

立法會
Legislative Council

LC Paper No. LS 110/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 24 March 2000**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 17 March 2000**

Date of Tabling in LegCo : 29 March 2000

Amendment to be made by : 12 April 2000 (or 3 May 2000 if extended
by resolution)

**Electoral Affairs Commission Ordinance (Cap. 541)
Electoral Affairs Commission (Electoral Procedure) (Legislative Council)
(Amendment) Regulation 2000 (L.N. 65)**

This Regulation amends the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg.) to revise-

- (a) the procedure for conducting an election to elect Members of the Legislative Council ("election procedure"); and
- (b) the procedure for conducting an election to elect the members of the Election Committee ("subsector election procedure").

2. Some amendments relate only to the election procedures. In particular, they provide that-

- (a) in a general election-
 - (i) the votes for functional constituencies and the Election Committee election are counted at the central counting station designated for the purpose; and

- (ii) the votes for each geographical constituency are counted at a separate counting station designated for the purpose;
- (b) in a general election, voting for the Heung Yee Kuk, agriculture and fisheries, insurance and transport functional constituencies ("SFCs") can only take place at the polling stations assigned for polling for the Election Committee election;
- (c) a person voting for a geographical constituency or a functional constituency (except the four SFCs) must mark the ballot paper with a chop bearing the mark "√", which is to be provided by the Chief Electoral Officer at a polling station; and
- (d) the procedures reflect the revised arrangements under the Legislative Council Ordinance (Cap. 542) relating to the death or disqualification of a validly nominated candidate that comes to the knowledge of the Returning Officer-
 - (i) before the date of election;
 - (ii) on the date of election but before the close of polling; and
 - (iii) after the close of polling but before the declaration of election result.

3. Some amendments relate to both the election procedures and the subsector election procedures. In particular, they provide that -

- (a) a Presiding Officer may permit a child accompanying an elector to enter a polling station, if he considers that the child will not disturb or cause inconvenience to other persons in the polling station;
- (b) in order to make allowance for emergency situations, for example polling stations being flooded, the Chief Electoral Officer may allocate to an elector or authorized representative an alternative polling station, in addition to or in substitution of the assigned polling station, to cast his vote;
- (c) what postal materials may be sent to electors or voters by a candidate free of postage; and
- (d) certain election advertisements, for example an election advertisement to be sent by facsimile or any other form of electronic transmission, are exempted from the requirement for numbering.

4. The amendments also have the following effect-
 - (a) a person now commits an offence if the person-
 - (i) removes a ballot paper from a polling station;
 - (ii) without permission, films or takes photographs or makes any audio or video recording within a counting zone during counting of votes;
 - (iii) in a no canvassing zone, displays any badge, emblem or clothing which may promote or prejudice the election of a candidate or candidates, or which makes direct reference to a body any member of which is standing as a candidate in the election or subsector election or to a political body in Hong Kong, unless the display is for the purpose of canvassing for votes from door to door now permitted or there is a reasonable excuse for so doing; or
 - (iv) displays, distributes or otherwise uses an election advertisement that includes claim of support without depositing with the Returning Officer beforehand a copy of consent in writing by the supporter;
 - (b) an offence under-
 - (i) section 103(1) or (2) of the principal Regulation (offence of false declaration) is an offence prescribed for the purposes of certain provisions in the Legislative Council Ordinance which disqualify a person from being registered as an elector, etc.; and
 - (ii) section 93(1) or (2) of Schedule 1 to the principal Regulation (offence of false declaration) is an offence prescribed for the purposes of certain provisions in the Legislative Council Ordinance which disqualify a person from being a subsector candidate, etc..
5. The Regulation also makes other technical and related amendments to the principal Regulation.
6. Members may refer to LegCo Brief (without File Reference on it) of 14 March 2000 from Registration and Electoral Officer for background information.

7. The next meeting of the Subcommittee on subsidiary legislation relating to 2000 Legislative Council election will be held on 28 March 2000.

8. The Regulation will come into operation on 5 May 2000.

Prepared by

Lam Ping-man, Stephen
Assistant Legal Adviser
Legislative Council Secretariat
23 March 2000

LS/S/26/99-00