general support the proposed amendments. A marked-up copy of the proposed amendments is in **Appendix III**<sup>3</sup>.

#### Definition of "identity document"

15. According to the Administration, the term "identity document" referred to in the new section 50(1A)(a) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) is construed according to the definition of "identity document" in section 2 of the same regulation. According to that provision, "identity document" has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542) ("LCO"); and according to section 3(1) of LCO, "identity document" means:

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177); or
- (b) a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or

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<sup>3</sup> Please see section 50(1A)(f)(iii) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), section 53(1A)(f)(iii) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), section 50(1A)(f)(iii) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), section 34(1A)(f)(iii) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J), and section 45(2A)(f)(iii) of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L).

- (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity.

Hon Paul TSE and Hon Holden CHOW have enquired whether item (c) in paragraph 15 above infers that documents other than those specified in the five Amendment Regulations could be accepted by PRO for issuance of ballot papers after inspection. They have suggested that the Administration may consider specifying in the provisions on issuance of ballot papers all the "identity document" that could be accepted by PROs before issuance of ballot papers, in order to provide greater clarity.

16. The Administration has advised that at present, in respect of the issuance of ballot papers by PROs to electors, the Electoral Registration Officer (for District Council, LegCo and Election Committee Subsector Elections) or the Returning Officer (for Chief Executive Elections) does not accept any document other than HKIDs and the Certificates of Exemption issued by the Immigration Department ("ImmD") (items (a) and (b) in paragraph 15 above)<sup>4</sup>. Therefore, in the context of issuance of ballot papers, "identity document" only includes HKIDs and the Certificates of Exemption issued by ImmD.

17. In response to members' suggestion, the Administration has agreed that, to enhance clarity, the reference to "identity document" in the provisions concerned could be changed to specific references to the identity documents that could be accepted by PROs in issuing ballot papers to electors. A marked-up version of the proposed amendments is in **Appendix III**<sup>5</sup>. Members in general support the proposed amendments.

18. The Administration has also proposed to accordingly amend provisions in respect of the LegCo, District Council, Election Committee Subsector and Chief Executive Elections to specify clearly that the document evidencing a report to a police officer of the loss or destruction of an elector's "identity document"

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<sup>4</sup> The Administration has explained that for Rural Representative elections, given that electors of Indigenous Inhabitant Representative elections may not have an HKID, the Electoral Registration Officer will accept passport or identity document issued by the relevant authority of other country/territory for the purpose of voter registration, and the electors concerned will produce the document for collection of ballot papers.

<sup>5</sup> Please see section 50(1A)(a) and (ab) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), section 53(1A)(a) and (ab) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), section 50(1A)(a) and (ab) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), and section 34(1A)(a) and (ab) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J).

should be in respect of the loss or destruction of his/her (i) HKID, (ii) Certificate of Exemption or (iii) an acknowledgement of application for HKID (because a person who has lost the acknowledgement of application for the HKID will similarly be unable to produce his/her HKID in applying for ballot papers). For the same reason, the Administration has proposed to amend the relevant provision in respect of the Rural Representative Elections to include the reference to the acknowledgement of application for HKID as well. A marked-up version of the proposed amendments is in **Appendix III**<sup>6</sup>. Members have not raised objection to the proposed amendments.

### **Follow-up action of the Administration**

19. At the last meeting of the Subcommittee held on 20 October 2017, the Administration informed members that as the scrutiny period of the five Amendment Regulations had expired at the Council meeting of 18 October 2017, it was unable to move a motion to amend the five Amendment Regulations. Nevertheless, the Administration noted that members in general were supportive of the latest proposed amendments referred to in paragraphs 14, 17 and 18 above. The Administration undertook that it would invite EAC to consider introducing as early as possible another set of subsidiary legislation incorporating those proposed amendments for scrutiny by LegCo through the negative vetting procedure. Members did not raise objection to the proposed arrangements.

### **Advice Sought**

20. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 2  
Legislative Council Secretariat  
26 October 2017

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<sup>6</sup> Please see section 50(1A)(f)(i) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), section 53(1A)(f)(i) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), section 50(1A)(f)(i) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), section 34(1A)(f)(i) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J), and section 45(2A)(f)(i) of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L).

Ref.: REO 14-32/7 (Con)

**LEGISLATIVE COUNCIL BRIEF**

Electoral Affairs Commission Ordinance (Cap. 541)

**ELECTORAL AFFAIRS COMMISSION  
(ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL)  
(AMENDMENT) REGULATION 2017**

**ELECTORAL AFFAIRS COMMISSION  
(ELECTORAL PROCEDURE) (DISTRICT COUNCILS)  
(AMENDMENT) REGULATION 2017**

**ELECTORAL AFFAIRS COMMISSION  
(ELECTORAL PROCEDURE) (ELECTION COMMITTEE)  
(AMENDMENT) REGULATION 2017**

**ELECTORAL PROCEDURE (CHIEF EXECUTIVE  
ELECTION) (AMENDMENT) REGULATION 2017**

**ELECTORAL PROCEDURE (RURAL REPRESENTATIVE  
ELECTION) (AMENDMENT) REGULATION 2017**

**(Extract)**

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**Revised requirement**

7. Section 50(1) of Cap. 541D is amended to the effect that the PRO must not give a ballot paper to a person unless the PRO is satisfied, by inspecting the document(s) set out below, that he/she is the person registered in the FR whom he/she claims to be –

- (a) the original of that person's identity document, typically an HKID (in other words, the existing statutory requirement for inspection of an identity document would be maintained, but the alternative of "any other document showing that person's name and



photograph” would be replaced by specific documents set out in paragraph 7(b) below); or

- (b) in order to preserve the voting right of a registered elector, as alternative measures, –
- (i) the original of an acknowledgement of application for the HKID issued by the Immigration Department (“ImmD”) when the person has applied for, but is awaiting, the issuance of an HKID; or
  - (ii) the original of the person’s valid HKSAR Passport; or
  - (iii) the original of the person’s valid seaman’s identity book (“SIB”)<sup>2</sup> issued by the ImmD; or
  - (iv) the original of the person’s valid document of identity for visa purposes (“Doc/I”)<sup>3</sup> issued by the ImmD; or
  - (v) a document evidencing a report to a police officer of the loss or destruction of the person’s identity document, together with the original of a valid passport or similar travel document (e.g., a passport (other than the HKSAR Passport) or the Home Return Permit showing his/her name and photograph, and a copy of his/her identity document in paper form showing his/her name, photograph and identity document number; or
- (c) for an elector at a DPS situated in a prison, a document issued by the Commissioner of Correctional Services (“CCS”) showing that person’s name, photograph and prisoner registration number (i.e. his/her identity tag) (in other words, the existing arrangements would be maintained and expressly provided for).

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<sup>2</sup> SIB is a seafarer’s travel document issued by the ImmD for providing the holder with identity papers in lieu of a national passport.

<sup>3</sup> Hong Kong residents who are not eligible for the HKSAR Passport may apply for the Doc/I which can serve as their travel documents.

**Subcommittee on Amendments to Five Regulations  
under the Electoral Affairs Commission Ordinance**

**Membership list**

<b>Chairman</b>	Hon MA Fung-kwok, SBS, JP
<b>Members</b>	Hon Jeffrey LAM Kin-fung, GBS, JP Hon Starry LEE Wai-king, SBS, JP Hon Paul TSE Wai-chun, JP Hon Frankie YICK Chi-ming, SBS, JP Hon YIU Si-wing, BBS Hon Charles Peter MOK, JP Hon CHAN Han-pan, JP Hon Alice MAK Mei-kuen, BBS, JP Dr Hon Helena WONG Pik-wan Hon Alvin YEUNG Dr Hon Junius HO Kwan-yiu, JP Hon LAM Cheuk-ting Hon Holden CHOW Ho-ding Hon YUNG Hoi-yan Hon LUK Chung-hung  Total : 16 members
<b>Clerk</b>	Ms Joanne MAK
<b>Legal Adviser</b>	Mr Alvin CHUI Ho-yin
<b>Date</b>	14 July 2017

[Changes in LegCo Membership](#)

Proposed amendments

**Amendments to the**  
**Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation**  
**(Cap. 541D)**

**Marked-up according to the**  
**Electoral Affairs Commission (Electoral Procedure) (Legislative Council)**  
**(Amendment) Regulation 2017 gazetted on 23.6.2017 (L.N. 129 of 2017)**

Section:	50	Ballot paper to be given to person only if Presiding Officer is satisfied of person's identity	E.R. 2 of 2012	02/08/2012
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- (1) The Presiding Officer must not give a ballot paper to a person unless that Officer is satisfied ~~by inspecting that person's identity document or any other document showing the person's name and photograph, by inspecting the document or documents set out in subsection (1A) or (1B),~~ that he or she is the person registered in the final register, whom he or she claims to be.
- (1A) ~~For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1) are any of the following—~~
- (a) ~~the person's identity document;~~
  - (ab) ~~a document issued to the person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance;~~
  - (b) ~~a document issued by the Commissioner of Registration acknowledging that the person has applied—~~
    - (i) ~~to be registered under the Registration of Persons Ordinance (Cap. 177); or~~
    - (ii) ~~for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);~~
  - (c) ~~a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);~~
  - (d) ~~a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~
  - (e) ~~a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~
  - (f) ~~all of the following documents—~~
    - (i) ~~a document evidencing a report to a police officer of the loss or destruction of the person's identity document referred to in paragraph (a), (ab) or (b);~~
    - (ii) ~~a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;~~
    - (iii) ~~a copy of the person's identity document in paper form showing the person's name, photograph and identity document number.~~

(1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1) is a document issued by the Commissioner of Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

(2) A person is not to be prevented from voting only due to an omission or inaccuracy of a particular required to be recorded in a final register, other than the omission of both the person's name and the identity document number.

**Amendments to the**  
**Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation**  
**(Cap. 541F)**

**Marked-up according to the Electoral Affairs Commission (Electoral Procedure)**  
**(District Councils) (Amendment) Regulation 2017 gazetted on 23.6.2017**  
**(L.N. 130 of 2017)**

Section:	53	Ballot paper to be given to a person only if Presiding Officer is satisfied of the person's identity	E.R. 2 of 2012	02/08/2012
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(1) The Presiding Officer must not give a ballot paper to a person unless that Officer is satisfied ~~by inspecting that person's identity document or any other document showing the person's name and photograph, by inspecting the document or documents set out in subsection (1A) or (1B),~~ that he or she is the person registered in the final register, whom he or she claims to be.

~~(1A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1) are any of the following—~~

~~(a) the person's identity document;~~

~~(ab) a document issued to the person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance;~~

~~(b) a document issued by the Commissioner of Registration acknowledging that the person has applied—~~

~~(i) to be registered under the Registration of Persons Ordinance (Cap. 177); or~~

~~(ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);~~

~~(c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);~~

~~(d) a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(f) all of the following documents—~~

~~(i) a document evidencing a report to a police officer of the loss or destruction of the person's identity document referred to in paragraph (a), (ab) or (b);~~

~~(ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;~~

~~(iii) a copy of the person's identity document in paper form showing the person's~~

name, photograph and identity document number.

(1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1) is a document issued by the Commissioner of Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

(2) A person is not to be prevented from voting only due to an omission or inaccuracy of a particular required to be recorded in a final register, other than-

(a) in the case of the first ordinary election, the omission of both the person's name and identity document number from the copy of the part of the final register supplied to the Presiding Officer; or

(b) in the case of any subsequent ordinary election, the omission of both the person's name and identity document number from the final register.

Amendments to the  
Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation  
(Cap. 541I)

**Marked-up according to the Electoral Affairs Commission (Electoral Procedure)  
(Election Committee) (Amendment) Regulation 2017 gazetted on 23.6.2017  
(L.N. 131 of 2017)**

Section:	50	Ballot paper to be issued to person only if Presiding Officer is satisfied of person's identity	L.N. 210 of 2001	12/10/2001
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(1) The Presiding Officer must not issue a ballot paper to a person unless that Officer is satisfied ~~by inspecting that person's identity document or any other document showing the person's name and photograph, by inspecting the document or documents set out in subsection (1A) or (1B),~~ that he or she is the person registered in the subsector final register, whom he or she claims to be.

~~(1A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1) are any of the following—~~

~~(a) the person's identity document~~card;

~~(ab) a document issued to the person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance;~~

~~(b) a document issued by the Commissioner of Registration acknowledging that the person has applied—~~

~~(i) to be registered under the Registration of Persons Ordinance (Cap. 177); or~~

~~(ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);~~

~~(c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);~~

~~(d) a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(f) all of the following documents—~~

~~(i) a document evidencing a report to a police officer of the loss or destruction of the person's identity document referred to in paragraph (a), (ab) or (b);~~

~~(ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;~~

~~(iii) a copy of the person's identity document in paper form showing the person's name, photograph and identity document number.~~

(1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1) is a document issued by the Commissioner of Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

(2) A person is not to be prevented from voting only due to an omission or inaccuracy of a particular required to be recorded in the subsector final register, other than the omission of both the person's name and the identity document number.



Amendments to the  
Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J)

**Marked-up according to the Electoral Procedure (Chief Executive Election)  
(Amendment) Regulation 2017 gazetted on 23.6.2017 (L.N. 132 of 2017)**

Section:	34	Issue of ballot paper	E.R. 1 of 2012	09/02/2012
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- (1) If a person applies for a ballot paper at the issuing desk, the polling officer manning the desk shall-
- (a) upon being satisfied ~~by inspecting the person's identity document,~~ by inspecting the document or documents set out in subsection (1A) or (1B), that the person is an elector registered in the final register; and
  - (b) after calling out the name of the person as stated in the copy of the final register in that officer's possession,
- issue to the person one ballot paper and a chop for marking the ballot paper.
- (1A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1)(a) are any of the following—
- (a) the person's identity ~~document~~card;
  - (ab) a document issued to the person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance;
  - (b) a document issued by the Commissioner of Registration acknowledging that the person has applied—
    - (i) to be registered under the Registration of Persons Ordinance (Cap. 177); or
    - (ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);
  - (c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
  - (d) a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);
  - (e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);
  - (f) all of the following documents—
    - (i) a document evidencing a report to a police officer of the loss or destruction of the ~~person's identity document~~ document referred to in paragraph (a), (ab) or (b);
    - (ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;
    - (iii) a copy of the person's identity document in paper form showing the person's name, photograph and identity document number.
- (1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1)(a) is a document issued by the Commissioner of

Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

- (2) A person shall not be prevented from voting only due to an omission or inaccuracy of a particular required to be registered in the final register, other than the omission of both his name and the identity document number.
- (3) If a ballot paper is issued to an elector, the polling officer shall, subject to subsection (4), record that a ballot paper has been so issued by one or both of the following means-
  - (a) placing a line in the copy of the final register in his possession across the name and identity document number of the elector;
  - (b) marking the copy of the final register in his possession in such other manner as the Chief Electoral Officer may direct.
- (4) No record shall be made of the particular ballot paper or ballot papers issued to an elector.

**Amendments to the  
Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L)**

**Marked-up according to the Electoral Procedure  
(Rural Representative Election) (Amendment) Regulation 2017 gazetted on 23.6.2017  
(L.N. 133 of 2017)**

Section:	45	Issue of ballot paper	5 of 2014	01/04/2015
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- (1) If, at a polling station used for polling for only one Rural Area, a person applies for a ballot paper at the issuing desk, the polling officer manning the desk shall, upon being satisfied ~~by inspecting the person's identity document, by inspecting the document or documents set out in subsection (2A) or (2B),~~ that the person is an elector registered in the final register for the Rural Area, issue to the person- (5 of 2014 s. 2)
- (a) one ballot paper to be used for the election for the Rural Area; and (5 of 2014 s. 2)
- (b) a chop provided under section 33(4) for marking the ballot paper.
- (2) If, at a polling station used for polling for more than one Rural Area, a person applies for a ballot paper at the issuing desk, the polling officer manning the desk shall, upon being satisfied ~~by inspecting the person's identity document, by inspecting the document or documents set out in subsection (2A) or (2B),~~ that-
- (a) the person is an elector registered in the final register for one of the Rural Areas for which the polling station is used for polling, issue to the person- (5 of 2014 s. 2)
- (i) one ballot paper to be used for the election for that Rural Area; and
- (ii) a chop provided under section 33(4) for marking the ballot paper; or
- (b) the person is an elector registered in the final registers for more than one Rural Area for which the polling station is used for polling, issue to the person- (5 of 2014 s. 2)
- (i) subject to subsection (3), one ballot paper to be used for the election for each of those Rural Areas; and
- (ii) a chop provided under section 33(4) for marking those ballot papers. (5 of 2014 s. 2)
- (2A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsections (1) and (2) are any of the following—
- (a) the person's identity document;
- (b) a document issued by the Commissioner of Registration acknowledging that the person has applied—
- (i) to be registered under the Registration of Persons Ordinance (Cap. 177); or
- (ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);
- (c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
- (d) a valid identity book for a seaman issued to the person under regulation 3 of the

Immigration Regulations (Cap. 115 sub. leg. A);

(e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);

(f) all of the following documents—

(i) a document evidencing a report to a police officer of the loss or destruction of the ~~person's identity document~~ document referred to in paragraph (a) or (b);

(ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;

~~(iii) a copy of the person's identity document in paper form showing the person's name, photograph and identity document number.~~

(2B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsections (1) and (2) is a document issued by the Commissioner of Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

(3) If a person referred to in subsection (2)(b) does not wish to cast all the votes which he is entitled to cast for the Rural Areas for which the polling station is used for polling or he does not wish to do so at the same time, he- (5 of 2014 s. 2)

(a) shall be issued, upon his application, one ballot paper to be used for the election for the Rural Area for which he is going to cast his vote; and (5 of 2014 s. 2)

(b) may cast his remaining vote later, before the close of the poll (whether he has left and subsequently returns to the polling station or he has not left the polling station).

(4) For the purposes of subsections (1), (2) and (3), where the person is an elector registered in a final register-

(a) for an Existing Village, the person must be issued a ballot paper to be used for an election for an Existing Village;

(b) for an Indigenous Village, the person must be issued a ballot paper to be used for an election for an Indigenous Village;

(c) for a Composite Indigenous Village, the person must be issued a ballot paper to be used for an election for a Composite Indigenous Village; or (5 of 2014 s. 47)

(d) for a Market Town, the person must be issued a ballot paper to be used for an election for a Market Town. (5 of 2014 s. 47)

(5) Before a ballot paper or ballot papers are issued to an elector, the polling officer shall call out the name of the elector as stated in the copy of the relevant final register or registers in that officer's possession.

(6) To ensure that the correct ballot paper or ballot papers are issued to an elector, the polling officer may require the elector to verify the entry relating to him in the relevant final register or registers.

(7) A person shall not be prevented from voting only because of an omission or inaccuracy of a particular required to be registered in the relevant final register, other than the omission of his name and, where applicable, his principal residential address.

(8) If a ballot paper or ballot papers are issued to an elector, the polling officer shall, subject to subsection (9), record that a ballot paper or ballot papers have been so issued by one or both of the following means-

- (a) placing a line in the copy of the relevant final register or registers in that officer's possession across the name and, where applicable, the principal residential address of the elector;
  - (b) marking the copy of the relevant final register or registers in that officer's possession in such other manner as the Director of Home Affairs may direct.
- (9) No record shall be made of the particular ballot paper or ballot papers issued to an elector.