

LEGISLATIVE COUNCIL BRIEF

Electoral Affairs Commission Ordinance (Cap.541)

ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR FUNCTIONAL CONSTITUENCIES) (VOTERS FOR SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) (LEGISLATIVE COUNCIL) (AMENDMENT) REGULATION 1999

INTRODUCTION

On 24 November 1999, the Electoral Affairs Commission (“EAC”) endorsed the Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) (Amendment) Regulation (“the Amendment Regulation”) which seeks to amend the Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) Regulation (“the principal regulation”). This brief informs Members of the main provisions in the Amendment Regulation.

BACKGROUND AND ARGUMENT

2. The principal regulation was made by the EAC in November 1997. It sets out the procedural arrangements in the registration of electors for the functional constituencies (FCs), voters for the subsectors and members for the Election Committee (EC) for the Legislative Council (LegCo) election in accordance with the broad framework laid down in the LegCo Ordinance (Cap.542). The main provisions of the principal regulation provide for the following:

- (a) the format of the registers for electors (FCs), voters (subsectors) and members (EC);
- (b) procedures of registration by applications or by the notification arrangement;
- (c) compilation of the provisional and final registers and the omissions lists;
- (d) procedures for appeal; and
- (e) offences and penalties.

3. Following the enactment of the LegCo (Amendment) Ordinance 1999 (Ord. 48 of 1999) which sets out the arrangements for the general election to be held in September 2000 to elect members for the second term of office of the LegCo, some provisions of the principal regulation need to be correspondingly amended to tie in with the revised arrangements. The opportunity is also taken to introduce certain changes to the principal regulation to improve and streamline some of the registration procedures in the light of experience gained in the 1997/98 voter registration drive.

THE AMENDMENT REGULATION

4. Details of the major amendments are set out in the following paragraphs.

(A) Amendments consequent upon the changes introduced in the LegCo (Amendment) Ordinance 1999

The revised cycle of registration

5. The LegCo (Amendment) Ordinance 1999 requires that the Electoral Registration Officer (ERO) must publish –

- (a) annually a provisional register (PR) and a final register (FR) of electors for FCs not later than 15 April and 25 May respectively; and
- (b) a PR and an FR of voters for subsectors on the same dates as (a) for 2000.

6. To tie in with the new timetable, the various dates stipulated in the principal regulation for different steps in the compilation of the PR and FR have to be consequentially postponed. The revised dates are summarized in the Annex. They are in line with those amendments made by the EAC in respect of the voter registration cycle for geographical constituencies.

Publication of subsector registers for the 2nd LegCo general election

7. The LegCo (Amendment) Ordinance 1999 requires that EC subsector elections are to be held for the formation of the EC for returning Members to the LegCo at the general election in 2000. The ERO must compile a subsector PR and an FR for this purpose. The principal regulation only provides for the compilation of subsector registers for the elections held in 1998.

8. Amendments and additions are made to a number of the concerned provisions in the principal regulation to provide for the following –

- (a) the subsector PR to be published in 2000 is to be compiled on the basis of the subsector FR published in 1998, except the two Provisional District Boards Subsectors which have been replaced under the LegCo (Amendment) Ordinance 1999;
- (b) in compiling the subsector PR for 2000, the ERO may –
 - (i) correct particulars in the existing entries on the basis of

requests made by the voters and information obtained by the ERO from relevant sources; and

- (ii) make inquiries of persons registered on the existing subsector FR to ascertain whether they are still eligible to be registered and for those who are no longer eligible, enter their names on a subsector omissions list.

Changes in the delineation of electorate for FCs and subsectors

9. The LegCo (Amendment) Ordinance 1999 provides that –
 - (a) the Urban Council and Regional Council FCs are to be replaced by two new FCs, namely the District Council FC and the Catering FC;
 - (b) the District Council FC will comprise all members of the District Councils. Its corresponding subsectors are the Hong Kong and Kowloon District Councils Subsector and the New Territories District Councils Subsector which replace the Provisional District Boards Subsectors which were optional subsectors;
 - (c) for the Catering FC, voters registered in the Catering Subsector of the existing subsector FR, except those who are no longer eligible, will form the basis of the first PR for the Catering FC; and that the ERO must enter the names of those who are no longer eligible on the FCs omissions list.

10. In the Amendment Regulation, sections 7; 9(a) and (c); 12(a); 16(b); 18(a); and 19(b) seek to make amendments that reflect the changes in electorate and to introduce provisions for the necessary procedural arrangements for registration.

Preparation of the Election Committee (EC) FR and registration of ex-officio members on the EC register

11. The LegCo Ordinance requires that the ERO must, within 7 days after the results of the EC subsector elections are published, compile and publish an EC FR. The following new requirements have been stipulated in the LegCo (Amendment) Ordinance 1999 –

- (a) in compiling the EC FR for the 2nd general election, the ERO must register the persons qualified as ex-officio members of the EC i.e. the persons holding office on 30.6.2000 as Members of the LegCo or Hong Kong deputies to the National People's Congress;
- (b) the ERO must register any subsequent changes in the ex-officio membership of the EC by amending the EC FR as and when necessary. When names are so added or removed, the ERO must publish a notice to that effect; and
- (c) for the 2nd general election, an ex-officio member of the EC who is also registered as an elector for an FC in the FCs FR is entitled to vote in the EC or the FC at the member's choice made in accordance with the EAC Regulation before the compilation of the EC FR. The choice is to have effect in relation to any election held for the second term of office of the LegCo and is irrevocable.

12. Section 32 of the Amendment Regulation seeks to deal with the revised procedural requirements which the ERO has to follow in implementing (a) and (b) above. The ERO must amend the EC FR as soon as practicable after he becomes aware of the change in ex-officio membership, and within 14 days of adding or removing any name, a notice must be published in the Gazette of such addition or removal. To give effect to (c) above, section 34 adds a new provision requiring that an ex-officio member of the EC who is also registered in an FC to make the choice of vote by giving to the ERO a written notice on or before 5 July 2000. If such a member does not give any notice, he or she is deemed to have chosen to vote at the EC election. The deadline is set on 5 July 2000

to allow sufficient time for the ERO to compile the EC FR in time for the general election to be held in September 2000 after having been notified of all the choices.

(B) Amendments for general improvements and streamlining procedures

The revised format of the registers published for public inspection

13. In line with the amendments made by the EAC to the format of the register of electors for geographical constituencies, i.e. only the name and principal residential address of an elector, but not the identity card number and sex, are to be shown in the register published for public inspection, the same changes are made to the FCs and subsector registers. The objective is to enhance protection of the privacy of electors' personal data. Sections 2, 3 and 4(b)(i) and (c) seek to give effect to this purpose.

Procedural change to facilitate eligible persons to register as electors and authorized representatives

14. The principal regulation requires that an application made by a person must be sent by post or delivered by hand to the ERO. In line with the amendment made by the EAC to remove a similar requirement in respect of applications for registration in the geographical constituencies, the same change is introduced to the principal regulation so that applications may be sent through facsimile transmission. It also paves the way for the ERO to receive applications sent through electronic means, such as the internet via the Electronic Services Delivery Scheme which is being developed by the government for implementation in late 2000. Sections 14(a)(iv) and 15(a)(i), (b)(ii) and (d)(ii) give effect to this purpose.

ERO to register FC electors as voters for corresponding subsectors

15. Section 8(7) of Schedule 2 to the LegCo Ordinance stipulates that a person who is registered in an FC with a corresponding subsector must be registered in the corresponding subsector or an optional subsector

if he or she is so eligible.

16. For the compilation of the subsector PR in 2000, it is found that a number of electors are registered in an FC for the first time in the 1999 FCs FR but are not registered in any subsector because no subsector register was compiled for 1999. To comply with the requirements in paragraph 15, the ERO will send notifications according to Part IV of the principal regulation to these FC electors for registering them in subsectors. Sections 11(a)(v) and 13 seek to provide that in the event of undelivered notifications in those cases, the ERO will register the electors concerned in the corresponding subsector.

Appointment of substitute Authorized Representative (AR) for corporate electors/voters

17. Under section 20 of the principal regulation, a corporate elector or voter must make a claim in order to appoint a substitute under subsection (7) if the original AR it proposed to appoint is found to be ineligible by the ERO after the registration deadline. Section 15(d)(i) of the Amendment Regulation provides that if an application for appointment of an AR has been made to the ERO on or before the registration deadline, a corporate elector or voter may appoint a substitute even after the registration deadline if the ERO finds that the person originally proposed is ineligible to be registered as an AR. The additional provision is to facilitate the appointment of a substitute AR by a corporate elector or voter without resorting to the appeal procedure. The corporate elector or voter is required to lodge a claim under section 31(2) of the principal regulation only if he is not satisfied with the ERO's determination on the eligibility of the AR originally proposed.

(C) Other Amendments

Repeal the provisions that are spent

18. Some of the provisions and terms used in the principal regulation were applicable only to the LegCo election held in 1998. They

are repealed in the Amendment Regulation and where necessary, replaced by appropriate new provisions.

Offences and penalties

19. To ensure integrity of an election and to guard against misuse of information contained in a voter register, the principal regulation makes it an offence for any person who -

- (a) knowingly makes a false statement or provide false information relating to voter registration;
- (b) conspires with, incites, compels, induces, coerces, intimidates or persuades another person to make such a false statement or provide such false information;
- (c) misuses information contained in the voter register for a purpose not related to an election.

These offences are prescribed offences under the LegCo Ordinance for disqualifying a person from candidature and from being elected as a member, and where applicable from registration as an elector or voting at an election.

20. The EAC has approved amendments to the Electoral Affairs Commission (Registration of Electors) (Geographical Constituencies) (Legislative Council) Regulation to make the same offences as described above prescribed offences for similar purposes under the District Councils Ordinance, including disqualifying a person from holding office as an elected, appointed or ex-officio member. For consistency's sake, section 36 seek to make the same amendments to the principal regulation.

PUBLIC CONSULTATION

21. There is no need for public consultation since the proposals in the Amendment Regulation are largely made to tie in with the changes in the primary legislation.

BASIC LAW IMPLICATIONS

22. The Amendment Regulation does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

23. The Amendment Regulation is consistent with the human rights provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

24. The expenses in connection with the registration of electors are to be absorbed within the total cost for the 2000 LegCo election.

LEGISLATIVE TIMETABLE

25. The Amendment Regulation will be published in the Gazette on 10 December 1999 and tabled in LegCo on 15 December 1999.

PUBLICITY

26. A press release will be issued on 10 December 1999. A spokesman will be available for answering enquiries from the media.

Registration and Electoral Office
December 1999
File Reference: REO 14/30/2 (CR) IV

Key Dates in the Voter Registration Cycle

| | Section (Subsection) of the Regulation | Existing dates | Revised dates for 2000 | Revised dates for subsequent years |
|----|--|----------------------------|---|---|
| | | | | (for compiling the functional constituencies registers only) |
| 1. | Deadline for Electoral Registration Officer(ERO) to send notifications to register eligible persons | 12(2) | 14 days before 16 January | 14 days before 16 March (as in 2000) |
| 2. | Deadline for application for registration as an elector/voter and appointment of authorized representative | 19(1)(a),(4)&(5); 20(2) | 16 January | 16 March (as in 2000) |
| 3. | Deadline for an applicant to submit additional information when required by ERO | 21(2) | 25 January | 25 March (as in 2000) |
| 4. | Deadline for ERO to make inquiries on persons who may cease to be eligible to be registered | 22(5) | 31 December in the preceding year | 28 February in the current year (as in 2000) |

| | | | | | |
|----|--|--------------------|------------|----------|--------------|
| 5. | Deadline for persons being inquired to submit information to ERO | 24(1)(i)(A)&(5)(a) | 16 January | 16 March | (as in 2000) |
|----|--|--------------------|------------|----------|--------------|

| | Section (Subsection) of the Regulation | Existing dates | Revised dates for 2000 | Revised dates for subsequent years (for compiling the functional constituencies registers only) | |
|----|--|---------------------------|--|---|--|
| 6. | ERO may enter corrected particulars in compiling provisional register regarding information received during specified period | 26(5)(ba)(i)&(c) | after 1 March to 16 January | after 1 March 1999 to 16 March 2000 (for the FCs provisional register) | after 29 April of preceding year to 16 March |
| | | 26(5)(ba)(ii) | - | after 21 February 1998 to 16 March 2000 (for the subsector provisional register) | - |
| 7. | ERO may accept applications received during specified period for registration in a provisional register | 27(c)(ii) | 17 January of preceding year to 16 January | 17 January 1999 to 16 March 2000 (for the FCs provisional register) | 17 March of preceding year to 16 March |
| | | 28(1)(a)(ii) | - | 17 January 1998 to 16 March 2000 (for the subsector provisional register) | - |
| 8. | Deadline for publication of provisional register | 29(1) | 15 February | 15 April (stipulated in LegCo (Amendment) Ord.) | (as in 2000) |
| 9. | Deadline for inspection of provisional register and lodging of objections and claims | 29(3),30(2) 31(8) | 1 March | 29 April | (as in 2000) |

| | Section (Subsection) of the Regulation | Existing dates | Revised dates for 2000 | Revised dates for subsequent years (for compiling the functional constituencies registers only) |
|-----|---|---------------------------|--|---|
| 10. | Deadline for ERO to deliver copies of objections and claims to the Revising Officer | 32(2) | 3 March | 2 May (as in 2000) |
| 11. | ERO may enter corrected particulars in compiling final register regarding information received during specified period | 33(4) | after 16 January to 1 March | after 16 March to 29 April (as in 2000) |
| 12. | Deadline for ERO to obtain approval from Revising Officer to correct, add or remove entries in provisional register when compiling final register | 34(2) | 13 March | 11 May (as in 2000) |
| 13. | Revising Officer's rulings on claims and objections to be reflected in compiling a final register | 35(5) | after 16 January but not later than 13 March | after 15 April but not later than 11 May (as in 2000) |
| 14. | Deadline for publication of the final register | 38(1) | 31 March | 25 May (stipulated) (as in 2000) |

in LegCo
(Amendment) Ord)

**ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR
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(MEMBERS OF ELECTION COMMITTEE) (LEGISLATIVE COUNCIL)
(AMENDMENT) REGULATION 1999**

CONTENTS

| Section | | Page |
|---------|--|------|
| 1. | Interpretation | 1 |
| 2. | Form of the functional constituencies register | 7 |
| 3. | Form of the subsector register | 8 |
| 4. | Form of the Election Committee final register | 9 |
| 5. | Electoral Registration Officer to have power to require information from persons to prepare registers | 10 |
| 6. | Electoral Registration Officer may require personal particulars of persons to be registered as ex-officio members of Election Committee | 11 |
| 7. | Interpretation of Part IV | 11 |
| 8. | Electoral Registration Officer may send notifications | 13 |
| 9. | Electoral Registration Officer may send notifications to members of Heung Yee Kuk to compile functional constituencies register | 13 |
| 10. | Electoral Registration Officer may send notifications to natural persons eligible to be registered as electors for functional constituencies | 14 |
| 11. | Electoral Registration Officer may send notifications to persons eligible to be registered as voters for subsectors | 16 |

| Section | | Page |
|---------|--|------|
| 12. | Electoral Registration Officer to register persons in the functional constituencies provisional register or subsector provisional register in accordance with response to a notification | 17 |
| 13. | When Electoral Registration Officer cannot register persons under a notification | 18 |
| 14. | How to apply for registration in functional constituencies provisional register and subsector provisional register | 20 |
| 15. | A corporate elector or corporate voter to appoint an authorized representative | 22 |
| 16. | Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information | 24 |
| 17. | Electoral Registration Officer may make inquiries regarding persons registered in the existing final register | 25 |
| 18. | Electoral Registration Officer to determine whether persons registered in the existing final register are registered in the appropriate part | 28 |
| 19. | Electoral Registration Officer to prepare an omissions list | 29 |
| 20. | Electoral Registration Officer to publish a notice that omissions list is available for public inspection | 33 |

| Section | | Page |
|---------|---|------|
| 21. | Electoral Registration Officer to correct entries in existing final register in compiling next provisional register | 35 |
| 22. | What is to be contained in the functional constituencies provisional register | 36 |
| 23. | What is to be contained in the subsector provisional register | 38 |
| 24. | Electoral Registration Officer to publish a notice that provisional register is available for public inspection | 40 |
| 25. | Person may object to registration of registered person in the provisional register | 41 |
| 26. | Who may lodge a notice of claim | 41 |
| 27. | Electoral Registration Officer to deliver copies of notices of objection and notices of claim to Revising Officer | 42 |
| 28. | Electoral Registration Officer to correct entries in provisional register in compiling final register | 42 |
| 29. | Electoral Registration Officer to correct entries in provisional register with approval of Revising Officer | 44 |
| 30. | What is to be contained in a functional constituencies final register | 45 |
| 31. | What is to be contained in the subsector final register | 45 |
| 32. | What is to be contained in the Election Committee final register | 46 |

| Section | | Page |
|---------|--|------|
| 33. | Electoral Registration Officer to publish notice of and make available for public inspection functional constituencies final register and subsector final register | 48 |
| 34. | Section added | |
| | 40A. Ex-officio member registered as elector for functional constituency to make choice | 48 |
| 35. | Electoral Registration Officer may make available extracts of registers for purposes of an election | 49 |
| 36. | Offences and penalties | 49 |

**ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR
FUNCTIONAL CONSTITUENCIES) (VOTERS FOR SUBSECTORS)
(MEMBERS OF ELECTION COMMITTEE) (LEGISLATIVE COUNCIL)
(AMENDMENT) REGULATION 1999**

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

1. Interpretation

Section 2 of the Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) Regulation (Cap. 541 sub. leg.) is amended -

(a) in subsection (1) -

(i) by repealing the definitions of "the 1997 functional constituencies provisional register", "commencement date", "designated person" and "first functional constituencies provisional register";

(ii) by repealing the definition of "current year" and substituting -

""current year" (現年份), in relation to -

(a) the compilation of a functional constituencies provisional register, means the year for which the register is being compiled;

(b) the compilation of the subsector provisional register, means the year 2000;"

(iii) by repealing the definition of "omissions list" and substituting -

"omissions list" (遭剔除者名單), in relation to -

(a) the compilation of a functional constituencies provisional register, means a functional constituencies omissions list;

(b) the compilation of the subsector provisional register, means the subsector omissions list;"

(iv) by repealing the definition of "personal particulars" and substituting -

"personal particulars" (個人詳情), in relation to a natural person, means the name and principal residential address of the person;"

- (v) by repealing the definition of "preceding year" and substituting -

""preceding year" (對上一年), in relation to -

- (a) the compilation of a functional constituencies provisional register, means the year immediately preceding the year for which the provisional register is being compiled;
- (b) the compilation of the subsector provisional register, means the year 1999;"

- (vi) in the definition of "subsector final register" -

- (A) by repealing "a register" and substituting "the register";

- (B) by adding ", not later than 25 May 2000," after "compiled";

- (vii) in the definition of "subsector provisional register" -

- (A) by repealing "a register" and substituting "the register";

(B) by adding ", not later than 15 April 2000," after "compiled";

(viii) in the definitions of "subsector register" and "voter", by repealing "a subsector" wherever it appears and substituting "the subsector";

(ix) by adding -

""existing functional constituencies final register"

(現有的功能界別正式選民登記冊), in

relation to -

(a) the compilation of the functional constituencies provisional register for the year 2000 or the subsector provisional register, means the functional constituencies final register

-

(i) published in the year 1999; and

(ii) which is in effect by virtue of section 33

of the
Legislative
Council
Ordinance
(Cap. 542) at
the time the
relevant
provisional
register is
being
compiled,

in so far as it relates to the
functional constituencies
specified in items 3 to 28 of
Schedule 1 to that
Ordinance in force on 29
July 1999;

(b) the compilation of any
subsequent functional
constituencies provisional
register, means the
functional constituencies
final register -

(i) published in
the

preceding

year; and

- (ii) which is in effect by virtue of section 33 of that Ordinance at the time the relevant provisional register is being compiled;

"existing subsector final register" (現有的界別分組正式投票人登記冊) means the subsector final register compiled and published under section 10(1)(b) of Schedule 2 to the Legislative Council Ordinance (Cap. 542) in force on 29 July 1999, in so far as it relates to the subsectors specified in the Tables (except items 5 and 6 of Table 4) in force on that date;

"functional constituencies omissions list" (功能界別遭剔除者名單) means

the omissions list referred to in section
24(1)(a);

"subsector omissions list" (界別分組遭剔除者
名單) means the omissions list referred to
in section 24(1)(b);";

(b) in subsection (2) -

(i) by repealing paragraph (a);

(ii) in paragraph (b) -

(A) by repealing "any subsequent" and substituting
"a";

(B) by repealing everything after "a reference to the"
and substituting "existing functional
constituencies final register";

(iii) by adding -

"(c) in relation to the compilation of the
subsector provisional register, as a
reference to the existing subsector final
register.".

2. Form of the functional constituencies register

Section 3 is amended -

(a) in subsection (2), by repealing everything after "show" and substituting
"the personal particulars of the person.";

- (b) in subsection (3)(b) -
 - (i) by repealing "and identity document number";
 - (ii) by repealing "they have" and substituting "it has".
- (c) in subsection (4), by repealing everything after "persons" and substituting -

"are to be arranged in a functional constituencies register is as follows -

 - (a) the names of the electors in Chinese, arranged according to the number of strokes of the Chinese characters of their respective surnames, are to be recorded first;
 - (b) the names of the electors in English, arranged according to the alphabetical order of their respective surnames, must follow the entries at paragraph (a)."

3. Form of the subsector register

Section 4(4) is amended by repealing everything after "persons" and substituting -

"are to be arranged in a subsector register is as follows -

- (a) the names of the voters in Chinese, arranged according to the number of strokes of the Chinese characters of their respective surnames, are to be recorded first;
- (b) the names of the voters in English, arranged according to the alphabetical order of their

respective surnames, must follow the entries at paragraph (a).".

4. Form of the Election Committee final register

Section 5 is amended -

(a) by repealing subsection (3);

(b) in subsection (4) -

(i) by repealing paragraphs (b) and (c);

(ii) in paragraph (d), by repealing "and";

(iii) in paragraph (e) -

(A) by repealing everything before ", a note" and substituting -

"(e) if a member is a representative of more than one subsector as a result of being a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council, or both";

(B) by repealing the full stop and substituting "; and";

(iv) by adding -

"(f) if the member is an ex-officio member and is not entitled, by virtue of section 48(3A) or (3B) of the Legislative Council

Ordinance (Cap. 542), to vote to return a Member of the Legislative Council by the Election Committee, a note or other indication to that effect against the entry relating to that member.";

- (c) in subsection (5), by repealing everything after "members" and substituting -

"are to be arranged under a subsector or sub-subsector is as follows -

- (a) the names of the members in Chinese, arranged according to the number of strokes of the Chinese characters of their respective surnames, are to be recorded first;
- (b) the names of the members in English, arranged according to the alphabetical order of their respective surnames, must follow the entries at paragraph (a)."

**5. Electoral Registration Officer
to have power to require
information from persons
to prepare registers**

Section 9 is amended -

- (a) in subsection (2) -

- (i) in paragraph (c), by repealing "section 1 of Part 4 of Schedule 1 to" and substituting "section 3(2A) of";
 - (ii) in paragraph (d), by repealing "Schedule 1 to" and substituting "sections 20A to 20ZB of";
 - (iii) in paragraph (g), by repealing "the Note relating to item 24 of Schedule 1 to" and substituting "section 20V of";
- (b) in subsection (3), by repealing everything after "required" and substituting "information within 30 days of the requirement being made.";
- (c) in subsection (4), by repealing "relevant".

6. Electoral Registration Officer may require personal particulars of persons to be registered as ex-officio members of Election Committee

Section 10(1) is amended by repealing "designated persons." and substituting -
"any person who is -

- (a) a Hong Kong deputy to the National People's Congress; or
- (b) a Member of the Legislative Council."

7. Interpretation of Part IV

Section 11 is amended -

- (a) in subsection (1) -

- (i) in the definition of "corresponding subsector" -
 - (A) in paragraph (a), by repealing "and (d)" and substituting ", (d) and (e)";
 - (B) in paragraph (c), by repealing "or" at the end;
 - (C) in paragraph (d), by adding "or" at the end;
 - (D) by adding -
 - "(e) in relation to the District Council functional constituency, either the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as may be appropriate;"
- (ii) in the definition of "due date", by repealing "January" and substituting "March";
- (iii) in the definition of "existing geographical constituencies final register", by adding "and the subsector provisional register" after "a functional constituencies provisional register";
- (iv) by repealing the definition of "last geographical constituencies provisional register";

- (v) in the definition of "listed subsector" -
 - (A) in paragraph (b), by adding "and" at the end;
 - (B) by repealing paragraphs (d), (e) and (f);
 - (vi) in the definition of "optional subsector" -
 - (A) in paragraph (c), by adding "and" at the end;
 - (B) by repealing paragraphs (d), (e) and (f);
 - (C) in paragraph (g), by repealing "and";
 - (D) by repealing paragraph (h);
 - (vii) by repealing the definition of "prescribed functional constituency";
- (b) by repealing subsection (5).

**8. Electoral Registration Officer
may send notifications**

Section 12(2) is amended by repealing "January" and substituting "March".

**9. Electoral Registration Officer may send
notifications to members of Heung Yee Kuk
to compile functional constituencies
register**

Section 13 is amended -

- (a) by repealing subsections (1) and (2);
- (b) by adding -

"(2A) To compile a functional constituencies provisional register, the Electoral Registration Officer may send a notification to a member of the Heung Yee Kuk who -

- (a) is registered in the existing geographical constituencies final register;
- (b) is not registered for the Heung Yee Kuk functional constituency in the existing functional constituencies final register; and
- (c) is eligible to be registered as an elector for the Heung Yee Kuk functional constituency.";

(c) by repealing subsections (3) and (4);

(d) by adding -

"(5) A notification sent under subsection (2A) must state that the recipient will be registered as an elector for the Heung Yee Kuk functional constituency, unless the recipient elects not to be registered.".

10. Electoral Registration Officer may send notifications to natural persons eligible to be registered as electors for functional constituencies

Section 14 is amended -

- (a) by repealing subsection (1) and substituting -

"(1) To compile a functional constituencies provisional register, the Electoral Registration Officer may send a notification to a natural person (not being a member of the Heung Yee Kuk) who -

- (a) is registered in the existing geographical constituencies final register;
- (b) is not registered for a functional constituency in the existing functional constituencies final register; and
- (c) appears to that Officer to be eligible to be registered as an elector for a functional constituency (excluding the Heung Yee Kuk functional constituency).";

- (b) by repealing subsections (2), (3) and (4);

- (c) by adding -

"(5) A notification sent under subsection (1) must state that the recipient will be registered as an elector for the functional constituency which the Electoral Registration Officer determines to be the appropriate functional constituency (the name of which must

be specified in the notification), unless the recipient -

- (a) elects not to be registered; or
- (b) applies under Part V to be registered as an elector for another functional constituency for which the recipient is eligible to be registered."

**11. Electoral Registration Officer
may send notifications to
persons eligible to be
registered as voters for
subsectors**

Section 15 is amended -

- (a) in subsection (1) -
 - (i) by repealing paragraph (a);
 - (ii) in paragraph (b), by repealing "was registered in the last geographical constituencies provisional" and substituting "is registered in the existing geographical constituencies final";
 - (iii) in paragraph (c) -
 - (A) by repealing "was registered in the last geographical constituencies provisional" and substituting "is registered in the existing geographical constituencies final";

(B) by repealing "as an elector for a geographical constituency and";

(iv) by repealing paragraph (d);

(v) by adding -

"(e) a natural person or body that -

(i) is registered for a functional constituency in the existing functional constituencies final register;

(ii) is not registered for a subsector in the existing subsector final register; and

(iii) appears to that Officer to be eligible to be registered as an elector for a functional constituency.";

(b) in subsection (6), by adding "optional" after "any".

12. Electoral Registration Officer to register persons in the functional constituencies provisional register or subsector provisional register in accordance with response to a notification

Section 16 is amended -

- (a) in subsection (1) -
 - (i) by repealing "elects to be registered under section 13(3) or (4)" and substituting "under section 13(5) elects to be registered";
 - (ii) by repealing "the Urban Council functional constituency, the Regional Council functional constituency or";
 - (iii) by repealing ", as may be appropriate";
- (b) in subsection (2), by repealing "elects to be registered under section 14(4)(i)" and substituting "under section 14(5) elects to be registered";
- (c) in subsection (3), by repealing "elects to be registered under section 15(2)(a)(i), (b)(i) or (c)(i), (3)(a) or (4)(a)" and substituting "under section 15(2)(a), (b) or (c), (3) or (4) elects to be registered";
- (d) in subsection (4) -
 - (i) by repealing "13(3) or (4)" and substituting "13(5)";
 - (ii) by repealing "14(4)(i)" and substituting "14(5)".

13. When Electoral Registration Officer cannot register persons under a notification

Section 18 is amended -

- (a) by renumbering it as section 18(1);
- (b) in subsection (1) -

- (i) by repealing "If" and substituting "Subject to subsection (2), if";
- (ii) by repealing "January" and substituting "March";
- (c) by adding -

"(2) If, in relation to the compilation of the subsector provisional register -

- (a) the Electoral Registration Officer is satisfied, not later than 16 March 2000, that a notification sent to a natural person or body under section 15(1)(e) has not reached that person or body; and

- (b) that person or body -

- (i) is to be registered for a functional constituency in the functional constituencies provisional register to be compiled for the year 2000; and
- (ii) has not, on or before 16 March 2000, applied under Part V to be registered as a voter for any subsector,

the Electoral
Registration
Officer must
register that person
or body as a voter
for the
corresponding
subsector."

**14. How to apply for registration in
functional constituencies
provisional register and
subsector provisional register**

Section 19 is amended -

(a) in subsection (1) -

(i) by repealing paragraph (a) and substituting -

"(a) the application must be made to the
Electoral Registration Officer to be
received by that Officer -

(i) in the case of an
application for registration
in a functional
constituencies provisional
register, not later than 16
March in the year for
which the functional
constituencies provisional
register is being compiled;

(ii) in the case of an application for registration in the subsector provisional register, not later than 16 March 2000;"

(ii) in paragraph (d), by adding "and" at the end;

(iii) in paragraph (e), by repealing "; and" and substituting a full stop;

(iv) by repealing paragraph (f);

(b) in subsection (4) -

(i) by repealing paragraphs (a) and (b);

(ii) by adding -

"(ba) after 16 January 1999, but not later than 16 March 2000, must be treated by that Officer as an application received on or before 16 March 2000 for registration in the functional constituencies provisional register to be compiled for the year 2000; and";

(iii) in paragraph (c) -

(A) by repealing "January" where it twice appears and substituting "March";

(B) by repealing "1998" and substituting "the year 1999";

(c) by adding -

"(5) An application received by the Electoral

Registration Officer for registration as a voter for a subsector after 16 January 1998, but not later than 16 March 2000, must be treated by that Officer as an application received on or before 16 March 2000 for registration in the subsector provisional register."

**15. A corporate elector or corporate voter to
appoint an authorized representative**

Section 20 is amended -

- (a) in subsection (2) -
 - (i) by repealing "by post or delivered to that Officer";
 - (ii) by repealing "January" and substituting "March";
- (b) in subsection (5) -
 - (i) by adding "(on the specified form)" after "notice";
 - (ii) by repealing the second sentence;
- (c) in subsection (6), by repealing "delivered" and substituting "given";
- (d) in subsection (7) -
 - (i) by repealing everything before "Notice of" and substituting -
 - "(7) If -
 - (a) the Electoral Registration Officer

has under section 26(7) of the Legislative Council Ordinance (Cap. 542) refused to register as an authorized representative a person appointed under subsection (1), and no claim is made in relation thereto under section 31(2); or

(b) on a claim or objection, the Revising Officer rules that a person appointed as an authorized representative should not be registered as such,

a substitute may, notwithstanding subsection (2), be appointed by the corporate elector or corporate voter concerned.";

(ii) by repealing the last sentence;

(e) in subsection (8)(b), by repealing "(Geographical Constituencies) (Legislative Council)" and

substituting "(Legislative Council Geographical Constituencies)
(District Council Constituencies)".

**16. Electoral Registration Officer
to determine whether or not
applicant is eligible for
registration and may ask
for additional information**

Section 21 is amended -

- (a) in subsection (2), by repealing "January" and substituting "March";
- (b) by repealing subsection (6) and substituting -

"(6) (a) If the Electoral Registration Officer is satisfied
that -

- (i) an applicant for registration as an
elector for a functional
constituency is already registered
as an elector for that functional
constituency; or
- (ii) an applicant for registration as a
voter for a subsector is already
registered as a voter for that
subsector,

that Officer may decide not to consider the
application further.

(b) Paragraph (a) does not apply, in relation to the compilation of the functional constituencies provisional register for the year 2000, to an applicant who -

(i) is registered as an elector for a functional constituency in the existing functional constituencies final register;

(ii) is to be registered in the catering functional constituency in the functional constituencies provisional register to be compiled for the year 2000 by virtue of being registered for the catering subsector in the existing subsector final register; and

(iii) applies for registration as an elector for the functional constituency referred to in subparagraph (i)."

**17. Electoral Registration Officer
may make inquiries regarding**

**persons registered in the
existing final register**

Section 22 is amended -

(a) in subsection (1) -

(i) by adding "or the subsector provisional register" after
"provisional register";

(ii) by repealing paragraph (a) and substituting -

"(a) (i) in relation to the
compilation of a
functional constituencies
provisional register,
whether a natural person
whose name is recorded in
the existing functional
constituencies final
register -

(A) is dead;

(B) is not eligible to be
registered under
section 25, 27, 28,
29 or 30 of the
Legislative
Council Ordinance
(Cap. 542); or

(C) is disqualified
from being

registered as an
elector under
section 31 of the
Legislative Council
Ordinance (Cap.
542);

(ii) in relation to the
compilation of the
subsector provisional
register, whether a natural
person whose name is
recorded in the existing
subsector final register -

(A) is dead; or

(B) is not eligible to be
registered under
section 8 of
Schedule 2 to the
Legislative Council
Ordinance (Cap.
542); or";

(b) in subsection (2) -

(i) by adding "or the subsector provisional register" after
"provisional register" where it first appears;

(ii) by repealing "next";

- (iii) by adding "or the subsector provisional register (as the case may be)" before the full stop;
- (c) in subsection (5), by repealing "only on or before 31 December in the preceding year" and substituting ", only on or before 28 February in the current year".

18. Electoral Registration Officer to determine whether persons registered in the existing final register are registered in the appropriate part

Section 23 is amended -

- (a) by repealing subsection (1) and substituting -

"(1) In compiling a functional constituencies provisional register or the subsector provisional register, the Electoral Registration Officer must, having regard to the existing final register and to -

- (a) in the case of the functional constituencies provisional register to be compiled for the year 2000, section 1(1) of Schedule 3 to the Legislative Council Ordinance (Cap. 542);
- (b) in all cases, any information obtained under section 9 or 22,

determine, in relation to a person whose name and other particulars are recorded in the existing

final register, the appropriate part of the functional constituencies provisional register or the subsector provisional register, as the case may be, in which to register that person.";

- (b) in subsection (3), by repealing "the next functional constituencies provisional register" and substituting "a functional constituencies provisional register or the subsector provisional register".

**19. Electoral Registration Officer
to prepare an omissions list**

Section 24 is amended -

- (a) in subsection (1) -
 - (i) by renumbering paragraphs (a) and (b) as paragraphs (i) and (ii) respectively;
 - (ii) by repealing everything before "the personal particulars of" and substituting -

"(1) Subject to subsection (5), the
Electoral Registration Officer must -

- (a) in compiling a functional constituencies provisional register, enter on a functional constituencies omissions list;

- (b) in compiling the subsector provisional register, enter on the subsector omissions list,";
- (iii) in paragraph (i) -
 - (A) by repealing "in the preceding year" and substituting "on or before 28 February in the current year";
 - (B) by renumbering subparagraphs (i), (ii), (iii), (iv), (v) and (vi) as subparagraphs (A), (B), (C), (D), (E) and (F) respectively;
 - (C) in subparagraph (A), by repealing "January" and substituting "March";
- (iv) in paragraph (ii) -
 - (A) by repealing "January" where it first appears and substituting "March";
 - (B) by repealing "and after 16 January in the preceding year";
- (v) by repealing paragraph (c) and substituting -
 - "(iii) any person whose name or other particulars are recorded in the existing final register and whose name and principal residential address (within the meaning of section 2(1) of the Electoral Affairs Commission (Registration of

Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg.)) are entered on the omissions list prepared for the current year under section 9 of that Regulation.";

(b) by repealing subsections (2) and (3) and substituting -

"(2) In compiling the functional constituencies provisional register for the year 2000, the Electoral Registration Officer must enter on the relevant functional constituencies omissions list the personal particulars of the persons referred to in section 2 of Schedule 3 to the Legislative Council Ordinance (Cap. 542).

(3) If the Electoral Registration Officer has made an inquiry under section 22(2) regarding a body, and is satisfied on reasonable grounds, based on information received in response to the inquiry or otherwise or notwithstanding any information to the contrary received in response to the inquiry, that the body is no longer eligible to be registered as an elector or a voter, that Officer must enter -

(a) on a functional constituencies omissions list the relevant particulars of the body that is no

longer eligible to be registered as an elector;

- (b) on the subsector omissions list the relevant particulars of the body that is no longer eligible to be registered as a voter.";

(c) in subsection (4) -

- (i) by repealing "the omissions list" where it first appears and substituting "an omissions list";
- (ii) by repealing everything after "omit" and substituting -
"from -

- (a) in the case of a functional constituencies omissions list, the next functional constituencies final register;

- (b) in the case of the subsector omissions list, the subsector final register.";

(d) in subsection (5) -

- (i) by repealing "the omissions list, the name and other relevant" and substituting "an omissions list, the personal";

- (ii) in paragraph (a) -
 - (A) by repealing "(1)(a)(i)" and substituting "(1)(i)(A)";
 - (B) by repealing "personal" and substituting "name and other";
 - (C) by repealing "next final register" and substituting "next functional constituencies final register or the subsector final register, as may be applicable,";
 - (D) by repealing "January" and substituting "March";
- (iii) in paragraph (b), by repealing "(1)(a)(ii)" and substituting "(1)(i)(B)".

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

Section 25(1) and (2) is repealed and the following substituted -

"(1) As soon as practicable after an omissions list is prepared, the Electoral Registration Officer -

- (a) must publish -
 - (i) in the Gazette; and
 - (ii) in at least one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong,

a notice to the effect that the personal particulars or relevant particulars of persons who are no longer eligible to have their names included in the relevant functional constituencies register or the subsector register, as the case may be, have been entered on the omissions list and specifying the times and the place at which the omissions list may be inspected; and

- (b) must, for the relevant period referred to in subsection (2) -
 - (i) keep the omissions list at that Officer's office;
and
 - (ii) at the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.

(2) For the purposes of subsection (1)(b), the relevant period is -

- (a) in the case of a functional constituencies omissions list, the period beginning on the date the notice is published under subsection (1)(a) and ending on 29 April in the same year;
- (b) in the case of the subsector omissions list, the period beginning on the date the notice is published under subsection (1)(a) and ending on 29 April 2000."

**21. Electoral Registration Officer
to correct entries in existing
final register in compiling
next provisional register**

Section 26 is amended -

- (a) in subsection (1), by repealing "personal particulars or relevant" and substituting "name and other";
- (b) in subsections (2) and (3), by adding "or the subsector provisional register (as the case may be)" after "provisional register";
- (c) in subsection (5) -
 - (i) by repealing paragraphs (a) and (b);
 - (ii) by adding -
 - "(ba) (i) the functional constituencies provisional register to be compiled for the year 2000, after 1 March 1999 but not later than 16 March 2000;
 - (ii) the subsector provisional register, after 21 February 1998 but not later than 16 March 2000; and";
 - (iii) in paragraph (c) -
 - (A) by repealing "1 March" and substituting "29 April";

- (B) by repealing "January" and substituting "March".

22. What is to be contained in the functional constituencies provisional register

Section 27 is amended -

(a) in paragraph (a) -

- (i) by repealing "subsection (2) and";
- (ii) by repealing everything after "recorded" and substituting

-

"in -

- (i) in the case of the functional constituencies provisional register to be compiled for the year 2000 -
 - (A) the existing functional constituencies final register; and
 - (B) such part of the existing subsector final register as relating to the catering subsector;
- (ii) in the case of any subsequent functional constituencies provisional register, the

existing functional constituencies
final register;"

(b) in paragraph (c) -

(i) in subparagraph (i) -

(A) by repealing sub-subparagraph (A);

(B) by adding -

"(AA) in the case of the functional
constituencies provisional register
to be compiled for the year 2000,
during the period beginning on 17
January 1999 and ending on 16
March 2000;"

(C) in sub-subparagraph (B) -

(I) by repealing "January" where it
twice appears and substituting
"March";

(II) by adding "and" at the end;

(ii) in subparagraph (ii) -

(A) by repealing sub-subparagraph (A);

(B) by adding -

"(AA) in the case of the functional
constituencies provisional register
to be compiled for the year 2000,
during the period beginning on 17

January 1999 and ending on 16

March 2000";

(C) in sub-subparagraph (B), by repealing "January" where it twice appears and substituting "March";

(iii) by repealing subparagraph (iii);

(c) by adding -

"(d) the names of authorized representatives which have been furnished to the Electoral Registration Officer."

23. What is to be contained in the subsector provisional register

Section 28 is amended -

(a) by renumbering it as section 28(1);

(b) in subsection (1) -

(i) by adding before paragraph (a) -

"(aa) subject to sections 24 and 26, the personal particulars and relevant particulars recorded in the existing subsector final register";

(ii) in paragraph (a) -

(A) in subparagraph (i), by adding "during the period beginning on 17 January 1998 and ending on 16 March 2000" after "Part IV";

- (B) in subparagraph (ii), by repealing "on or before 16 January 1998" and substituting "during the period beginning on 17 January 1998 and ending on 16 March 2000";
- (iii) in paragraph (b), by repealing "and identity document numbers";
- (c) by adding -

"(2) The Electoral Registration Officer must not include in the subsector provisional register the personal particulars or relevant particulars of -

- (a) a person who is not registered in the existing geographical constituencies final register; or
- (b) a person who is not registered for a functional constituency in the existing functional constituencies final register, unless that person is to be registered for an optional subsector in the subsector provisional register.

(3) In this section, "existing geographical constituencies final register" (現有的地方選區正式選民登記冊) and "optional subsector"

(可選擇的界別分組) have the meanings assigned to them by section 11."

24. Electoral Registration Officer to publish a notice that provisional register is available for public inspection

Section 29 is amended -

- (a) in subsection (1) -
 - (i) in paragraph (a), by repealing "February" and substituting "April";
 - (ii) in paragraph (b), by repealing "February 1998" and substituting "April 2000";
- (b) in subsection (3) -
 - (i) by repealing paragraph (a);
 - (ii) in paragraph (b) -
 - (A) by repealing "any subsequent" and substituting "a";
 - (B) by repealing "1 March" and substituting "29 April";
 - (C) by repealing the comma at the end and substituting "; and";
 - (iii) by adding -
 - "(c) in the case of the subsector provisional register, during the period beginning on the date the notice under subsection (1) is published and ending on 29 April 2000,".

**25. Person may object to registration
of registered person in the
provisional register**

Section 30(2)(c) is amended -

- (a) by repealing subparagraph (i);
- (b) by adding -
 - "(ia) in the case of a person registered in the subsector provisional register, not later than 29 April 2000; and";
- (c) in subparagraph (ii) -
 - (i) by repealing "any subsequent" and substituting "a";
 - (ii) by repealing "1 March" and substituting "29 April".

26. Who may lodge a notice of claim

Section 31 is amended -

- (a) in subsection (3), by adding "or the subsector final register (as the case may be)" after "register";
- (b) in subsection (8) -
 - (i) by repealing paragraph (a);
 - (ii) by adding -
 - "(aa) not later than 29 April 2000, if the claim relates to the subsector register or the subsector omissions list; and";
 - (iii) in paragraph (b), by repealing "1 March" and substituting "29 April";

- (c) in subsection (9), by repealing "(a) or (b), as may be relevant" and substituting "(b)";
- (d) in subsection (10), by repealing "(5)(b) and (c)" and substituting "(5)(c)".

**27. Electoral Registration Officer
to deliver copies of notices of
objection and notices of
claim to Revising Officer**

Section 32(2) is amended -

- (a) by repealing paragraph (a);
- (b) by adding -
 - "(aa) in the case of notices received in respect of the subsector register or the subsector omissions list, not later than 2 May 2000; and";
- (c) in paragraph (b), by repealing "3 March" and substituting "2 May".

**28. Electoral Registration Officer to correct
entries in provisional register in
compiling final register**

Section 33 is amended -

- (a) in subsection (1), by repealing "or identity document number";
- (b) in subsection (3) -
 - (i) by adding "or the subsector provisional register" after "provisional register";
 - (ii) by adding "or the subsector final register (as the case may be)" after "final register";

- (c) in subsection (4) -
 - (i) in paragraph (a) -
 - (A) by repealing "subsection (2)" and substituting "subsections (2) and (8)";
 - (B) by repealing subparagraph (i);
 - (C) in subparagraph (ii) -
 - (I) by repealing "any subsequent" and substituting "a";
 - (II) by repealing "January" and substituting "March";
 - (III) by repealing "1 March" and substituting "29 April";
 - (IV) by adding "and" at the end;
 - (D) by adding -
 - "(iii) the subsector final register, after 16 March 2000 but not later than 29 April 2000;"
 - (ii) in paragraph (b) -
 - (A) by repealing "subsection (3)" and substituting "subsections (3) and (6)";
 - (B) by repealing subparagraph (i);
 - (C) in subparagraph (ii) -

- (I) by repealing "any subsequent" and substituting "a";
 - (II) by repealing "1 March" and substituting "29 April";
 - (III) by repealing the full stop and substituting "; and";
- (D) by adding -
- "(iii) the subsector final register, 29 April 2000.";
- (d) in subsection (6), by repealing everything after "Registration Officer" and substituting "in relation to a functional constituencies register after the relevant date specified in subsection (4)(b)(ii), that Officer may consider it only for the purpose of compiling the next functional constituencies provisional register.";
- (e) in subsection (7), by repealing "January" and substituting "March".

29. Electoral Registration Officer to correct entries in provisional register with approval of Revising Officer

Section 34(2)(a) is amended -

- (a) by repealing subparagraph (i);
- (b) in subparagraph (ii) -
 - (i) by repealing "any subsequent" and substituting "a";

- (ii) by repealing "13 March" and substituting "11 May";
- (c) by adding -
 - "(iii) in relation to the subsector final register, not later than 11 May 2000; and".

30. What is to be contained in a functional constituencies final register

Section 35 is amended -

- (a) in subsection (2)(c), by repealing "an" and substituting "a functional constituencies";
- (b) by repealing subsection (5) and substituting -
 - "(5) In relation to the functional constituencies final register to be compiled for a particular year, only decisions made by the Revising Officer after 15 April and not later than 11 May of that year are to be taken into account for the purposes of subsection (1)(b), (2), (3) or (4).".

31. What is to be contained in the subsector final register

Section 36 is amended -

- (a) in subsection (1) -
 - (i) in paragraph (a) -
 - (A) by repealing "for 1998";
 - (B) by repealing "and" at the end;

- (ii) in paragraph (b), by repealing the full stop and substituting "; and";
- (iii) by adding -
 - "(c) the additions, if any, under section 34(1)(b).";
- (b) in subsection (2) -
 - (i) in paragraph (a), by repealing "and" at the end;
 - (ii) in paragraph (b), by repealing the full stop and substituting "; and";
 - (iii) by adding -
 - "(c) any person whose personal particulars or relevant particulars have been included in a subsector omissions list and who has not made a claim in respect of it or who has made a claim but the claim has not been allowed by the Revising Officer.";
- (c) by repealing subsection (5) and substituting -
 - "(5) For the purposes of subsections (1)(b), (2), (3) and (4), only decisions made by the Revising Officer after 15 April 2000 and not later than 11 May 2000 are to be taken into account.".

32. What is to be contained in the Election Committee final register

Section 37 is amended -

(a) by repealing subsection (1)(c) and substituting -

"(c) the particulars of persons registered as ex-officio members under section 1(8) and (10) of Schedule 2 to the Legislative Council Ordinance (Cap. 542) other than those removed under section 1(9) of that Schedule.";

(b) by repealing subsections (2) and (3) and substituting -

"(2) If, upon the occurrence of any event set out in -

(a) section 1(9) of Schedule 2 to the Legislative Council Ordinance (Cap. 542), the Electoral Registration Officer must, under that section, remove a person's name from the Election Committee final register; or

(b) section 1(10) of Schedule 2 to the Legislative Council Ordinance (Cap. 542), the Electoral Registration Officer must, under that section, register in the Election Committee final register a person as an ex-officio member,

he must do so as soon as practicable after he becomes aware of such event.

(3) The Electoral Registration Officer must, within 14 days of adding any name to or

removing any name from the Election Committee final register under section 1(9) or (10) of Schedule 2 to the Legislative Council Ordinance (Cap. 542), publish under section 1(11) of that Schedule a notice in the Gazette of such addition or removal, as the case may be."

33. Electoral Registration Officer to publish notice of and make available for public inspection functional constituencies final register and subsector final register

Section 38(1) is amended -

- (a) by repealing paragraph (a);
- (b) by adding -
 - "(aa) in the year 2000, not later than 25 May 2000; and";
- (c) in paragraph (b), by repealing "31 March" and substituting "25 May".

34. Section added

The following is added in Part VIII -

"40A. Ex-officio member registered as elector for functional constituency to make choice

For the purposes of section 48(3A) of the Legislative Council Ordinance (Cap. 542) -

- (a) an ex-officio member's choice referred to in that provision must be made by the member concerned by giving to the Electoral Registration Officer a

written notice of his choice to reach that Officer on or before 5 July 2000;

- (b) if an ex-officio member does not give any notice under paragraph (a) on or before 5 July 2000, he is deemed to have chosen to vote at an election to return a Member of the Legislative Council by the Election Committee."

**35. Electoral Registration Officer
may make available extracts
of registers for purposes
of an election**

Section 41(4) is amended by repealing "or identity document number".

36. Offences and penalties

Section 42 is amended -

- (a) in subsection (9), by repealing everything after "purposes" and substituting -

"of -

- (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542) and sections 5, 14 and 23 of Schedule 2 to that Ordinance; and
- (b) sections 14, 19, 21, 24 and 30 of the District Councils Ordinance (Cap. 547).";

(b) in subsection (10), by repealing everything after "purposes" and substituting -

"of -

(a) sections 39 and 40 of the Legislative Council Ordinance (Cap. 542) and sections 5 and 14 of Schedule 2 to that Ordinance; and

(b) sections 14, 19, 21 and 24 of the District Councils Ordinance (Cap. 547)."

Made this

day of

1999.

Chairman,

Electoral Affairs Commission

Member,

Electoral Affairs Commission

Member,

Electoral Affairs Commission

Explanatory Note

The Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) Regulation (Cap. 541 sub. leg.) (the "principal Regulation") provides for the procedures for compiling the following registers -

- (a) a provisional register and a final register of electors for the functional constituencies;
- (b) a provisional register and a final register of voters for the subsectors represented on the Election Committee; and
- (c) a final register of the members of the Election Committee.

2. Those registers are required by the Legislative Council Ordinance (Cap. 542) to be compiled by the Electoral Registration Officer. That Ordinance was recently amended in relation to, among other things -

- (a) the establishment and composition of new functional constituencies and subsectors for the second term of office of the Legislative Council;
- (b) the dates by which those registers must be compiled; and

- (c) the registration of ex-officio membership of the Election Committee, and the choice of an ex-officio member who is also registered as an elector for a functional constituency to vote at an election as such member or such elector.

3. This Regulation amends the principal Regulation so as -

- (a) to enable the compilation procedures to tie in with the revised arrangements and timetable; and
- (b) to introduce measures to improve and streamline those procedures.

4. In particular, the amendment is to -

- (a) provide for the compilation of the provisional register for functional constituencies for the year 2000, in relation to the new catering functional constituency, on the basis of the part of the final register for subsectors published in 1998 that relates to the catering subsector, and the related matters;
- (b) provide that -
 - (i) the subsector provisional register to be compiled in the year 2000 is to be compiled on the basis of the subsector final register published in 1998; and
 - (ii) the Electoral Registration Officer may make inquiries and prepare an omissions list for that purpose;
- (c) revise the dates provided in the principal Regulation in relation to the compilation of the registers;

- (d) remove those provisions that are spent and where necessary, replace them with appropriate new provisions;
- (e) provide for the procedures for the purposes of the registration and the making of choice referred to in paragraph 2(c);
- (f) enable the Electoral Registration Officer to register a person -
 - (i) who is to be registered in the provisional register to be compiled in the year 2000 for functional constituencies;
and
 - (ii) whom a notification to ascertain the subsector for which that person is to be registered has failed to reach,
in the corresponding subsector so as to implement section 8(7) of Schedule 2 to the Legislative Council Ordinance (Cap. 542);
- (g) enable a corporate elector or corporate voter to appoint a substitute for its authorized representative that has been rejected by the Electoral Registration Officer, even though the statutory deadline for appointing authorized representative has passed;
- (h) revise the format of the registers so that a register shows only the name and address of an elector, but not his identity document number and sex;
- (i) remove the requirements that an application made to the Electoral Registration Officer for registration in a provisional register and a notice given to that Officer

of appointment of authorized representative has to be posted or delivered to him so that such an application or notice may be sent through facsimile transmission;

- (j) make -
 - (i) an offence under section 42(1) or (2) of the principal Regulation also a prescribed offence for the purposes of sections 14, 19, 21, 24 and 30 of the District Councils Ordinance (Cap. 547); and
 - (ii) an offence under section 42(3) or (5) of the principal Regulation also a prescribed offence for the purposes of sections 14, 19, 21 and 24 of that Ordinance.