

LN307-E

Electoral Affairs Commission (Registration)
(Electors for Functional Constituencies)
(Voters For Subsectors) (Members Of
Election Committee) (Legislative
Council) (Amendment)
Regulation 1999
(Made by the Electoral Affairs Commission under
section 7 of the Electoral Affairs Commission
Ordinance (Cap. 541))

1. Interpretation

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

(a) in subsection (1)---

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

(ii) by repealing the definition of "current year" and substituting---
""current year" (現年份), in relation to---

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

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

(iii) by repealing the definition of "omissions list" and substituting---
""omissions list" (遭剔除者名單), in relation to---

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

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

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

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

(v) by repealing the definition of "preceding year" and substituting---
""preceding year" (對上一年), in relation to---

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

compiled;

(b) the compilation of the subsector provisional register, means the year 1999;"

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

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

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

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

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

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

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

(ix) by adding---

"existing functional constituencies final register" (現有的功能界別正式選民登記冊), in relation to---

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

(i) published in the year 1999; and

(ii) which is in effect by virtue of section 33 of the Legislative Council Ordinance (Cap. 542) at the time the relevant provisional register is being compiled, in so far as it relates to the functional constituencies specified in items 3 to 28 of Schedule 1 to that Ordinance in force on 29 July 1999;

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

(i) published in the preceding year; and

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

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

"functional constituencies omissions list" (功能界別遭剔除者名單) means the omissions list referred to in section 24(1)(a);

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

(b) in subsection (2)---

(i) by repealing paragraph (a);

(ii) in paragraph (b)---

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

(iii) by adding---

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

2. Form of the functional constituencies register

Section 3 is amended---

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

(b) in subsection (3)(b)---

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

(ii) by repealing "they have" and substituting "it has";

(c) in subsection (4), by repealing everything after "persons" and substituting-

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

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

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

3. Form of the subsector register

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

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

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

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

4. Form of the Election Committee final register

Section 5 is amended---

(a) by repealing subsection (3);

(b) in subsection (4)---

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

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

(iii) in paragraph (e)---

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

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

Legislative Council, or both";

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

(iv) by adding---

"(f) if the member is an ex-officio member and is not entitled, by virtue of section 48(3A) or (3B) of the Legislative Council Ordinance (Cap. 542), to vote to return a Member of the Legislative Council by the Election Committee, a note or other indication to that effect against the entry relating to that member.";

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

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

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

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

5. Electoral Registration Officer to have

power to require information from

persons to prepare registers

Section 9 is amended---

(a) in subsection (2)---

(i) in paragraph (c), by repealing "section 1 of Part 4 of Schedule 1 to" and substituting "section 3(2A) of";

(ii) in paragraph (d), by repealing "Schedule 1 to" and substituting "sections 20A to 20ZB of";

(iii) in paragraph (g), by repealing "the Note relating to item 24 of Schedule 1 to" and substituting "section 20V of";

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

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

6. Electoral Registration Officer may require

personal particulars of persons to be

registered as ex-officio members

of Election Committee

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

(a) a Hong Kong deputy to the National People's Congress; or

(b) a Member of the Legislative Council.".

7. Interpretation of Part IV

Section 11 is amended---

(a) in subsection (1)---

(i) in the definition of "corresponding subsector"---

(A) in paragraph (a), by repealing "and (d)" and substituting ", (d) and (e)";

(B) in paragraph (c), by repealing "or" at the end;

(C) in paragraph (d), by adding "or" at the end;

(D) by adding---

"(e) in relation to the District Council functional constituency, either the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as may be appropriate";

(ii) in the definition of "due date", by repealing "January" and substituting "March";

(iii) in the definition of "existing geographical constituencies final register", by adding "and the subsector provisional register" after "a functional constituencies provisional register";

(iv) by repealing the definition of "last geographical constituencies provisional register";

(v) in the definition of "listed subsector"---

(A) in paragraph (b), by adding "and" at the end;

(B) by repealing paragraphs (d), (e) and (f);

(vi) in the definition of "optional subsector"---

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

(B) by repealing paragraphs (d), (e) and (f);

(C) in paragraph (g), by repealing "and";

(D) by repealing paragraph (h);

(vii) by repealing the definition of "prescribed functional constituency";

(b) by repealing subsection (5).

8. Electoral Registration Officer

may send notifications

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

9. Electoral Registration Officer may send notifications to members of Heung Yee Kuk to compile

functional constituencies register

Section 13 is amended---

(a) by repealing subsections (1) and (2);

(b) by adding---

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

- (a) is registered in the existing geographical constituencies final register;
- (b) is not registered for the Heung Yee Kuk functional constituency in the existing functional constituencies final register; and
- (c) is eligible to be registered as an elector for the Heung Yee Kuk functional constituency.";
- (c) by repealing subsections (3) and (4);
- (d) by adding---

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

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

Section 14 is amended---

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

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

- (a) is registered in the existing geographical constituencies final register;
- (b) is not registered for a functional constituency in the existing functional constituencies final register; and
- (c) appears to that Officer to be eligible to be registered as an elector for a functional constituency (excluding the Heung Yee Kuk functional constituency).";
- (b) by repealing subsections (2), (3) and (4);
- (c) by adding---

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

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

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

Section 15 is amended---

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

(i) by repealing paragraph (a);

(ii) in paragraph (b), by repealing "was registered in the last geographical constituencies provisional" and substituting "is registered in the existing geographical constituencies final";

(iii) in paragraph (c)---

(A) by repealing "was registered in the last geographical constituencies provisional" and substituting "is registered in the existing geographical constituencies final";

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

(iv) by repealing paragraph (d);

(v) by adding---

"(e) a natural person or body that---

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

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

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

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

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

Section 16 is amended---

(a) in subsection (1)---

(i) by repealing "elects to be registered under section 13(3) or (4)" and substituting "under section 13(5) elects to be registered";

(ii) by repealing "the Urban Council functional constituency, the Regional Council functional constituency or";

(iii) by repealing ", as may be appropriate";

(b) in subsection (2), by repealing "elects to be registered under section 14(4)(i)" and substituting "under section 14(5) elects to be registered";

(c) in subsection (3), by repealing "elects to be registered under section 15(2)(a)(i), (b)(i) or (c)(i), (3)(a) or (4)(a)" and substituting "under section 15(2)(a), (b) or (c), (3) or (4) elects to be registered";

(d) in subsection (4)---

(i) by repealing "13(3) or (4)" and substituting "13(5)";

(ii) by repealing "14(4)(i)" and substituting "14(5)".

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

Section 18 is amended---

(a) by renumbering it as section 18(1);

(b) in subsection (1)---

(i) by repealing "If" and substituting "Subject to subsection (2), if";

(ii) by repealing "January" and substituting "March";

(c) by adding---

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

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

(b) that person or body---

(i) is to be registered for a functional constituency in the functional constituencies provisional register to be compiled for the year 2000; and

(ii) has not, on or before 16 March 2000, applied under Part V to be registered as a voter for any subsector,

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

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

subsector provisional register

Section 19 is amended---

(a) in subsection (1)---

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

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

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

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

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

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

(iv) by repealing paragraph (f);

(b) in subsection (4)---

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

(ii) by adding---

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

(iii) in paragraph (c)---

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

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

(c) by adding---

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

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

Section 20 is amended---

(a) in subsection (2)---

(i) by repealing "by post or delivered to that Officer";

(ii) by repealing "January" and substituting "March";

(b) in subsection (5)---

(i) by adding "(on the specified form)" after "notice";

(ii) by repealing the second sentence;

(c) in subsection (6), by repealing "delivered" and substituting "given";

(d) in subsection (7)---

(i) by repealing everything before "Notice of" and substituting---

"(7) If---

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

(b) on a claim or objection, the Revising Officer rules that a person appointed as an authorized representative should not be registered as such, a substitute may, notwithstanding subsection (2), be appointed by the corporate elector or corporate voter concerned.";

(ii) by repealing the last sentence;

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

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

Section 21 is amended---

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

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

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

(i) an applicant for registration as an elector for a functional constituency is already registered as an elector for that functional constituency; or

(ii) an applicant for registration as a voter for a subsector is already registered as a voter for that subsector, that Officer may decide not to consider the application further.

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

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

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

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

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

Section 22 is amended---

(a) in subsection (1)---

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

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

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

(A) is dead;

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

(C) is disqualified from being registered as an elector under section 31 of the

Legislative Council Ordinance (Cap. 542);

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

(A) is dead; or

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

(b) in subsection (2)---

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

(ii) by repealing "next";

(iii) by adding "or the subsector provisional register (as the case may be)" before the full stop;

(c) in subsection (5), by repealing "only on or before 31 December in the preceding year" and substituting ", only on or before 28 February in the current year".

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

Section 23 is amended---

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

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

(a) in the case of the functional constituencies provisional register to be compiled for the year 2000, section 1(1) of Schedule 3 to the Legislative Council Ordinance (Cap. 542);

(b) in all cases, any information obtained under section 9 or 22,

determine, in relation to a person whose name and other particulars are recorded in the existing final register, the appropriate part of the functional constituencies provisional register or the subsector provisional register, as the case may be, in which to register that person.";

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

19. Electoral Registration Officer to prepare an omissions list

Section 24 is amended---

(a) in subsection (1)---

(i) by renumbering paragraphs (a) and (b) as paragraphs (i) and (ii) respectively;

(ii) by repealing everything before "the personal particulars of" and substituting---

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

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

(b) in compiling the subsector provisional register, enter on the subsector omissions list,";

(iii) in paragraph (i)---

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

(B) by renumbering subparagraphs (i), (ii), (iii), (iv), (v) and (vi) as subparagraphs (A), (B), (C), (D), (E) and (F) respectively;

(C) in subparagraph (A), by repealing "January" and substituting "March";

(iv) in paragraph (ii)---

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

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

(v) by repealing paragraph (c) and substituting---

"(iii) any person whose name or other particulars are recorded in the existing final register and whose name and principal residential address (within the meaning of section 2(1) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg.)) are entered on the omissions list prepared for the current year under section 9 of that Regulation.";

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

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

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

(a) on a functional constituencies omissions list the relevant particulars of the

body that is no longer eligible to be registered as an elector;

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

(c) in subsection (4)---

(i) by repealing "the omissions list" where it first appears and substituting "an omissions list";

(ii) by repealing everything after "omit" and substituting---
"from---

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

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

(d) in subsection (5)---

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

(ii) in paragraph (a)---

(A) by repealing "(1)(a)(i)" and substituting "(1)(i)(A)";

(B) by repealing "personal" and substituting "name and other";

(C) by repealing "next final register" and substituting "next functional constituencies final register or the subsector final register, as may be applicable,";

(D) by repealing "January" and substituting "March";

(iii) in paragraph (b), by repealing "(1)(a)(ii)" and substituting "(1)(i)(B)".

20. Electoral Registration Officer to publish

a notice that omissions list is available

for public inspection

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

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

(a) must publish---

(i) in the Gazette; and

(ii) in at least one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong,

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

(b) must, for the relevant period referred to in subsection (2)---

(i) keep the omissions list at that Officer's office; and

(ii) at the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.

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

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

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

21. Electoral Registration Officer to correct entries

in existing final register in compiling next

provisional register

Section 26 is amended---

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

(b) in subsections (2) and (3), by adding "or the subsector provisional register (as the case may be)" after "provisional register";

(c) in subsection (5)---

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

(ii) by adding---

"(ba) (i) the functional constituencies provisional register to be compiled for the year 2000, after 1 March 1999 but not later than 16 March 2000;

(ii) the subsector provisional register, after 21 February 1998 but not later than 16 March 2000; and";

(iii) in paragraph (c)---

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

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

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

Section 27 is amended---

(a) in paragraph (a)---

(i) by repealing "subsection (2) and";

(ii) by repealing everything after "recorded" and substituting---

"in---

(i) in the case of the functional constituencies provisional register to be compiled for the year 2000---

(A) the existing functional constituencies final register; and

(B) such part of the existing subsector final register as relating to the catering

subsector;

(ii) in the case of any subsequent functional constituencies provisional register, the existing functional constituencies final register;"

(b) in paragraph (c)---

(i) in subparagraph (i)---

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

(B) by adding---

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

(C) in sub-subparagraph (B)---

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

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

(ii) in subparagraph (ii)---

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

(B) by adding---

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

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

(iii) by repealing subparagraph (iii);

(c) by adding---

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

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

Section 28 is amended---

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

(b) in subsection (1)---

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

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

(ii) in paragraph (a)---

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

(B) in subparagraph (ii), by repealing "on or before 16 January 1998" and substituting "during the period beginning on 17 January 1998 and ending on 16 March 2000";

(iii) in paragraph (b), by repealing "and identity document numbers";
(c) by adding---

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

(a) a person who is not registered in the existing geographical constituencies final register; or

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

(3) In this section, "existing geographical constituencies final register" (現有的地方選區正式選民登記冊) and "optional subsector" (可選擇的界別分組) have the meanings assigned to them by section 11."

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

Section 29 is amended---

(a) in subsection (1)---

(i) in paragraph (a), by repealing "February" and substituting "April";

(ii) in paragraph (b), by repealing "February 1998" and substituting "April 2000";

(b) in subsection (3)---

(i) by repealing paragraph (a);

(ii) in paragraph (b)---

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

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

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

(iii) by adding---

"(c) in the case of the subsector provisional register, during the period beginning on the date the notice under subsection (1) is published and ending on 29 April 2000,".

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

Section 30(2)(c) is amended---

(a) by repealing subparagraph (i);

(b) by adding---

"(ia) in the case of a person registered in the subsector provisional register, not later than 29 April 2000; and";

(c) in subparagraph (ii)---

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

(ii) by repealing "1 March" and substituting "29 April".

26. Who may lodge a notice of claim

Section 31 is amended---

(a) in subsection (3), by adding "or the subsector final register (as the case may be)" after "register";

(b) in subsection (8)---

(i) by repealing paragraph (a);

(ii) by adding---

"(aa) not later than 29 April 2000, if the claim relates to the subsector register or the subsector omissions list; and";

(iii) in paragraph (b), by repealing "1 March" and substituting "29 April";

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

(d) in subsection (10), by repealing "(5)(b) and (c)" and substituting "(5)(c)".

27. Electoral Registration Officer to deliver copies

of notices of objection and notices of

claim to Revising Officer

Section 32(2) is amended---

(a) by repealing paragraph (a);

(b) by adding---

"(aa) in the case of notices received in respect of the subsector register or the subsector omissions list, not later than 2 May 2000; and";

(c) in paragraph (b), by repealing "3 March" and substituting "2 May".

28. Electoral Registration Officer to correct

entries in provisional register in

compiling final register

Section 33 is amended---

(a) in subsection (1), by repealing "or identity document number";

(b) in subsection (3)---

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

(ii) by adding "or the subsector final register (as the case may be)" after "final register";

(c) in subsection (4)---

(i) in paragraph (a)---

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

(ii) in paragraph (b)---

- (A) by repealing "subsection (3)" and substituting "subsections (3) and (6)";
- (B) by repealing subparagraph (i);
- (C) in subparagraph (ii)---
 - (I) by repealing "any subsequent" and substituting "a";
 - (II) by repealing "1 March" and substituting "29 April";
 - (III) by repealing the full stop and substituting "; and";
- (D) by adding---
 - "(iii) the subsector final register, 29 April 2000.";
- (d) in subsection (6), by repealing everything after "Registration Officer" and substituting "in relation to a functional constituencies register after the relevant date specified in subsection (4)(b)(ii), that Officer may consider it only for the purpose of compiling the next functional constituencies provisional register.";
- (e) in subsection (7), by repealing "January" and substituting "March".

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

Section 34(2)(a) is amended---

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

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

Section 35 is amended---

(a) in subsection (2)(c), by repealing "an" and substituting "a functional constituencies";

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

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

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

Section 36 is amended---

(a) in subsection (1)---

(i) in paragraph (a)---

(A) by repealing "for 1998";

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

(ii) in paragraph (b), by repealing the full stop and substituting "; and";

(iii) by adding---

"(c) the additions, if any, under section 34(1)(b).";

(b) in subsection (2)---

(i) in paragraph (a), by repealing "and" at the end;

(ii) in paragraph (b), by repealing the full stop and substituting "; and";

(iii) by adding---

"(c) any person whose personal particulars or relevant particulars have been included in a subsector omissions list and who has not made a claim in respect of it or who has made a claim but the claim has not been allowed by the Revising Officer.";

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

"(5) For the purposes of subsections (1)(b), (2), (3) and (4), only decisions made by the Revising Officer after 15 April 2000 and not later than 11 May 2000 are to be taken into account.".

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

Section 37 is amended---

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

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

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

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

(a) section 1(9) of Schedule 2 to the Legislative Council Ordinance (Cap. 542), the

Electoral Registration Officer must, under that section, remove a person's name from the Election Committee final register; or

(b) section 1(10) of Schedule 2 to the Legislative Council Ordinance (Cap. 542), the Electoral Registration Officer must, under that section, register in the Election Committee final register a person as an ex-officio member, he must do so as soon as practicable after he becomes aware of such event.

(3) The Electoral Registration Officer must, within 14 days of adding any name to or removing any name from the Election Committee final register under section 1(9) or (10) of Schedule 2 to the Legislative Council Ordinance (Cap. 542), publish under section 1(11) of that Schedule a notice in the Gazette of such addition or removal, as the case may be."

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

Section 38(1) is amended---

(a) by repealing paragraph (a);

(b) by adding---

"(aa) in the year 2000, not later than 25 May 2000; and";

(c) in paragraph (b), by repealing "31 March" and substituting "25 May".

34. Section added

The following is added in Part VIII---

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

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

(a) an ex-officio member's choice referred to in that provision must be made by the member concerned by giving to the Electoral Registration Officer a written notice of his choice to reach that Officer on or before 5 July 2000;

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

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

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

36. Offences and penalties

Section 42 is amended---

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

(a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542) and sections 5, 14 and 23 of Schedule 2 to that Ordinance; and

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

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

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

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

Made this 1st day of December 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

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

(a) a provisional register and a final register of electors for the functional constituencies;

(b) a provisional register and a final register of voters for the subsectors represented on the Election Committee; and

(c) a final register of the members of the Election Committee.

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

(a) the establishment and composition of new functional constituencies and subsectors for the second term of office of the Legislative Council;

(b) the dates by which those registers must be compiled; and

(c) the registration of ex-officio membership of the Election Committee, and the choice of an ex-officio member who is also registered as an elector for a functional

constituency to vote at an election as such member or such elector.

3. This Regulation amends the principal Regulation so as---

(a) to enable the compilation procedures to tie in with the revised arrangements and timetable; and

(b) to introduce measures to improve and streamline those procedures.

4. In particular, the amendment is to---

(a) provide for the compilation of the provisional register for functional constituencies for the year 2000, in relation to the new catering functional constituency, on the basis of the part of the final register for subsectors published in 1998 that relates to the catering subsector, and the related matters;

(b) provide that---

(i) the subsector provisional register to be compiled in the year 2000 is to be compiled on the basis of the subsector final register published in 1998; and

(ii) the Electoral Registration Officer may make inquiries and prepare an omissions list for that purpose;

(c) revise the dates provided in the principal Regulation in relation to the compilation of the registers;

(d) remove those provisions that are spent and where necessary, replace them with appropriate new provisions;

(e) provide for the procedures for the purposes of the registration and the making of choice referred to in paragraph 2(c);

(f) enable the Electoral Registration Officer to register a person---

(i) who is to be registered in the provisional register to be compiled in the year 2000 for functional constituencies; and

(ii) whom a notification to ascertain the subsector for which that person is to be registered has failed to reach,

in the corresponding subsector so as to implement section 8(7) of Schedule 2 to the Legislative Council Ordinance (Cap. 542);

(g) enable a corporate elector or corporate voter to appoint a substitute for its authorized representative that has been rejected by the Electoral Registration Officer, even though the statutory deadline for appointing authorized representative has passed;

(h) revise the format of the registers so that a register shows only the name and address of an elector, but not his identity document number and sex;

(i) remove the requirements that an application made to the Electoral Registration Officer for registration in a provisional register and a notice given to that Officer of appointment of authorized representative has to be posted or delivered to him so that such an application or notice may be sent through facsimile transmission;

(j) make---

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

(ii) an offence under section 42(3) or (5) of the principal Regulation also a prescribed offence for the purposes of sections 14, 19, 21 and 24 of that Ordinance.