

ELECTORAL AFFAIRS COMMISSION

(REGISTRATION OF ELECTORS) (GEOGRAPHICAL CONSTITUENCIES) (LEGISLATIVE COUNCIL)
(AMENDMENT) REGULATION 1999

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

1. Title amended

The title to the Electoral Affairs Commission (Registration of Electors) (Geographical Constituencies) (Legislative Council) Regulation (Cap. 541 sub. leg.) is amended by repealing "(GEOGRAPHICAL CONSTITUENCIES) (LEGISLATIVE COUNCIL)" and substituting "(LEGISLATIVE COUNCIL GEOGRAPHICAL CONSTITUENCIES) (DISTRICT COUNCIL CONSTITUENCIES)".

2. Interpretation

Section 2 is amended---

(a) in subsection (1)---

(i) by repealing the definition of "commencement date";

(ii) by repealing the definition of "constituency" and substituting---
""Legislative Council constituency" (立法會選區), in relation to the compilation of a register for any year, means an area which is declared to be a geographical constituency in the last order made under section 18(2)(a) of the Legislative Council Ordinance (Cap. 542) immediately before the date by which the register must be compiled under section 32(1) of that Ordinance for that year;"

(iii) by repealing the definition of "first provisional register";

(iv) in the definition of "registration", by repealing "relevant particulars" and substituting "principal residential address";

(v) by repealing the definition of "relevant particulars";

(vi) by adding---

""District" (地方行政區) has the meaning assigned to it by section 2 of the District Councils Ordinance (Cap. 547);

"District Council constituency" (區議會選區), in relation to the compilation of a register for any year, means an area which is declared to be a constituency in the last order made under section 6(1)(a) of the District Councils Ordinance (Cap. 547) immediately before the date by which the register must be compiled under section 32(1) of the Legislative Council Ordinance (Cap. 542) for that year;

"section" (部), in relation to a register, means a part of the register set apart for a particular Legislative Council constituency under section 3(1);

"subsection" (分部), in relation to a register, means a part, within a section of the register, set apart for a particular District Council constituency under section 3(1A).";

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

"(2) In this Regulation, a reference to "existing final register" is to be construed, in relation to the compilation of the provisional register for a particular year, as a reference to the final register---

(a) published in the preceding year; and

(b) which is in effect by virtue of section 33 of the Legislative Council Ordinance (Cap. 542) at the time the provisional register is being compiled.".

3. Form of register

Section 3 is amended---

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

"(1) A register is to be divided into sections so that there is a separate section for each Legislative Council constituency.

(1A) For the purposes of section 29 of the District Councils Ordinance (Cap. 547), each section of a register is to be further divided so that there is a separate subsection for each District Council constituency within the Legislative Council constituency to which that section relates.

(1B) In a section of a register, the subsections for the District Council constituencies within the same District must be grouped together, and the name of the District must be shown in those subsections.";

(b) in subsection (2), by repealing everything after "show" and substituting "the name and principal residential address of the person.";

(c) in subsection (3), by repealing everything after "persons" and substituting--

"are to be arranged in each subsection of the register is as follows---

(a) the names of the persons in Chinese, arranged according to the number of strokes of the Chinese characters of their respective surnames, are to be recorded first;

(b) the names of the persons in English, arranged according to the alphabetical order of their respective surnames, must follow the entries at paragraph (a).";

(d) in subsection (5)(a), by repealing "or identity document number".

4. How to apply for registration

in provisional register

Section 4 is amended---

(a) in subsection (1)---

(i) in paragraph (a), by repealing "January" and substituting "March";

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

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

(b) in subsection (2)---

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

(ii) by adding---

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

(iii) in paragraph (c)---

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

(B) by repealing "1998" and substituting "1999 but not later than 16 March in the year following that subsequent year";

(C) by repealing "January in the year following that subsequent year" and substituting "March in that following year".

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

Section 5 is amended---

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

(b) in subsection (7)---

(i) in paragraph (a), by repealing "part" and substituting "section, and the subsection under it,";

(ii) in paragraph (b), by repealing "relevant particulars in that part" and substituting "principal residential address in that section under that subsection";

(c) in subsection (8), by repealing "part" and substituting "section, and the subsection under it,".

6. Electoral Registration Officer to have power to
require information to prepare registers

Section 6 is amended---

(a) in subsection (2), by repealing "and relevant particulars" and substituting ", identity document number, sex and principal residential address";

(b) in subsection (3), by repealing everything after "information" and substituting "within 30 days of the requirement.";

(c) in subsection (4), by repealing "relevant".

7. Electoral Registration Officer may make inquiries
regarding persons registered in the
existing final register

Section 7 is amended---

(a) in subsection (1)(a), by repealing "relevant particulars" and substituting "other personal particulars";

(b) in subsection (3), by repealing "31 December in the preceding year" and substituting "28 February in the current year".

8. Electoral Registration Officer to determine whether persons registered in the existing final register are registered in the appropriate section and subsection

Section 8 is amended---

(a) in subsection (1)---

(i) in paragraph (b), by repealing "or" at the end;

(ii) in paragraph (c), by repealing the comma at the end and substituting "or";

(iii) by adding---

"(d) section 3(1) of the District Councils Ordinance (Cap. 547) or, where applicable, an order made under section 6(1) or 8(1) of that Ordinance,";

(iv) by repealing everything after "name or" and substituting "other personal particulars are recorded in the existing final register, the appropriate section, and the appropriate subsection under it, of the next provisional register in which to register that person. When the section and the subsection are so determined, the Electoral Registration Officer must register the person in that section under that subsection, if that person is not already so registered.";

(b) in subsection (2), by repealing "part" and substituting "section, and the subsection under it,".

9. Electoral Registration Officer to prepare an omissions list

Section 9 is amended---

(a) in subsection (1)---

(i) by repealing "relevant particulars" and substituting "principal residential address";

(ii) in paragraph (a)---

(A) by repealing "in the preceding year" and substituting "on or before 28 February in the current year";

(B) in subparagraph (i), by repealing "January" and substituting "March";

(iii) in paragraph (b)---

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

(B) by repealing "and after 16 January in the preceding year";

(b) in subsection (2), by repealing "relevant particulars" and substituting

"principal residential address";

(c) in subsection (3)---

(i) by adding "persons whose" before "names";

(ii) by repealing "relevant particulars" and substituting "principal residential address are";

(iii) by adding "whose personal particulars" after "those";

(d) in subsection (4)---

(i) by repealing "relevant particulars" where it first appears and substituting "principal residential address";

(ii) in paragraph (a)---

(A) by repealing "relevant particulars" and substituting "other personal particulars";

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

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

Section 10(2) is amended by repealing everything after "applicable, is" and substituting "the period beginning on the date the notice is published under subsection (1) and ending on 29 April of the same year.".

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

Section 11 is amended---

(a) in subsection (1), by repealing "relevant particulars" and substituting "other personal particulars";

(b) in subsection (5)---

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

(ii) by adding---

"(ba) the provisional register for 2000, after 1 March 1999 but not later than 16 March 2000; and";

(iii) in paragraph (c)---

(A) by repealing "1 March" and substituting "29 April";

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

12. What is to be contained in provisional register

Section 12 is amended---

(a) in paragraphs (a) and (b), by repealing "relevant particulars" and substituting "principal residential address";

(b) in paragraph (c)---

(i) by repealing "relevant particulars" and substituting "principal residential address";

(ii) by repealing subparagraph (i);

(iii) by adding---

"(ia) in the case of the provisional register for 2000, during the period beginning on 17 January 1999 and ending on 16 March 2000; and";

(iv) in subparagraph (ii), by repealing "January" where it twice appears and substituting "March".

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

Section 13 is amended---

(a) in subsection (1), by repealing "February" and substituting "April";

(b) in subsection (2)(a), by repealing "relevant";

(c) in subsection (3), by repealing everything after "the provisional register" and substituting "during the period beginning on the date the notice under subsection (1) is published and ending on 29 April of the same year and at the place or places specified in the notice during ordinary business hours.";

(d) in subsections (4) and (5), by repealing "part" and substituting "section or subsection".

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

Section 14 is amended---

(a) in subsection (1)(b)---

(i) by repealing "part" and substituting "section or subsection";

(ii) by repealing "relevant particulars" and substituting "principal residential address";

(b) in subsection (2)(c), by repealing everything after "Officer" and substituting "not later than 29 April of the year for which the relevant final register is being compiled.";

(c) in subsection (4), in the definition of "registered person", by repealing "or identity document number".

15. Who may lodge a notice of claim

Section 15 is amended---

(a) in subsections (1)(c)(ii) and (2), by repealing "or identity document number";

(b) in subsection (3)---

(i) by repealing "or identity document number";

(ii) by repealing "a part" and substituting "a section under a subsection";
(iii) by repealing "relevant particulars" and substituting "principal residential address";

(iv) by repealing "different part" and substituting "different section or subsection";

(c) in subsection (7), by repealing everything after "Officer" and substituting "not later than 29 April of the year for which the relevant register is being compiled.";

(d) in subsection (8), by repealing "(a) or (b), as may be relevant".

16. Electoral Registration Officer to deliver copies

of notices of objection and notices

of claim to Revising Officer

Section 16(2) is amended by repealing everything after "appropriate." and substituting "But all notices received in respect of a provisional register must be delivered not later than 2 May of the year for which the register is being compiled.".

17. Electoral Registration Officer to correct

entries in a provisional register

in compiling final register

Section 17 is amended---

(a) in subsection (1)---

(i) by repealing "or identity document number";

(ii) by repealing "part" and substituting "section or subsection";

(b) in subsection (2)(a), by repealing "relevant";

(c) in subsection (3), by repealing "relevant";

(d) by repealing subsection (4)(a) and (b) and substituting---

"(a) subsections (2) and (8), the period is, in relation to the compilation of any final register, after 16 March of the year for which the final register is being compiled and not later than 29 April of the same year;

(b) subsections (3) and (6), the date is, in relation to the compilation of any final register, 29 April of the year for which the final register is compiled.";

(e) in subsection (6), by repealing everything after "Registration Officer" and substituting "after the date specified in subsection (4)(b), that Officer may consider it only for the purpose of compiling the next provisional register.";

(f) in subsection (7), by repealing "January" and substituting "March";

(g) in subsection (8), by repealing "relevant".

18. Electoral Registration Officer to correct

entries in provisional register with

approval of Revising Officer

Section 18 is amended---

- (a) in subsection (1)(c)---
 - (i) by repealing "or identity document number";
 - (ii) by repealing "part" and substituting "section or subsection";
- (b) in subsection (2)(a), by repealing everything after "removal" and substituting "not later than 11 May of the year for which the relevant final register is being compiled; and".

19. What is to be contained in final register

Section 19 is amended---

- (a) in subsection (1)(a) and (b), by repealing "relevant particulars" and substituting "principal residential address";
- (b) in subsection (2)---
 - (i) by repealing "relevant particulars" and substituting "principal residential address";
 - (ii) in paragraph (c), by repealing "or identity document number";
- (c) in subsection (3)---
 - (i) by repealing "the part" and substituting "the section or subsection";
 - (ii) by repealing "relevant particulars" and substituting "principal residential address";
 - (iii) by repealing "in that part" and substituting---

"in---

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

20. Electoral Registration Officer to publish notice of final register and to make final register available for public inspection

Section 20 is amended---

- (a) in subsection (1), by repealing everything before "in the Gazette" and substituting---
- "(1) The Electoral Registration Officer must publish, not later than 25 May in each year,";
- (b) in subsections (4) and (5), by repealing "part" and substituting "section or subsection".

21. Electoral Registration Officer may make

available extracts of register for purposes of an election

Section 21(5) is repealed and the following substituted---

"(5) In this section, "election" (選舉) means---

(a) a general election or by-election within the meaning of section 3(1) of the Legislative Council Ordinance (Cap. 542);

(b) an ordinary election or by-election within the meaning of section 2 of the District Councils Ordinance (Cap. 547).".

22. Offences and penalties

Section 22 is amended---

(a) in subsection (7), by repealing everything after "purposes" and substituting--- "of---

(a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542) and sections 5,

14 and 23 of Schedule 2 to that Ordinance; and

(b) sections 14, 19, 21, 24 and 30 of the District Councils Ordinance (Cap. 547).";

(b) in subsection (8), by repealing everything after "purposes" and substituting--- "of---

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

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

Consequential Amendments

Electoral Affairs Commission (Electoral Procedure)

(Legislative Council) Regulation

23. Interpretation

Section 2(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg.) is amended, in the definition of "geographical constituencies final register", by repealing "(Geographical Constituencies) (Legislative Council)" and substituting "(Legislative Council Geographical Constituencies) (District Council Constituencies)".

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

Schedule 1 is amended, in section 1(1), in the definition of "geographical constituencies final register", by repealing "(Geographical Constituencies) (Legislative Council)" and substituting "(Legislative Council Geographical Constituencies) (District Council Constituencies)".

Electoral Affairs Commission (Electoral Procedure)

(District Councils) Regulation

25. Interpretation

Section 2(1) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg.) is amended, in the definition of "geographical constituencies final register", by repealing "(Geographical Constituencies) (Legislative Council)" and substituting "(Legislative Council Geographical Constituencies) (District Council Constituencies)".

Made this 12th day of November 1999.

Justice Woo Kwok-hing

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 (Registration of Electors) (Geographical Constituencies) (Legislative Council) Regulation (Cap. 541 sub. leg.)---

(a) to revise the dates provided in it in relation to the compilation of the provisional register and final register of electors for geographical constituencies required to be compiled under section 32(1)(a)(i) and (b)(i) of the Legislative Council Ordinance (Cap. 542), following the amendment to those provisions under the Legislative Council (Amendment) Ordinance 1999 (48 of 1999) regarding the dates by which the registers are to be compiled;

(b) to remove those provisions that are spent;

(c) to revise the format of the registers so that---

(i) a register shows only the name and address of an elector, but not his identity document number and sex;

(ii) a register will be divided into sections (by reference to Legislative Council geographical constituencies) and, a section in a register will be further divided, for the purposes of section 29 of the District Councils Ordinance (Cap. 547), into subsections (by reference to District Council constituencies);

(d) to remove the requirement that an application made to the Electoral Registration Officer for registration in a provisional register has to be posted or delivered to him so that such an application may be sent through facsimile transmission;

(e) to make---

(i) an offence under section 22(1) or (2) of the principal Regulation also a prescribed offence for the purposes of sections 14, 19, 21, 24 and 30 of the District Councils Ordinance (Cap. 547); and

(ii) an offence under section 22(3) or (5) of the principal Regulation also a prescribed offence for the purposes of sections 14, 19, 21 and 24 of that Ordinance;

(f) to make other related and consequential amendments.