

LN065-E

Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2000

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

1. Commencement

This Regulation shall come into operation on 5 May 2000.

2. Interpretation

Section 2 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg.) is amended---

(a) in subsection (1)---

(i) in the definition of "central counting station", by repealing everything after "designated" and substituting "under section 28(9)(a)(ii) in relation to a general election for counting the votes for functional constituencies and the Election Committee election;"

(ii) by repealing the definition of "EC counting zone";

(iii) by repealing the definition of "election advertisement" and substituting---

"election advertisement" (選舉廣告) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (10 of 2000), but the reference to "an election" in that meaning is to be construed as the election referred to in section 4(b) or (c) of that Ordinance;"

(iv) by repealing the definition of "election expense agent" and substituting---

"election expense agent" (選舉開支代理人) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (10 of 2000);"

(v) in the definition of "election expenses"---

(A) by repealing ", in relation to an election,"

(B) by adding ", but the reference to "an election" in that meaning is to be construed as the election referred to in section 4(b) or (c) of that Ordinance" after "(10 of 2000)";

(vi) by repealing the definition of "GC counting zone";

(vii) in the definition of "list of candidates"---

(A) by repealing "within the meaning of" and substituting "referred to in";

(B) by adding "or a new list of candidates referred to in section 38(14) of that Ordinance" after "(Cap. 542)";

(viii) by repealing the definition of "Part 3 functional constituencies" and

substituting---

"ordinary functional constituencies" (普通功能界別) means the functional constituencies specified in section 20(1)(e) to (zb) of the Legislative Council Ordinance (Cap. 542);";

(ix) in the definition of "special functional constituencies", by repealing "Parts 1 and 2 of Schedule 1 to" and substituting "section 20(1)(a) to (d) of";

(x) by repealing the definition of "validly nominated candidate" and substituting---

"validly nominated candidate" (獲有效提名的候選人) means---

(a) subject to paragraph (b), a person whom the Returning Officer has decided under section 16 to be validly nominated;

(b) in case a declaration under section 42B(2)(b) or (5)(b) of the Legislative Council Ordinance (Cap. 542) is made, a person who is stated to be validly nominated in the declaration;";

(xi) in the definition of "verification of the ballot paper account", by repealing "(3)(c) or (4)(d)" and substituting "(1)(d) or (2)(e), 74A(1)(c) or 74B(1)(c)";

(xii) by adding---

"GC counting station" (地方選區點票站) means a counting station designated under section 28(9)(a)(i) in relation to a general election for counting the votes for one geographical constituency;

"political body" (政治性團體) has the meaning assigned to it by section 2(1) of the Societies Ordinance (Cap. 151);";

(b) by repealing subsection (2)(b) and substituting---

"(b) in sections 25 and 102, "candidate" (候選人)---

(i) means a person who stands nominated as a candidate at an election; and

(ii) also means a person who, at any time before close of nominations for an election, has publicly declared an intention to stand as a candidate at the election, and includes a person who is one of a group of candidates within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (10 of 2000).".

### 3. Chief Electoral Officer to determine nomination period

Section 7(2) is amended---

(a) by repealing "relevant";

(b) by adding "or the by-election notice, as the case may be," after "notice".

### 4. Chief Electoral Officer to publish by-election notice if a by-election is to be held under section 36 of the Legislative Council Ordinance

Section 8(1) is amended by repealing "or (c)" and substituting ", (c), (ca) or (cb)".

5. How to nominate a candidate for a geographical constituency

Section 10(6) is repealed and the following substituted---

"(6) The nomination form---

(a) must contain the name of each candidate as shown on the candidate's identity document (being the identity document on the basis of which the particulars of the candidate are recorded in the geographical constituencies final register) and, if the Returning Officer is satisfied that any of the candidate is usually known by a name different from that shown on the candidate's identity document aforesaid, may also include that different name; and

(b) must also contain the identity document number and principal residential address of each candidate."

6. How to nominate a candidate for a functional constituency

Section 11(6) is repealed and the following substituted---

"(6) The nomination form---

(a) must contain the name of the candidate as shown on the candidate's identity document (being the identity document on the basis of which the particulars of the candidate are recorded in the geographical constituencies final register) and, if the Returning Officer is satisfied that the candidate is usually known by a name different from that shown on the candidate's identity document aforesaid, may also include that different name; and

(b) must also contain the identity document number and principal residential address of the candidate."

7. How to nominate a candidate for the Election Committee election

Section 12(6) is repealed and the following substituted---

"(6) The nomination form---

(a) must contain the name of the candidate as shown on the candidate's identity document (being the identity document on the basis of which the particulars of the candidate are recorded in the geographical constituencies final register) and, if the Returning Officer is satisfied that the candidate is usually known by a name different from that shown on the candidate's identity document aforesaid, may also include that different name; and

(b) must also contain the identity document number and principal residential address of the candidate."

8. Returning Officer to publish a notice of particulars of validly nominated candidates

Section 21 is amended---

(a) in subsection (5)(b), by repealing "a Part 3" and substituting "an ordinary";

(b) by adding---

"(8) If one notice is to be published under this section for---

(a) all the geographical constituencies; or

(b) all the functional constituencies,

the notice is to be published by the Returning Officer specified for the purpose by the Chief Electoral Officer."

9. Returning Officer to publish a notice for the purposes of section 46(1) of the Legislative Council Ordinance

Section 22(3) is amended by repealing "10" and substituting "6".

10. Sections added

The following are added in Division 1 of Part II---

"22A. Returning Officer to notify or declare if a validly nominated candidate is known to have died

(1) A notice under section 42B(1) of the Legislative Council Ordinance (Cap. 542) is to be given in writing, by the Returning Officer concerned, as soon as practicable after the death of the candidate comes to the knowledge of that Officer, to---

(a) the Chief Electoral Officer; and

(b) if practicable, each candidate who remains validly nominated for election for the geographical constituency concerned or by the Election Committee, as the case may be, to replace the notice under section 19(3).

(2) The Returning Officer under subsection (1)---

(a) must---

(i) endorse on the nomination form of the deceased candidate that the candidate has died; and

(ii) sign the endorsement; and

(b) may on polling day, if that Officer considers it appropriate to do so, display a notice in a prominent place outside each polling station used for polling for the geographical constituency concerned or for the Election Committee election, as the case may be.

(3) Declarations under section 42B(2) of the Legislative Council Ordinance (Cap. 542) are to be made, by the Returning Officer concerned, as soon as practicable after the death of the candidate comes to the knowledge of that Officer---

(a) by notice published in the Gazette;

(b) by notice published in any daily newspaper in circulation in Hong Kong;

(c) by a public announcement made by radio or television; or

(d) by such other means as that Officer considers appropriate in the circumstances.

(4) A notice under subsection (2)(b) or (3)(a) or (b) must state---

(a) the name and the principal residential address of the deceased candidate;

(b) whether the deceased candidate was nominated for election for a geographical

constituency (and if so, the name of the geographical constituency) or by the Election Committee; and

(c) the name and the principal residential address of each candidate who remains validly nominated for election for that geographical constituency or by the Election Committee, as the case may be.

(5) A public announcement under subsection (3)(c) must state---

(a) the name of the deceased candidate;

(b) whether the deceased candidate was nominated for election for a geographical constituency (and if so, the name of the geographical constituency) or by the Election Committee; and

(c) the name of each candidate who remains validly nominated for election for that geographical constituency or by the Election Committee, as the case may be.

22B. Returning Officer to notify or declare if a validly nominated candidate is known to be disqualified

(1) A notice under section 42B(4) of the Legislative Council Ordinance (Cap. 542) is to be given in writing, by the Returning Officer concerned, as soon as practicable after the disqualification to which the variation of decision relates comes to the knowledge of that Officer, to---

(a) the Chief Electoral Officer; and

(b) if practicable, each candidate who remains validly nominated for election for the geographical constituency concerned or by the Election Committee, as the case may be, to replace the notice under section 19(3).

(2) The Returning Officer under subsection (1)---

(a) must---

(i) endorse on the nomination form of the disqualified candidate that that Officer's decision made under section 42A(1) of the Legislative Council Ordinance (Cap. 542) in relation to that candidate is varied and the reason for the variation of decision; and

(ii) sign the endorsement; and

(b) may on polling day, if that Officer considers it appropriate to do so, display a notice in a prominent place outside each polling station used for polling for the geographical constituency concerned or for the Election Committee election, as the case may be.

(3) Declarations under section 42B(5) of the Legislative Council Ordinance (Cap. 542) are to be made by the Returning Officer concerned, as soon as practicable after the disqualification to which the variation of decision relate comes to the knowledge of that Officer---

(a) by notice published in the Gazette;

(b) by notice published in any daily newspaper in circulation in Hong Kong;  
(c) by a public announcement made by radio or television; or  
(d) by such other means as that Officer considers appropriate in the circumstances.

(4) A notice under subsection (2)(b) or (3)(a) or (b) must state---

(a) the name and the principal residential address of the disqualified candidate;  
(b) whether the disqualified candidate was nominated for election for a geographical constituency (and if so, the name of the geographical constituency) or by the Election Committee;

(c) that the decision of the Returning Officer made under section 42A(1) of the Legislative Council Ordinance (Cap. 542) has been varied to the effect that the candidate is not validly nominated; and

(d) the name and the principal residential address of each candidate who remains validly nominated for election for that geographical constituency or by the Election Committee, as the case may be.

(5) A public announcement under subsection (3)(c) must state---

(a) the name of the disqualified candidate;

(b) whether the disqualified candidate was nominated for election for a geographical constituency (and if so, the name of the geographical constituency) or by the Election Committee; and

(c) the name of each candidate who remains validly nominated for election for that geographical constituency or by the Election Committee, as the case may be.

22C. No poll upon death or disqualification of candidate under certain circumstances  
(1) If, after the death referred to in section 22A(1) or the disqualification referred to in section 22B(1)---

(a) the number of candidate remaining validly nominated for election for the geographical constituency concerned or by the Election Committee is equal to the number of Members to be returned for that geographical constituency or by the Election Committee, as the case may be;

(b) no candidate remains validly nominated for election for the geographical constituency concerned or by the Election Committee, as the case may be; or

(c) the number of candidates remaining validly nominated for election for the geographical constituency concerned or by the Election Committee is less than the number of Members to be returned for that geographical constituency or by the Election Committee, as the case may be,

the Returning Officer must, by such means as that Officer considers appropriate in the circumstances, declare that no poll is to be held for that geographical constituency or the Election Committee election, as the case may be.

(2) The Returning Officer must in the notice under section 22A(3)(a) or 22B(3)(a),

if any, or in a separate notice---

(a) in the case of subsection (1)(a), declare, for the purposes of section 46(1) of the Legislative Council Ordinance (Cap. 542), the remaining candidate or candidates as being duly elected as a Member or as Members;

(b) in the case of subsection (1)(b), declare, for the purposes of section 46(2) of the Legislative Council Ordinance (Cap. 542), the election to have failed;

(c) in the case of subsection (1)(c), declare---

(i) for the purposes of section 46(1) of the Legislative Council Ordinance (Cap. 542), the remaining candidate or candidates as being duly elected as a Member or as Members; and

(ii) for the purposes of section 46(2) of that Ordinance, the election to have failed to the extent that the number of candidates remaining validly nominated for election is less than the number of Members to be returned.

(3) A separate notice containing a declaration under subsection (2)(a) or (c)(i) must---

(a) be published in the Gazette as soon as practicable;

(b) state the name and the principal residential address of each candidate declared to be duly elected as a Member; and

(c) be in the specified form.

(4) A separate notice containing a declaration under subsection (2)(b) or (c)(ii) must comply with section 97B(1).".

11. A candidate or a list of candidates may appoint election agent

Section 23(8) is amended by repealing "registered".

12. Authorization of election expense agent to incur election expenses at or in connection with an election

Section 25 is amended---

(a) by repealing subsections (1) to (4);

(b) in subsection (5), by adding "to incur election expenses at or in connection with an election" after "agent";

(c) in subsection (6)---

(i) by repealing "under this section" and substituting "of such an election expense agent";

(ii) by adding "and in the specified form" after "writing";

(d) by repealing subsection (7) and substituting---

"(7) The authorization must specify the maximum amount of election expenses that the election expense agent is authorized to incur.";

(e) in subsection (8)---

(i) by repealing the first sentence and substituting---

"The authorization must be signed by the candidate, or each of the candidates, making the authorization.";

(ii) in the second sentence, by repealing "An" and substituting "The";

(f) by repealing subsections (9) to (13) and substituting---

"(9) A copy of the authorization must be served---

(a) on the Returning Officer; or

(b) if the Returning Officer has not been appointed, on the Chief Electoral Officer.

(10) Service of a copy of the authorization---

(a) may be effected by delivery by hand, by post or by facsimile transmission; and

(b) must be effected by the candidate, or any of the candidates, making the authorization.

(11) The Returning Officer or the Chief Electoral Officer, as the case may be, is to regard an authorization of an election expense agent to incur election expenses at or in connection with an election as being effective, for any purpose related to the election for which the authorization is relevant, only when a copy of the authorization has been served on the relevant Officer.";

(g) in subsection (14)---

(i) by adding "to incur election expenses at or in connection with an election" after "agent";

(ii) by repealing everything after "revoked," and substituting---

"the candidate, or any of the candidates, who made the authorization must as soon as possible after the revocation, give written notice of the revocation, by hand, by post or by facsimile transmission---

(a) to the Returning Officer; or

(b) if the Returning Officer has not been appointed, to the Chief Electoral Officer.";

(h) by repealing subsection (15) and substituting---

"(15) The notice of revocation must be in the specified form and signed by the candidate, or each of the candidates, who made the authorization.";

(i) in subsection (16)---

(i) by repealing everything before "being effective" and substituting---

"(16) If the authorization of an election expense agent to incur election expenses at or in connection with an election has been revoked, the Returning Officer or the Chief Electoral Officer, as the case may be, is to regard the revocation as";

(ii) by repealing "an election for which a" and substituting "the election for which the";

(iii) by repealing "that Officer" and substituting "the relevant Officer";

(j) by repealing subsections (17) and (18).

13. Authorization of election expense agents to be made for public inspection

Section 26 is amended---

(a) by adding "or the Chief Electoral Officer, as the case may be," after "Returning Officer";

(b) by repealing "received by" and substituting "served on";

(c) by repealing "receives" and substituting "is served".

14. Chief Electoral Officer to designate polling stations and counting stations

Section 28(9) is repealed and the following substituted---

"(9) The Chief Electoral Officer may---

(a) in relation to a general election, designate---

(i) one counting station for counting the votes for each geographical constituency cast at all the polling stations used for polling for the general election; and

(ii) one counting station for counting the votes for functional constituencies and the Election Committee election cast at all the polling stations used for polling for the general election;

(b) in relation to a by-election for a constituency or the Election Committee, designate one counting station for counting the votes cast at all the polling stations used for polling for the by-election."

15. Chief Electoral Officer to assign polling stations for constituencies and Election Committee election and to allocate polling stations to electors and authorized representatives

Section 30 is amended---

(a) in subsection (2)(a)---

(i) by adding "ordinary" before "functional";

(ii) by repealing "and";

(b) in subsection (4)---

(i) in paragraph (a), by repealing "paragraph" and substituting "paragraphs (ca), (cb) and";

(ii) in paragraph (b), by repealing "a functional" and substituting "an ordinary functional";

(iii) in paragraph (c)---

(A) by repealing "a functional" and substituting "an ordinary functional";

(B) by repealing "another functional" and substituting "another ordinary functional";

(C) by repealing "and" at the end;

(iv) by adding---

"(ca) may allocate to a GC elector who is entitled to vote for a special functional constituency either as an elector or an authorized representative, an EC polling

station to cast the vote for the geographical constituency and that for the functional constituency;

(cb) may allocate to a GC elector who is entitled to vote---

(i) for a special functional constituency as an elector and for another special functional constituency as an authorized representative; or

(ii) for a special functional constituency and for an ordinary functional constituency, as an elector for one and as an authorized representative for the other, an EC polling station to cast the vote for the geographical constituency and the votes for the 2 functional constituencies;"

(c) by adding---

"(4A) The Chief Electoral Officer may, if that Officer considers it appropriate to do so in the circumstances, allocate to an elector or authorized representative an alternative polling station, in addition to or in substitution of the polling station or any of the polling stations, as the case may be, allocated under subsection (3), to cast the vote or votes he or she is entitled to cast at an election.";

(d) in subsection (5)---

(i) by adding ", or the alternative polling station in addition thereto or in substitution thereof," after "the polling station";

(ii) by adding ", or subsection (4A)" after "(4)(a)".

16. Chief Electoral Officer to send poll cards to electors and authorized representatives

Section 31 is amended by adding---

"(6A) Where an alternative polling station is allocated to an elector or authorized representative under section 30(4A), the Chief Electoral Officer must, as soon as practicable, notify, in a manner that Officer considers appropriate---

(a) the elector or authorized representative;

(b) the Returning Officer;

(c) the Presiding Officer of the polling station previously allocated to the elector or authorized representative; and

(d) the Presiding Officer of the alternative polling station.".

17. Chief Electoral Officer may allocate special polling stations

Section 33 is amended---

(a) in subsection (2), by adding at the end---

"The application---

(a) may be---

(i) made in writing; and

(ii) delivered by hand or sent by post or by facsimile transmission; or

(b) may be made orally by telephone.";

(b) in subsection (3), by repealing everything after "allocate" and substituting "to the elector or authorized representative an appropriate special polling station to cast the vote he or she is entitled to cast at the election to which the application relates.";

(c) by repealing subsection (5);

(d) by adding---

"(8) The Chief Electoral Officer may, if that Officer considers it appropriate to do so in the circumstances, allocate to an elector or authorized representative an alternative special polling station, in addition to or in substitution of the special polling station allocated under subsection (3), to cast the vote he or she is entitled to cast at the election.

(9) Where an alternative special polling station is allocated to an elector or authorized representative under subsection (8), the Chief Electoral Officer must, as soon as practicable, notify, in a manner that Officer considers appropriate--

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(a) the elector or authorized representative;

(b) the persons referred to in subsection (6); and

(c) the Presiding Officer of the alternative special polling station.".

18. Chief Electoral Officer to appoint Presiding Officers for each polling station

Section 34(2) is amended by adding ", as polling officers," after "appoint".

19. Chief Electoral Officer to supply candidates with copy of final register

Section 35 is amended---

(a) in subsections (1), (2) and (3), by repealing "an extract" and substituting "a copy";

(b) in subsection (4)---

(i) by repealing "An extract" where it first appears and substituting "A copy";

(ii) by repealing "An extract may contain" and substituting "There may be added to the copy any";

(c) in subsection (5), by repealing "extract" and substituting "copy";

(d) in subsection (6), by repealing "An extract" and substituting "The copy".

20. Chief Electoral Officer to supply Returning Officer with copy of final register

Section 36 is amended---

(a) in subsections (1), (2) and (3), by repealing "or extract";

(b) in subsection (4)---

(i) by repealing "A copy or extract may contain" and substituting "There may be added to the copy the identity document numbers of the electors and authorized representatives and such other";

(ii) by adding "as" after "information";

(c) in subsection (5), by repealing "or extract".

21. Chief Electoral Officer to carry out other duties relating to polling stations  
Section 37 is amended---

(a) in subsection (2), by adding at the end---

"The Chief Electoral Officer must ensure that the name of any deceased or disqualified candidate regarding whom notice under section 22A(1) or 22B(1) is given or declarations under section 22A(3) or 22B(3) are made, and other information relating to that candidate, if printed on the ballot papers, are crossed out by stamping the words "已故" and "DECEASED" or "喪失資格" and "DISQUALIFIED", as the case may require.";

(b) in subsection (3), by repealing "or extract";

(c) in subsection (4)---

(i) by repealing "A copy or extract may contain" and substituting "There may be added to the copy the identity document numbers of the electors and authorized representatives and such other";

(ii) by adding "as" after "information";

(d) in subsection (5), by repealing "or extract";

(e) by repealing subsection (6) and substituting---

"(6) The Chief Electoral Officer must provide at each polling station---

(a) materials; and

(b) if the polling station is also assigned for conducting the poll for a geographical constituency or ordinary functional constituency, chops bearing the mark "(", with or without other design,

that are necessary to enable electors and authorized representatives to mark ballot papers."

22. Returning Officer to determine no canvassing zones and no staying zones  
Section 40 is amended---

(a) in subsection (16)---

(i) in paragraph (a)---

(A) by adding "subject to subsection (17)(a)," before "engage";

(B) by adding "for" after "in canvassing";

(ii) in paragraph (c)---

(A) by adding "for" after "for canvassing";

(B) by repealing "or" at the end;

(iii) by adding---

"(ca) subject to subsection (17)(b), without reasonable excuse, display in the no canvassing zone any badge, emblem or clothing which---

(i) may promote or prejudice the election of a candidate or candidates at the

election; or

(ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong; or";

(b) by adding---

"(17) On polling day, a person may, on the storeys above or below street level in a building within the no canvassing zone other than a building in which there is a polling station---

(a) without obstructing any person, canvass for votes from door to door; and

(b) for the purpose of such canvassing, display any badge, emblem or clothing referred to in subsection (16)(ca).".

23. Presiding Officer to keep order in no canvassing zone and no staying zone

Section 41(1) is amended---

(a) in paragraph (a)---

(i) by repealing "of" and substituting "for";

(ii) by adding "(except as provided in section 40(17)(a))" after "zone";

(b) in paragraph (c)---

(i) by adding "for" after "for canvassing";

(ii) by repealing "or" at the end;

(c) by adding---

"(ca) (except as provided in section 40(17)(b)) without reasonable excuse, display in the no canvassing zone any badge, emblem or clothing which---

(i) may promote or prejudice the election of a candidate or candidates at the election; or

(ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong; or".

24. Candidates may appoint polling agents

Section 42 is amended---

(a) in subsection (8)---

(i) by repealing "Returning" and substituting "Chief Electoral";

(ii) by repealing "3 working days" and substituting "1 week";

(b) in subsection (10), by repealing "Returning" and substituting "Chief Electoral";

(c) in subsection (11), by repealing "registered";

(d) in subsections (12), (14) and (15), by repealing "Returning" and substituting "Chief Electoral".

25. Who may enter or be present at a polling station

Section 44 is amended---

(a) in subsection (4)---

(i) by adding---

"(aa) the Chief Returning Officer;"

(ii) in paragraph (b), by adding "or Assistant Returning Officers" after "Officers";

(iii) in paragraph (c), by adding "or Assistant Returning Officers" after "Officer";

(iv) in paragraph (f), by repealing "or";

(v) in paragraph (g), by repealing the full stop and substituting "; or";

(vi) by adding---

"(h) persons authorized in writing by a member of the Commission.";

(b) by repealing subsection (13) and substituting---

"(13) If---

(a) a person arrives at a polling station for the purpose of voting accompanied by a child; and

(b) the Presiding Officer considers that the child---

(i) should not be left unattended while the person is in the polling station; and

(ii) will not disturb or cause inconvenience to any person in the polling station,

that Officer may permit the child to enter the polling station.

26. What constitutes an offence at a polling station

Section 45 is amended---

(a) by repealing subsection (2) and substituting---

"(2) A person who, on polling day, films or takes photographs or makes any audio or video recording within a polling station without---

(a) the express permission of---

(i) the Presiding Officer; or

(ii) any member of the Commission; or

(b) the express permission, in writing, of the Returning Officer for---

(i) the constituency or constituencies for which the polling station is used for polling; or

(ii) the Election Committee election, if the polling station is used for polling for that election, commits an offence.";

(b) in subsection (3), by repealing "of" and substituting "for";

(c) by repealing subsection (5) and substituting---

"(5) A person who, without reasonable excuse, displays, on polling day and within a polling station, any badge, emblem or clothing which---

(a) may promote or prejudice the election of a candidate or candidates at the election;

or

(b) makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, commits an offence."

27. Presiding Officer to seal ballot box before commencement of poll

Section 48(2) is amended by adding "or in the view of any other polling officers," after "view".

28. Form of ballot papers and order of appearance of lists or names of candidates on ballot papers

Section 49 is amended---

(a) in subsection (3), by repealing "a Part 3" and substituting "an ordinary";

(b) in subsection (8)---

(i) by repealing "Each Part 3" and substituting "Each ordinary";

(ii) by repealing "a Part 3" and substituting "an ordinary";

(c) by adding---

"(13A) In the case of the death or disqualification of a candidate who has been allocated a number or a letter of the alphabet under this section, the name of the candidate and the information under subsection (13) relating to that candidate--

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(a) are to be omitted from the ballot paper; or

(b) if printed on the ballot paper, are to be crossed out in accordance with section 37(2).

(13B) The number or letter of the alphabet allocated to a candidate under this section is not to be altered even if the information relating to another candidate for the constituency concerned or for the Election Committee election, as the case may be, who has died or is disqualified is omitted from the ballot paper or crossed out under subsection (13A)."

29. Presiding Officer to issue one or more ballot papers depending on the entitlement to vote

Section 53 is amended---

(a) in subsection (4)---

(i) by adding "ordinary" after "more";

(ii) in paragraph (b), by repealing "a functional" and substituting "an ordinary functional";

(iii) in paragraph (c)---

(A) by repealing "a functional" and substituting "an ordinary functional";

(B) by adding "ordinary" before "functional" where it secondly appears;

(b) in subsection (5), by adding before paragraph (a)---

"(aa) must issue the appropriate GC ballot paper and FC ballot paper to a person who is entitled to vote for a geographical constituency and as an elector or authorized representative for a special functional constituency;

(ab) must issue the appropriate GC ballot paper and FC ballot papers to a person who is entitled to vote for a geographical constituency and---

(i) for a special functional constituency as an elector and for another special functional constituency as an authorized representative; or

(ii) for a special functional constituency and for an ordinary functional constituency, as an elector for one and as an authorized representative for the other;"

(c) in subsection (6), by repealing "or extract";

(d) in subsection (7)---

(i) by repealing "or extract";

(ii) by repealing the comma after "name" and substituting "and";

(iii) by repealing "and other particulars".

### 30. Procedure for voting

Section 54(6) is amended by adding at the end---

"A person who contravenes this subsection commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months."

### 31. How GC ballot papers are to be marked

Section 55 is amended---

(a) by renumbering it as section 55(1);

(b) in subsection (1), by repealing everything after "paper" and substituting---  
"with the chop provided under section 37(6) for the purpose.";

(c) by adding---

"(2) The chop is to be affixed to give a single "(" in the circle opposite the list of candidates of the elector's choice on the ballot paper."

### 32. How special functional constituency ballot papers are to be marked

Section 56 is amended---

(a) in subsection (2)---

(i) by adding ", in accordance with subsection (2A)," after "entering";

(ii) by repealing "indicate" and substituting "mark, in the same manner,";

(b) by adding---

"(2A) The Arabic numeral is to be entered in the circle opposite the name of the candidate of the elector's or authorized representative's choice on the ballot paper."

### 33. How ordinary functional constituency ballot papers are to be marked

Section 57 is amended---

(a) by renumbering it as section 57(1);

(b) in subsection (1), by repealing everything after "voting for" and substituting---  
"an ordinary functional constituency must mark his or her ballot paper with the chop provided under section 37(6) for the purpose. The elector or authorized representative may vote for a number of candidates not exceeding the number of Members to be returned for that ordinary functional constituency.";

(c) by adding---

"(2) The chop is to be affixed to give a single "(" in the circle opposite the names of the candidates of the elector's or authorized representative's choice on the ballot paper."

34. How EC ballot papers are to be marked

Section 58 is amended by repealing "10" and substituting "6".

35. Steps to be taken at a polling station at the close of the poll

Section 63(2) is repealed and the following substituted---

"(2) The Presiding Officer must then comply with section 70 in relation to the ballot box, the sealed packets and the ballot paper account."

36. Presiding Officer to prepare ballot paper account

Section 64(1) is amended by repealing everything after "subsection (2)" and substituting---

". At a polling station used for polling for more than one constituency, or for a constituency and the Election Committee election, the Presiding Officer must make a separate statement for each constituency and the Election Committee election."

37. Candidates may appoint counting agents

Section 66(7) is amended by repealing "registered".

38. Chief Electoral Officer to appoint counting officers

Section 67(1) is amended by adding ", as counting officers," after "appoint".

39. Who may be present at the counting of the votes

Section 68 is amended---

(a) in subsection (1)---

(i) by repealing "Returning Officer" and substituting "Chief Returning Officer, Returning Officer, Assistant Returning Officer";

(ii) in paragraph (g), by repealing "or";

(iii) by adding---

"(ga) public officers authorized in writing by the Chief Electoral Officer; or";

(b) by repealing subsection (2) and substituting---

"(2) No other person may be present at the counting of the votes except with the permission of---

(a) if the counting takes place at a counting zone of the central counting station,

the Chief Returning Officer, or the Returning Officer in charge of that counting zone;  
(b) if the counting takes place at a counting zone of any other counting station,  
the Returning Officer who supervises the counting station.";

(c) in subsection (3)---

(i) by repealing "and the Returning Officer" and substituting ", and the  
Returning Officer in charge of the counting zone";

(ii) by adding "at a counting zone of the central counting station" after "the  
votes";

(d) by adding---

"(3A) The Returning Officer who supervises a counting station is to ensure that the  
arrangements for the counting of the votes at a counting zone of that counting station  
are such that the candidates and their respective election agents or counting agents  
are able to observe how individual votes are counted.";

(e) in subsection (5), by adding "(in the case of the central counting station), or  
the Returning Officer who supervises the counting station (in the case of any other  
counting station)," after "Returning Officer".

40. Section added

The following is added---

"68A. What constitutes an offence at a counting station

(1) A person who, during the relevant period, films or takes photographs or makes  
any audio or video recording within a counting zone of a counting station without  
the express permission of---

(a) (i) in the case of the central counting station, the Chief Returning Officer,  
or the Returning Officer in charge of that counting zone;

(ii) in the case of any other counting station, the Returning Officer who  
supervises the counting station; or

(b) any member of the Commission,  
commits an offence.

(2) In subsection (1), "relevant period" (有關期間), in relation to a counting zone,  
means the period commencing from the time, determined under section 65, at which the  
counting of the votes is to begin at the zone and ending upon the completion of the  
counting and re-count, if any, at the zone.

(3) A person who, at or in the vicinity of a counting station, behaves in a disorderly  
manner, or fails to comply with a lawful order given by---

(a) in the case of the central counting station, the Chief Returning Officer, or the  
Returning Officer in charge of a counting zone of the counting station; or

(b) in the case of any other counting station, the Returning Officer who supervises  
the counting station,

commits an offence.

(4) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 3 months."

#### 41. Returning Officers to keep order at the counting station

Section 69 is amended---

(a) in subsection (1)---

(i) by repealing "and the other Returning Officers" and substituting ", and the Returning Officers in charge of a counting zone of the central counting station";

(ii) by adding "central" after "at the";

(b) by adding---

"(1A) The Returning Officer who supervises a counting station must keep order at that counting station.";

(c) in subsection (2), by repealing everything before "order the" and substituting---

"(2) If a person---

(a) misconducts himself or herself at or in the vicinity of---

(i) the central counting station, the Chief Returning Officer may; or

(ii) any other counting station, the Returning Officer who supervises that counting station may;

(b) at or in the vicinity of a counting station, fails to obey a lawful order of the Returning Officer---

(i) who supervises that counting station; or

(ii) in charge of a counting zone of that counting station,

that Officer may,";

(d) by repealing subsection (5).

#### 42. Section substituted

Section 70 is repealed and the following substituted---

"70. Ballot boxes to be delivered to the counting station

(1) In a general election in relation to which the Chief Electoral Officer has exercised the power under section 28(9)(a)---

(a) a Presiding Officer of a GC polling station must deliver or arrange to be delivered---

(i) to the relevant GC counting station, the ballot boxes from that Officer's polling station for the GC ballot papers, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer for the geographical constituency; and

(ii) to the central counting station, the ballot boxes from that Officer's polling station for the FC ballot papers, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer for the functional

constituencies; and

(b) a Presiding Officer of a EC polling station must deliver or arrange to be delivered to the central counting station, the ballot boxes from that Officer's polling station, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer.

(2) In a by-election for a constituency or the Election Committee, the Presiding Officer must deliver or arrange to be delivered to the counting station for counting the votes cast at the by-election, the ballot boxes from that Officer's polling station, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer."

43. Section substituted

Section 71 is repealed and the following substituted---

"71. Arrangements for the supervision of counting station and counting zone

(1) The Chief Returning Officer is to supervise the central counting station. In that counting station---

(a) the Chief Returning Officer is to be in charge of the counting zones for the special functional constituencies, and is to be assisted in those counting zones by the respective Returning Officers for the special functional constituencies;

(b) the respective Returning Officers for the ordinary functional constituencies are to be in charge of the counting zone for the relevant functional constituencies; and

(c) the Returning Officer for the Election Committee election is to be in charge of the counting zone for that election.

(2) A GC counting station for counting the votes for a geographical constituency is to be supervised by the Returning Officer for that constituency.

(3) Any other counting station for counting the votes of a constituency or the Election Committee election is to be supervised by the Returning Officer for that constituency or election.

(4) The Chief Returning Officer and the Returning Officers are to be assisted by one or more Assistant Returning Officers."

44. Delivered ballot boxes to be given into charge of relevant Returning Officer

Section 72 is amended---

(a) in subsection (1)---

(i) in paragraph (a)---

(A) by repealing "each" and substituting "a";

(B) by repealing ", (that is the ballot boxes containing the GC ballot papers and those containing" and substituting "for";

(C) by repealing the close bracket;

(D) by repealing "the relevant geographical" and substituting "an ordinary

functional";

(E) by adding ", specified for the purpose by the Chief Electoral Officer" after "constituency";

(F) by repealing "and" at the end;

(ii) in paragraph (b)---

(A) by repealing "(that is the ballot boxes containing" and substituting "for";

(B) by repealing ", those containing the FC ballot papers and those containing" and substituting "and those for";

(C) by repealing the close bracket;

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

(iii) by adding---

"(c) the ballot boxes from each EC polling station for the FC ballot papers are to be given into the charge of the Returning Officer for a special functional constituency, specified for the purpose by the Chief Electoral Officer.";

(b) by adding---

"(3) The ballot boxes delivered to a counting station (other than the central counting station) are to be given into the charge of the Returning Officer who supervises the counting station.".

45. Returning Officer to open ballot box

Section 73(1) is amended---

(a) by adding "for a constituency or the Election Committee election" after "Returning Officer";

(b) by adding ", at the counting zone for that constituency or election," before "open".

46. Arrangements for separating ballot papers and verifying ballot paper account at central counting station

Section 74 is amended---

(a) by repealing subsections (1) to (4) and substituting---

"(1) At the central counting station, the Returning Officer for a functional constituency must, in relation to the FC ballot papers in the ballot boxes given into that Officer's charge under section 72, in the counting zone for that functional constituency---

(a) sort the FC ballot papers according to each functional constituency;

(b) count and record the number of FC ballot papers for each functional constituency;

(c) verify the ballot paper account for each functional constituency by comparing it with the number of ballot papers recorded for that functional constituency under paragraph (b);

(d) prepare a statement in writing as to the result of the verification;

(e) retain the FC ballot papers for the functional constituency for which that Officer is appointed together with the verification of the ballot paper account;

(f) make into separate bundles the other sorted FC ballot papers together with the relevant verification of the ballot paper account, place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone; and

(g) in case there are any GC ballot papers or EC ballot papers in the ballot boxes---

(i) sort the GC ballot papers according to each geographical constituency;

(ii) count and record---

(A) the number of GC ballot papers for each geographical constituency;

(B) the number of EC ballot papers;

(iii) prepare a statement in writing as to---

(A) the number of GC ballot papers recorded for each geographical constituency under subparagraph (ii)(A);

(B) the number of EC ballot papers recorded under subparagraph (ii)(B);

(iv) make into separate bundles the sorted GC ballot papers and EC ballot papers together with the relevant statement prepared under subparagraph (iii), place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone.

(2) At the central counting station, the Returning Officer for the Election Committee election must, in relation to the ballot papers in the ballot boxes given into that Officer's charge under section 72, in the counting zone for the Election Committee election---

(a) retain the EC ballot papers and sort the GC ballot papers according to each geographical constituency;

(b) count and record the number of EC ballot papers;

(c) count and record the number of GC ballot papers for each geographical constituency;

(d) verify the ballot paper account for the EC ballot papers by comparing it with the number of ballot papers recorded under paragraph (b) and verify the ballot paper account for each geographical constituency by comparing it with the number of ballot papers recorded for that constituency under paragraph (c);

(e) prepare a statement in writing as to the result of the verification;

(f) make into separate bundles the sorted GC ballot papers together with the relevant verification of the ballot paper account, place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone; and

(g) in case there are any FC ballot papers in the ballot boxes---

(i) count and record the number of FC ballot papers according to each functional constituency;

(ii) prepare a statement in writing as to the number of FC ballot papers recorded for each functional constituency under subparagraph (i);

(iii) make into separate bundles the sorted FC ballot papers together with the relevant statement prepared under subparagraph (ii), place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone.";

(b) by repealing subsections (6) and (7);

(c) in subsection (8)---

(i) by repealing "referred to in subsection (6) or (7)";

(ii) by adding "referred to in subsection (1)(f) or (g)(iv) or (2)(f) or (g)(iii)" after "give the receptacles";

(iii) by repealing "(General)" where it first appears;

(iv) by repealing the second and third sentences and substituting---  
"The Assistant Returning Officer---

(a) must hand over the receptacle containing the bundle of special functional constituency ballot papers to the Chief Returning Officer or to the Returning Officer for the relevant special functional constituency;

(b) must hand over the receptacle containing the bundle of other FC ballot papers or the bundle of EC ballot papers to the Returning Officer for the relevant functional constituency or the Election Committee election, as the case may be; and

(c) must---

(i) deliver the receptacle containing the bundle of GC ballot papers to the relevant GC counting station and hand over the receptacle to the Returning Officer who supervises the counting station; and

(ii) if the bundle of GC ballot papers is made under subsection (2)(f), also deliver to that GC counting station the sealed packets under section 63 and the ballot paper account prepared for the geographical constituency by the Presiding Officers of the EC polling stations."

47. Sections added

The following are added---

"74A. Arrangements for verification of ballot paper account at GC counting station  
(1) At a GC counting station, the Returning Officer who supervises it must, in relation to the ballot papers in the ballot boxes given into that Officer's charge under section 72, at the counting zone---

(a) count and record the number of GC ballot papers;

(b) verify the ballot paper account for the GC ballot papers by comparing it with the number of ballot papers recorded under paragraph (a);

(c) prepare a statement in writing as to the result of the verification; and

(d) in case there are any FC ballot papers in the ballot boxes delivered to the

counting station---

(i) sort the FC ballot papers according to each functional constituency;

(ii) count and record the number of FC ballot papers for each functional constituency;

(iii) prepare a statement in writing as to the number of FC ballot papers recorded for each functional constituency under subparagraph (ii);

(iv) make into separate bundles the sorted FC ballot papers together with the relevant statement prepared under subparagraph (iii), place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone.

(2) If the Returning Officer considers it necessary or if required by a candidate who is present at the counting zone or an election agent or counting agent so present, that Officer must, in preparing the verification of the ballot paper account, compare the ballot paper account with the ballot papers recorded by that Officer and the spoilt ballot papers, the unused ballot papers and the counterfoils or unissued ballot papers.

(3) A Returning Officer must give the receptacles referred to in subsection (1)(d)(iv) into the charge of an Assistant Returning Officer in attendance at the counting zone. The Assistant Returning Officer must deliver the receptacles to the central counting station and hand over the receptacle containing the bundle of FC ballot papers to the Returning Officer for the relevant functional constituency.

(4) In this section, in relation to a ballot paper contained in an envelope, retaining, separating, sorting, counting or recording ballot papers is to be construed as retaining, separating, sorting, counting or recording ballot papers contained in envelopes.

(5) A candidate or an election agent or a counting agent may copy what is recorded on the ballot paper account or the verification of the ballot paper account.

74B. Arrangements for verification of ballot paper account at counting station at a by-election

(1) At a counting station for counting the votes cast at a by-election, the Returning Officer who supervises it must, in relation to the ballot papers in the ballot boxes given into that Officer's charge under section 72, at the counting zone---

(a) count and record the number of ballot papers;

(b) verify the ballot paper account for the ballot papers by comparing it with the number of ballot papers recorded under paragraph (a); and

(c) prepare a statement in writing as to the result of the verification.

(2) If the Returning Officer considers it necessary or if required by a candidate who is present at the counting zone or an election agent or counting agent so present, that Officer must, in preparing the verification of the ballot paper account, compare

the ballot paper account with the ballot papers recorded by that Officer and the spoilt ballot papers, the unused ballot papers and the counterfoils or unissued ballot papers.

(3) In this section, in relation to a ballot paper contained in an envelope, retaining, separating, sorting, counting or recording ballot papers is to be construed as retaining, separating, sorting, counting or recording ballot papers contained in envelopes.

(4) A candidate or an election agent or a counting agent may copy what is recorded on the ballot paper account or the verification of the ballot paper account."

#### 48. Counting of votes for geographical constituencies

Section 75(1) is amended---

(a) by repealing "each" and substituting "a";

(b) by repealing everything after "that constituency," and substituting---  
"that is---

(a) in the case of a general election, the ballot papers whose numbers are counted and recorded under section 74A(1)(a) and those handed over under section 74(8);

(b) in the case of a by-election, the ballot papers whose numbers are counted and recorded under section 74B(1)(a),

must be dealt with by the Returning Officer as provided in this section."

#### 49. Counting of votes for special functional constituencies

Section 76(1) is amended by repealing everything after "constituency" where it secondly appears and substituting---

", that is---

(a) in the case of a general election, the ballot papers retained under section 74(1)(e) and those handed over under section 74(8);

(b) in the case of a by-election, the ballot papers whose numbers are counted and recorded under section 74B(1)(a),

must be dealt with by the Returning Officer as provided in this section."

#### 50. Counting of votes for ordinary functional constituency

Section 77 is amended---

(a) in subsection (1)---

(i) by repealing "each of the Part 3 functional constituencies" and substituting "an ordinary functional constituency";

(ii) by repealing everything after "papers" and substituting---  
"for that ordinary functional constituency, that is---

(a) in the case of a general election, the ballot papers retained under section 74(1)(e) and those handed over under sections 74(8) and 74A(3);

(b) in the case of a by-election, the ballot papers whose numbers are counted and

recorded under section 74B(1)(a),  
must be dealt with by the Returning Officer as provided in this section.";  
(b) in subsection (2), by repealing "a Part 3" and substituting "an ordinary";  
(c) in subsections (4) and (6), by repealing "Part 3" and substituting "ordinary".

#### 51. Counting of votes for Election Committee election

Section 78(1) is amended by repealing everything after "election," and substituting---

"the EC ballot paper, that is---

(a) in the case of a general election, the ballot papers retained under section 74(2)(a) and those handed over under section 74(8);  
(b) in the case of a by-election, the ballot papers whose numbers are counted and recorded under section 74B(1)(a),  
must be dealt with by the Returning Officer as provided in this section.".

#### 52. Ballot papers which are not to be counted when counting the votes

Section 80 is amended---

(a) in subsection (1)---

(i) by repealing "the following ballot papers are not to be counted" and substituting "any ballot paper";

(ii) in paragraph (d), by repealing "is unused" and substituting "has the words "未用" and "UNUSED" endorsed thereon";

(iii) in paragraph (g)(ii), by repealing "a Part 3" and substituting "an ordinary";

(iv) in paragraph (j), by repealing the full stop and substituting a comma;

(v) by adding at the end "is not to be counted.";

(b) in subsection (2), by repealing everything after "(ii)" and substituting---  
"or (h), if the Returning Officer is satisfied that the intention of the elector or authorized representative is clear notwithstanding the deviation from the requirements in section 55(2), 56(2A) or 57(2), as the case may be, that Officer may count that ballot paper.";

(c) by adding---

"(3) For the avoidance of doubt, it is declared that the Returning Officer is not to make a decision not to count a ballot paper solely for the reason that the ballot paper is stamped with the words "已故" and "DECEASED" or "喪失資格" and "DISQUALIFIED", as the case may be, in accordance with section 37(2).".

#### 53. Returning Officer to make decisions on questionable ballot papers

Section 81(6)(d) is repealed and the following substituted---

"(d) endorsed with the words "未用" and "UNUSED";".

#### 54. Returning Officer to declare election result

Section 83 is amended---

- (a) by renumbering it as section 83(1);
- (b) in subsection (1), by adding "as elected" after "declare";
- (c) by adding---

"(2) If before declaring a candidate to be elected, it comes to the knowledge of the Returning Officer that the candidate has died or is disqualified from being elected, that Officer---

- (a) must not declare that candidate to be elected; and
- (b) must---

(i) in the case of an election for a geographical constituency---

(A) declare the candidate to be returned for the geographical constituency under section 49(15) of the Legislative Council Ordinance (Cap. 542) to be elected; or  
(B) if no candidate can be returned under that section, declare the election to have failed, as provided in section 46A(3)(a) of that Ordinance, or to have failed, as provided in section 46A(3)(b) of that Ordinance, to the extent referred to therein;

(ii) in the case of an election for a functional constituency or an Election Committee election, declare the election to have failed, as provided in section 46A(3)(a) of that Ordinance, or to have failed, as provided in section 46A(3)(b) of that Ordinance, to the extent referred to therein."

55. The form in which Returning Officer is to publish result of election

Section 84(5) is amended by adding "for counting the votes for the constituency concerned or the Election Committee election, as may be applicable" after "station".

56. Enforcement of provisions as to secrecy

Section 96(5) is amended---

- (a) by repealing "or extract";
- (b) by repealing "(6)" and substituting "(7)".

57. Procedure after election proceedings are terminated

Section 97 is amended---

- (a) in subsection (1), by repealing "45" and substituting "42C or 46A(1)";
- (b) in subsection (2), by repealing "after the polling for the constituency has commenced" and substituting "on the date of the election, but before the close of polling, for the constituency";
- (c) in subsection (3), by adding "deceased or disqualified" before "candidate";
- (d) by repealing subsections (6) and (7);
- (e) in subsection (9), by repealing "or counting of the votes";
- (f) by adding---

"(9A) A by-election is to be arranged, subject to section 36(2) of the Legislative Council Ordinance (Cap. 542), under section 36(1) of that Ordinance."

58. Sections added

The following are added---

"97A. Procedure in case of death or disqualification of candidate after close of poll

(1) If the death of a candidate or the disqualification of a candidate from being elected comes to the knowledge of the Returning Officer after the close of polling for the constituency concerned or the Election Committee election but before the declaration of the result of the election, the Returning Officer must direct that the counting of the votes for the constituency or election is to begin or continue, as the case may be, as if the death or disqualification had not occurred.

(2) If, after the votes are counted, the deceased or disqualified candidate is found to be successful at the election, section 83(2) applies.

(3) If the deceased or disqualified candidate is not successful at the election, the Returning Officer must declare the successful candidate to be elected as provided in section 83(1).

97B. Procedure after election fails

(1) A declaration under section 46(2) of the Legislative Council Ordinance (Cap. 542) is to be made by the Returning Officer by notice published in the Gazette.

(2) A declaration under section 46A(3) of the Legislative Council Ordinance (Cap. 542) is to be made by the Returning Officer by a notice. The notice must be displayed in a prominent place outside the relevant counting station. As soon as practicable after the declaration is made, the notice must be published in the Gazette.

(3) A by-election is to be arranged, subject to section 36(2) of the Legislative Council Ordinance (Cap. 542), under section 36(1) of that Ordinance."

59. Publication and display of notices, etc.

Section 98(2) is amended---

(a) by adding before paragraph (a)---

"(aa) notice of the decision of the Returning Officer as to whether a person is validly nominated as a candidate;

(ab) notice of a declaration that a candidate has died or that the decision of the Returning Officer has been varied to the effect that a candidate is not validly nominated;"

(b) by repealing paragraph (b).

60. Commission to designate a Chief Returning Officer

Section 99(b) is repealed.

61. Commission to specify forms

Section 100 is amended---

(a) in subsection (3), by repealing "specified forms" and substituting "forms

specified under subsection (1)";

(b) in subsection (4), by repealing "under this section" and substituting "specified under subsection (1)";

(c) by adding---

"(6) The Commission may specify forms for notifications by the Returning Officer under the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg.).".

62. Section added

The following is added---

"101A. Letters that may be sent free of postage by candidates

(1) A letter that may be sent free of postage by or on behalf of a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap. 542), or a candidate under section 43(2) or (3) of that Ordinance, must---

(a) be posted in Hong Kong;

(b) contain materials relating only to the candidature of the candidate or candidates on the list, or of the candidate, at the election concerned;

(c) not exceed 50 grams in weight; and

(d) be not larger than 175 mm × 245 mm and not smaller than 90 mm × 140 mm in size.

(2) If letters are sent, in a bulk mailing, free of postage by or on behalf of--

-

(a) a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap. 542), any one candidate on that list or any person authorized by that candidate; or

(b) a candidate under section 43(2) or (3) of that Ordinance, the candidate or any person authorized by that candidate,

must provide the Postmaster General with---

(i) a specimen of the materials contained in that bulk mailing; and

(ii) a declaration, in the specified form, signed by that candidate or the person and stating that the materials contained in that bulk mailing are identical with the specimen provided to the Postmaster General.

(3) If, in relation to any letters sent, in a bulk mailing, free of postage by or on behalf of a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap. 542), or a candidate under section 43(2) or (3) of that Ordinance---

(a) any letter in that bulk mailing does not comply with subsection (1); or

(b) a declaration under subsection (2)(ii) is false in any particular, the candidate or all the candidates on the list is or are, or the candidate is, liable for payment of postage for all the letters in that bulk mailing."

63. Election advertisements

Section 102 is amended---

(a) by repealing subsection (8);

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

"Officer---

(a) a copy of the permission or other authorization given or obtained for the purposes of section 104A(1) of the Public Health and Municipal Services Ordinance (Cap. 132); and

(b) in case the election advertisement is of a kind referred to in section 27(1) or (2) of the Elections (Corrupt and Illegal Conduct) Ordinance (10 of 2000), a copy of the consent in writing referred to in section 27(1) or (2), as the case may be, of that Ordinance.";

(c) in subsection (11), by adding ", consent" after "authorization" where it twice appears;

(d) in subsection (15), by adding ", or destroy, or cover with such materials as that Officer thinks fit," after "dispose of";

(e) by adding---

"(15A) Subsections (1) and (2) do not apply to an election advertisement---

(a) which is a printed material---

(i) of or smaller than A4 size, that is, 30 cm × 21 cm;

(ii) contained in a single sheet of paper; and

(iii) bearing upon it the printer's name and address, number of copies printed and date of printing;

(b) appearing on a local newspaper (within the meaning of the Registration of Local Newspapers Ordinance (Cap. 268)) registered under section 7 of that Ordinance;

(c) to be sent by facsimile or any other form of electronic transmission; or

(d) in the form of a balloon, T-shirt, cap, badge or carrier bag.";

(f) in subsection (16)---

(i) by adding "other" before "class";

(ii) by repealing "subsection (1)" and substituting "subsections (1) and (2)".

64. Offence of false declaration

Section 103 is amended by adding---

"(3A) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542).".

65. Procedure for nominations for the religious subsector and subsector elections

Schedule 1 is amended---

(a) in section 1---

(i) in subsection (1)---

(A) by repealing the definition of "election advertisement" and substituting---  
"election advertisement" (選舉廣告) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (10 of 2000), but the reference to "an election" in that meaning is to be construed as the election referred to in section 4(d) of that Ordinance;"

(B) by repealing the definition of "election expense agent" and substituting---  
"election expense agent" (選舉開支代理人) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (10 of 2000);"

(C) in the definition of "election expenses"---

(I) by repealing ", in relation to a subsector election,"

(II) by adding ", but the reference to "an election" in that meaning is to be construed as the election referred to in section 4(d) of that Ordinance" after "(10 of 2000)";

(D) by adding---

"political body" (政治性團體) has the meaning assigned to it by section 2(1) of the Societies Ordinance (Cap. 151);"

(ii) by repealing subsection (2)(b) and substituting---

"(b) in sections 21 and 92, "subsector candidate" (界別分組候選人)---

(i) means a person who stands nominated as a subsector candidate at a subsector election; and

(ii) also means a person who, at any time before close of nominations for a subsector election, has publicly declared an intention to stand as a subsector candidate at the subsector election.";

(b) in section 3(2)(b), by repealing "1997" and substituting "2000";

(c) in section 7---

(i) by adding---

"(4A) The subsector nomination form---

(a) must contain the name of the person being nominated as the subsector candidate as shown on the person's identity document (being the identity document on the basis of which the particulars of the person are recorded in the geographical constituencies final register) and, if the Returning Officer is satisfied that the person is usually known by a name different from that shown on the person's identity document aforesaid, may also include that different name; and

(b) must also contain the identity document number and principal residential address of the person being nominated as the subsector candidate.";

(ii) in subsection (5), by repealing the second sentence;

- (d) in section 17---
  - (i) in subsection (1), by repealing "7" and substituting "14";
  - (ii) by adding---"(6) If one notice is to be published under this section for all the subsectors, the notice is to be published by the Returning Officer specified for the purpose by the Chief Electoral Officer.";
- (e) in section 19(5), by repealing "registered";
- (f) in section 21---
  - (i) by repealing subsection (1);
  - (ii) in subsection (2), by repealing "under subsection (1)" and substituting "as an election expense agent to incur election expenses at or in connection with a subsector election";
  - (iii) in subsection (3)---(A) by repealing "under subsection (1)" and substituting "of such an election expense agent";
- (B) by adding "and in the specified form" after "writing";
- (iv) by repealing subsection (4) and substituting---
- "(4) The authorization must specify the maximum amount of election expenses that the election expense agent is authorized to incur.";
- (v) in subsection (5)---
- (A) by repealing the first sentence and substituting---
- "The authorization must be signed by the subsector candidate making the authorization.";
- (B) in the second sentence, by repealing "An" and substituting "The";
- (vi) by repealing subsections (6) to (10) and substituting---
- "(6) A copy of the authorization must be served---
- (a) on the Returning Officer; or
- (b) if the Returning Officer has not been appointed, on the Chief Electoral Officer.
- (7) Service of a copy of the authorization---
- (a) may be effected by delivery by hand, by post or by facsimile transmission; and
- (b) must be effected by the subsector candidate making the authorization.
- (8) The Returning Officer or the Chief Electoral Officer, as the case may be, is to regard an authorization of an election expense agent to incur election expenses at or in connection with a subsector election as being effective, for any purpose related to the subsector election for which the authorization is relevant, only when a copy of the authorization has been served on the relevant Officer.";
- (vii) in subsection (11)---
- (A) by adding "to incur election expenses at or in connection with a subsector

election" after "agent";

(B) by repealing everything after "revoked," and substituting---

"the subsector candidate who made the authorization must as soon as possible after the revocation, give written notice of the revocation, by hand, by post or by facsimile transmission---

(a) to the Returning Officer; or

(b) if the Returning Officer has not been appointed, to the Chief Electoral Officer.";

(viii) by repealing subsection (12) and substituting---

"(12) The notice of revocation must be in the specified form and signed by the subsector candidate who made the authorization.";

(ix) in subsection (13)---

(A) by repealing everything before "being effective" and substituting---

"(13) If the authorization of an election expense agent to incur election expenses at or in connection with a subsector election has been revoked, the Returning Officer or the Chief Electoral Officer, as the case may be, is to regard the revocation as";

(B) by repealing "an election for which a" and substituting "the subsector election for which the";

(C) by repealing "that Officer" and substituting "the relevant Officer";

(x) by repealing subsections (14) and (15);

(g) in section 22---

(i) by adding "or the Chief Electoral Officer, as the case may be," after "Returning Officer";

(ii) by repealing "received by" and substituting "served on";

(iii) by repealing "receives" and substituting "is served";

(h) in section 26---

(i) in subsection (1), by repealing everything after "may" and substituting "make arrangements for voting for one or more subsectors to take place at a polling station.";

(ii) by repealing subsection (2);

(iii) by adding---

"(5) The Chief Electoral Officer may, if that Officer considers it appropriate to do so in the circumstances, allocate to a voter or authorized representative an alternative polling station, in addition to or in substitution of the polling station allocated under subsection (3), to cast the vote or votes he or she is entitled to cast at a subsector election.";

(i) in section 27, by adding---

"(5A) Where an alternative polling station is allocated to a voter or authorized representative under section 26(5), the Chief Electoral Officer must, as soon as

practicable, notify, in a manner that Officer considers appropriate---

- (a) the voter or authorized representative;
- (b) the Returning Officer;
- (c) the Presiding Officer of the polling station previously allocated to the voter or authorized representative; and
- (d) the Presiding Officer of the alternative polling station.";
- (j) in section 29---

- (i) in subsection (2), by adding at the end---

"The application---

- (a) may be---

- (i) made in writing; and

- (ii) delivered by hand or sent by post or by facsimile transmission; or

- (b) may be made orally by telephone.";

- (ii) in subsection (3), by repealing everything after "allocate" and substituting "to the voter or authorized representative an appropriate special polling station to cast the vote he or she is entitled to cast at the subsector election to which the application relates.";

- (iii) by repealing subsection (5);

- (iv) by adding---

"(7) The Chief Electoral Officer must notify the persons referred to in subsection (6) of the subsector for which the voter or authorized representative is entitled to vote.

(8) The Chief Electoral Officer may, if that Officer considers it appropriate to do so in the circumstances, allocate to a voter or authorized representative an alternative special polling station, in addition to or in substitution of the special polling station allocated under subsection (3), to cast the vote he or she is entitled to cast at the subsector election.

(9) Where an alternative special polling station is allocated to a voter or authorized representative under subsection (8), the Chief Electoral Officer must, as soon as practicable, notify, in a manner that Officer considers appropriate---

- (a) the voter or authorized representative;
- (b) the persons referred to in subsection (6); and
- (c) the Presiding Officer of the alternative special polling station.";
- (k) in section 30(2), by adding ", as polling officers," after "appoint";
- (l) in section 31---

- (i) in subsections (1) and (3), by repealing "an extract" and substituting "a copy";

- (ii) in subsection (2)---

- (A) by repealing "An extract" where it first appears and substituting "A copy";
- (B) by repealing "An extract" where it secondly appears and substituting "The copy";
  - (iii) in subsection (4), by repealing "An extract" and substituting "A copy";
- (m) in section 32---
  - (i) in subsections (1) and (2), by repealing "or extract";
  - (ii) in subsection (3)---
- (A) by repealing "A copy or extract may contain" and substituting "There may be added to the copy the identity document numbers of the voters and authorized representatives and such other";
- (B) by adding "as" after "information";
  - (iii) in subsection (4), by repealing "a copy or extract" and substituting "the copy";
- (n) in section 33---
  - (i) in subsection (3), by repealing "or extract";
  - (ii) in subsection (4)---
- (A) by repealing "A copy or extract may contain" and substituting "There may be added to the copy the identity document numbers of the voters and authorized representatives and such other";
- (B) by adding "as" after "information";
  - (iii) in subsection (5), by repealing "a copy or extract" and substituting "the copy";
- (o) in section 36---
  - (i) in subsection (14)---
- (A) in paragraph (a)---
  - (I) by adding "subject to subsection (15)(a)," before "engage";
  - (II) by adding "for" after "in canvassing";
- (B) in paragraph (c)---
  - (I) by repealing "of" and substituting "for";
  - (II) by repealing "or" at the end;
- (C) by adding---
  - "(ca) subject to subsection (15)(b), without reasonable excuse, display in the no canvassing zone any badge, emblem or clothing which---
  - (i) may promote or prejudice the election of a subsector candidate or subsector candidates at the subsector election; or
  - (ii) makes direct reference to a body any member of which is standing as a subsector candidate in the subsector election or to a political body in Hong Kong; or";
  - (ii) by adding---

"(15) On polling day, a person may, on the storeys above or below street level in a building within the no canvassing zone other than a building in which there is a polling station---

(a) without obstructing any person, canvass for votes from door to door; and

(b) for the purpose of such canvassing, display any badge, emblem or clothing referred to in subsection (14)(ca).";

(p) in section 37(1)---

(i) in paragraph (a)---

(A) by repealing "of" and substituting "for";

(B) by adding "(except as provided in section 36(15)(a))" after "zone";

(ii) in paragraph (c)---

(A) by adding "for" after "for canvassing";

(B) by repealing "or" at the end;

(iii) by adding---

"(ca) (except as provided in section 36(15)(b)) without reasonable excuse, display in the no canvassing zone any badge, emblem or clothing which---

(i) may promote or prejudice the election of a subsector candidate or subsector candidates at the subsector election; or

(ii) makes direct reference to a body any member of which is standing as a subsector candidate in the subsector election or to a political body in Hong Kong; or";

(q) in section 38---

(i) in subsection (5)---

(A) by repealing "Returning" and substituting "Chief Electoral";

(B) by repealing "3 working days" and substituting "1 week";

(ii) in subsection (7), by repealing "Returning" and substituting "Chief Electoral";

(iii) in subsection (8), by repealing "registered";

(iv) in subsections (9), (11) and (12), by repealing "Returning" and substituting "Chief Electoral";

(r) in section 40---

(i) in subsection (4)---

(A) by adding---

"(aa) the Chief Returning Officer (Subsectors);";

(B) in paragraph (b), by adding "or Assistant Returning Officers" after "Officers";

(C) in paragraph (e), by repealing "or";

(D) in paragraph (f), by repealing the full stop and substituting "; or";

(E) by adding---

"(g) persons authorized in writing by a member of the Commission.";

(ii) by repealing subsection (13) and substituting---

"(13) If---

(a) a person arrives at a polling station for the purpose of voting accompanied by a child; and

(b) the Presiding Officer considers that the child---

(i) should not be left unattended while the person is in the polling station; and

(ii) will not disturb or cause inconvenience to any person in the polling station,

that Officer may permit the child to enter the polling station.";

(s) in section 41---

(i) by repealing subsection (2) and substituting---

"(2) A person who, on polling day, films or takes photographs or makes any audio or video recording within a polling station without---

(a) the express permission of---

(i) the Presiding Officer; or

(ii) any member of the Commission; or

(b) the express permission, in writing, of the Returning Officer for the subsector or subsectors for which the polling station is used for polling,

commits an offence.";

(ii) in subsection (3), by repealing "of" and substituting "for";

(iii) by repealing subsection (5) and substituting---

"(5) A person who, without reasonable excuse, displays, on polling day and within a polling station, any badge, emblem or clothing which---

(a) may promote or prejudice the election of a subsector candidate or subsector candidates at the subsector election; or

(b) makes direct reference to a body any member of which is standing as a subsector candidate in the subsector election or to a political body in Hong Kong,

commits an offence.";

(t) in section 44(2), by adding "or in the view of any other polling officers," after "view";

(u) in section 49---

(i) in subsection (1), by repealing "assigned for a particular subsector but used also for polling for one or more other subsectors" and substituting "used for polling for more than one subsector";

(ii) in subsection (3)---

(A) by repealing the comma after "name" and substituting "and";

(B) by repealing "and other particulars";

(v) in section 50---

(i) in subsection (1), in the second sentence, by repealing "appropriate";

(ii) in subsection (4), by adding at the end---

"A person who contravenes this subsection commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.";

(w) by repealing section 56(2) and substituting---

"(2) The Presiding Officer must then comply with section 63 in relation to the ballot box, the sealed packets and the subsector ballot paper account.";

(x) in section 57(1), by repealing everything after "subsection (2)" and substituting---

". At a polling station used for polling for more than one subsector, the Presiding Officer must make a separate statement for each subsector.";

(y) in section 59(7), by repealing "registered";

(z) in section 60(1), by adding ", as counting officers," after "appoint";

(za) in section 61---

(i) in subsection (1)---

(A) by repealing "Returning Officer" and substituting "Chief Returning Officer (Subsectors), Returning Officer, Assistant Returning Officer";

(B) in paragraph (g), by repealing "or";

(C) by adding---

"(ga) public officers authorized in writing by the Chief Electoral Officer; or";

(ii) by repealing subsection (2) and substituting---

"(2) No other person may be present at the counting of the votes except with the permission of the Chief Returning Officer (Subsectors), or the Returning Officer in charge of the counting zone at which the counting takes place.";

(iii) in subsection (3)---

(A) by repealing "and the Returning Officer" and substituting ", and the Returning Officer in charge of the counting zone";

(B) by adding "at a counting zone" after "count";

(zb) by adding---

"61A. What constitutes an offence at a counting station

(1) A person who, during the relevant period, films or takes photographs or makes any audio or video recording within a counting zone of a counting station without the express permission of---

(a) the Chief Returning Officer (Subsectors), or the Returning Officer in charge of the counting zone; or

(b) any member of the Commission,

commits an offence.

(2) In subsection (1), "relevant period" (有關期間), in relation to a counting zone, means the period commencing from the time, determined under section 58, at which the counting of the votes is to begin at the zone and ending upon the completion of the counting and re-count, if any, at the zone.

(3) A person who, at or in the vicinity of a counting station, behaves in a disorderly manner, or fails to comply with a lawful order given by the Chief Returning Officer (Subsectors), or the Returning Officer in charge of a counting zone of the counting station, commits an offence.

(4) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 3 months.";

(zc) by repealing section 62(5);

(zd) in section 63---

(i) by repealing "is to arrange for" and substituting "must deliver or arrange to be delivered to the central counting station";

(ii) by repealing everything after "polling station" and substituting ", together with the sealed packets under section 56 and the subsector ballot paper account prepared by that Officer.";

(ze) in section 65---

(i) in subsection (1)---

(A) by repealing "assigned for a particular subsector (that is the ballot box for that subsector and the common ballot box for the other subsectors for which that polling station is used)";

(B) by repealing "for the first-mentioned subsector" and substituting "specified for the purpose by the Chief Electoral Officer";

(ii) in subsection (2), by repealing "Electoral Officer" and substituting "Returning Officer (Subsectors)";

(zf) in section 66(1), by adding ", at the counting zone of which that Officer is in charge" before "open";

(zg) in section 67---

(i) in subsection (1), by adding ", at the counting zone of which that Officer is in charge" after "must";

(ii) in subsections (4) and (5), by repealing "(General)";

(zh) in section 70(d), by repealing "is unused" and substituting "has the words "未用" and "UNUSED" endorsed thereon";

(zi) by repealing section 71(6)(d) and substituting---

"(d) endorsed with the words "未用" and "UNUSED";";

(zj) in section 86(5)---

(i) by repealing "or extract";

(ii) by repealing "48(3)" and substituting "49(3)";

(zk) in section 88(2)---

(i) by repealing "applications,";

(ii) by adding before paragraph (a)---

"(aa) notice of the decision of the Returning Officer as to whether a person is validly nominated as a subsector candidate;"

(iii) by repealing paragraph (b);

(zl) by adding---

"91A. Letters that may be sent free of postage by subsector candidates

(1) A letter that may be sent free of postage by or on behalf of a subsector candidate under section 31(1) of Schedule 2 to the Legislative Council Ordinance (Cap. 542) must---

(a) be posted in Hong Kong;

(b) contain materials relating only to the subsector candidate's candidature at the subsector election concerned;

(c) not exceed 50 grams in weight; and

(d) be not larger than 175 mm × 245 mm and not smaller than 90 mm × 140 mm in size.

(2) If letters are sent, in a bulk mailing, free of postage by or on behalf of a subsector candidate under section 31(1) of Schedule 2 to the Legislative Council Ordinance (Cap. 542), the subsector candidate or any person authorized by the subsector candidate must provide the Postmaster General with---

(a) a specimen of the materials contained in that bulk mailing; and

(b) a declaration, in the specified form, signed by the subsector candidate or the person and stating that the materials contained in that bulk mailing are identical with the specimen provided to the Postmaster General.

(3) If, in relation to any letters sent, in a bulk mailing, free of postage by or on behalf of a subsector candidate under section 31(1) of Schedule 2 to the Legislative Council Ordinance (Cap. 542)---

(a) any letter in that bulk mailing does not comply with subsection (1); or

(b) a declaration under subsection (2)(b) is false in any particular, the subsector candidate is liable for payment of postage for all the letters in that bulk mailing.";

(zm) in section 92---

(i) by repealing subsection (8);

(ii) in subsection (10), by repealing everything after "Returning" and substituting---

"Officer---

(a) a copy of the permission or other authorization given or obtained for the purposes of section 104A(1) of the Public Health and Municipal Services Ordinance (Cap. 132); and

(b) in case the election advertisement is of a kind referred to in section 27(1) or (2) of the Elections (Corrupt and Illegal Conduct) Ordinance (10 of 2000), a copy of the consent in writing referred to in section 27(1) or (2), as the case may be, of that Ordinance.";

(iii) in subsection (11), by adding ", consent" after "authorization" where it twice appears;

(iv) in subsection (15), by adding ", or destroy, or cover with such materials as that Officer thinks fit," after "dispose of";

(v) by adding---

"(15A) Subsections (1) and (2) do not apply to an election advertisement---

(a) which is a printed material---

(i) of or smaller than A4 size, that is, 30 cm × 21 cm;

(ii) contained in a single sheet of paper; and

(iii) bearing upon it the printer's name and address, number of copies printed and date of printing;

(b) appearing on a local newspaper (within the meaning of the Registration of Local Newspapers Ordinance (Cap. 268)) registered under section 7 of that Ordinance;

(c) to be sent by facsimile or any other form of electronic transmission; or

(d) in the form of a balloon, T-shirt, cap, badge or carrier bag.";

(vi) in subsection (16)---

(A) by adding "other" before "class";

(B) by repealing "subsection (1)" and substituting "subsections (1) and (2)";

(zn) in section 93, by adding---

"(3A) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of sections 5, 14 and 23 of Schedule 2 to the Legislative Council Ordinance (Cap. 542).".

66. Forms of ballot papers for a general election/by-election

Schedule 3 is amended---

(a) by repealing Form 1 and substituting the form in Schedule 1;

(b) by repealing Form 3(a) and substituting the form in Schedule 2;

(c) by repealing Form 3(b) and substituting the form in Schedule 3;

(d) by repealing Form 4 and substituting the form in Schedule 4.

67. Forms for the notice of election result under section 58 of the Legislative Council Ordinance (Cap. 542)

Schedule 4 is amended---

- (a) in Form 1, in paragraph 2---
  - (i) by adding "\*依據以抽籤方式決定的選舉結果而" after "候選人";
  - (ii) by adding "\*pursuant to a result determined by drawing lots" after "constituency";
- (b) in Form 2, in paragraph 2---
  - (i) by adding "\*依據以抽籤方式決定的選舉結果而" after "候選人";
  - (ii) by adding "\*pursuant to a result determined by drawing lots" after "constituency";
- (c) in Form 3, in paragraph 2---
  - (i) by adding "\*依據以抽籤方式決定的選舉結果而" after "候選人";
  - (ii) by adding "\*pursuant to a result determined by drawing lots" after "Committee".

68. Form of subsector ballot paper and form of notice of result of subsector election under section 28(2) of Schedule 2 to the Legislative Council Ordinance (Cap. 542)

Schedule 5 is amended, in Form 2, in paragraph 2---

- (a) by adding "\*依據以抽籤方式決定的選舉結果而" after "候選人";
- (b) by adding "\*pursuant to a result determined by drawing lots" after "\*subsector/sub-subsector".

Made this 13th day of March 2000.

WOO Kwok-hing, J.A.

Chairman,

Electoral Affairs Commission

Norman LEUNG Nai-pang

Member,

Electoral Affairs Commission

Elizabeth S. C. SHING

Member,

Electoral Affairs Commission

Explanatory Note

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 take account of 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 person in the polling station;

(b) an elector, voter or authorized representative can be allocated an alternative polling station, if the Chief Electoral Officer considers it appropriate to do so in the circumstances;

(c) what postal materials may be sent to electors or voters by a candidate free of postage; and

(d) certain election advertisements 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 (see subparagraph (b)(i)) 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) a person no longer commits an offence---

(i) by canvassing for votes in a no canvassing zone, if the person, without obstructing any person, canvasses for votes from door to door (except on the storey at street level, and except in a building in which a polling station is located);

(ii) by displaying, on polling day and within a polling station, any badge, emblem or clothing which makes direct reference to a candidate, unless it may promote or prejudice the election of a candidate or candidates and there is no reasonable excuse for so doing; or

(iii) by displaying, on polling day and within a polling station, any badge, emblem or clothing 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, if there is a reasonable excuse for so doing;

(c) an offence under---

(i) section 103(1) or (2) of the principal Regulation is made a prescribed offence for the purposes of sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542);

(ii) section 93(1) or (2) of Schedule 1 to the principal Regulation is made a prescribed offence for the purposes of sections 5, 14 and 23 of Schedule 2 to that Ordinance.

5. The Regulation also makes other technical and related amendments to the principal Regulation.