

L.N. 199 of 2001

Registration of Electors (Appeals) (Amendment) Regulation 2001

(Made by the Chief Executive in Council under section 82 of the Legislative Council Ordinance (Cap. 542) and section 81 of the District Councils Ordinance (Cap. 547))

1. Commencement

This Regulation shall come into operation on 16 November 2001.

2. Interpretation

Section 1 of the Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg.) is amended---

(a) by repealing the definition of "appellant" and substituting---
"appellant" (上訴人) means---

(a) a corporate elector who has made an appeal under the FC Registration Regulation by means of a notice of appeal; or

(b) a person who has made a claim or an objection under the FC Registration Regulation or the GC Registration Regulation by means of a notice of claim or a notice of objection;"

(b) by repealing the definitions of "corporate voter" and "subsector";

(c) by repealing the definitions of "notice of appeal", "notice of claim" and "notice of objection" and substituting---

"notice of appeal" (上訴通知書) means a notice lodged by a corporate elector under the FC Registration Regulation for the purpose of making an appeal;

"notice of claim" (申索通知書) means a notice lodged by a person under the FC Registration Regulation or the GC Registration Regulation for the purpose of making a claim;

"notice of objection" (反對通知書) means a notice lodged by a person under the FC Registration Regulation or the GC Registration Regulation for the purpose of making an objection;"

(d) by adding---

"appeal" (上訴) means an appeal made under the FC Registration Regulation against the decision of the Electoral Registration Officer not to register as an authorized representative a person appointed by a corporate elector as a replacement or a substitute under section 20 of the FC Registration Regulation;

"claim" (申索) means a claim made under the FC Registration Regulation or the GC Registration Regulation as regards an entry, or registration, in a functional constituencies register or a geographical constituencies register;

"FC Registration Regulation" (《功能界別登記規例》) means the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional

Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg.);

"functional constituencies register" (功能界別選民登記冊) means a provisional register or a final register of electors for functional constituencies required to be compiled under section 32(1)(a)(ii) or (b)(ii) of the Legislative Council Ordinance (Cap. 542);

"GC Registration Regulation" (《地方選區登記規例》) means the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg.);

"geographical constituencies register" (地方選區選民登記冊) means a provisional register or a final register of electors for geographical constituencies required to be compiled under section 32(1)(a)(i) or (b)(i) of the Legislative Council Ordinance (Cap. 542);

"objection" (反對) means an objection made under the FC Registration Regulation or the GC Registration Regulation as regards an entry, or registration, in a functional constituencies register or a geographical constituencies register;"

3. Fixing of hearing and notifying

the appellant thereof

Section 2 is amended---

(a) in subsection (1)---

(i) by repealing everything after "copy of a notice of" and before ", he shall" and substituting "appeal or a notice of claim or a notice of objection from the Electoral Registration Officer";

(ii) in paragraph (a), by repealing "claim or the objection or the appeal" and substituting "appeal or the claim or the objection";

(iii) in paragraph (b)(i), by repealing "claim or the notice of objection or the notice of appeal" and substituting "appeal or the notice of claim or the notice of objection";

(b) in subsection (2)---

(i) in paragraph (a), by repealing "claim or the notice of objection or the notice of appeal" and substituting "appeal or the notice of claim or the notice of objection";

(ii) in paragraph (c)---

(A) in subparagraph (i), by repealing "his claim or objection or appeal" and substituting "the appeal or claim or objection concerned";

(B) in subparagraph (iii), by repealing "his claim or objection or appeal" and substituting "the appeal or claim or objection concerned";

(iii) in paragraph (d)---

(A) in subparagraph (i), by repealing "申索、反對或上訴" and substituting "上訴、申索或反對";

(B) in subparagraph (iii), by repealing "his claim or objection or appeal" and substituting "the appeal or claim or objection concerned";

(C) by repealing "claim or the notice of objection or the notice of appeal" and substituting "appeal or the notice of claim or the notice of objection";

(c) by repealing subsection (3)(ba);

(d) in subsection (4)---

(i) by adding "a copy of" after "Where";

(ii) in paragraph (a)---

(A) by repealing "11 days before the polling date for the functional constituency or the subsector" and substituting "the eighth day before the polling date for the functional constituency";

(B) by repealing "or" and substituting "and";

(iii) by repealing paragraph (b) and substituting---

"(b) on a date later than the eighth day before the polling date for the functional constituency concerned in any year, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 27 days ending on---

(i) where the notice is so received on 9 May or 10 May in any year, 11 May in the following year;

(ii) where the notice is so received on any other day in any year, the 11 May which immediately follows the day on which the notice is so received.";

(e) in subsection (5)---

(i) by repealing "claim or notice of objection or notice of appeal" and substituting "appeal or notice of claim or notice of objection";

(ii) in paragraph (a)---

(A) in subparagraph (i), by repealing "申索、反對或上訴" and substituting "上訴、申索或反對";

(B) in subparagraph (iii), by repealing "his claim or objection or appeal" and substituting "the appeal or claim or objection concerned, as the case may be,";

(C) by repealing "claim or the notice of objection or the notice of appeal" and substituting "appeal or the notice of claim or the notice of objection, as the case may be,";

(iii) in paragraph (b), by repealing "claim or the objection or the appeal" and substituting "appeal or the claim or the objection".

4. Electoral Registration Officer to be notified of rulings

Section 4 is amended---

- (a) in paragraph (d), by repealing "21" and substituting "27";
- (b) by repealing "claim or notice of objection or notice of appeal" and substituting "appeal or notice of claim or notice of objection".

5. Review of rulings by Revising Officer

Section 6(2)(d) is amended by repealing "21" and substituting "27".

6. Approval of Revising Officer in relation
to Electoral Registration Officer's
proposal

Section 7 is amended by repealing everything after "section 34 of the" and before
", the Revising" and substituting "FC Registration Regulation in relation to a
functional constituencies register, or the Revising Officer's approval as referred
to in section 18 of the GC Registration Regulation".

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

25 September 2001

Explanatory Note

This Regulation amends the Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg.) ("the principal Regulation")---

(a) consequential to the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (L.N. 197 of 2001) so that the principal Regulation only deals with appeals made by corporate electors, and claims or objections as regards entries, or registration, in a functional constituencies register or a geographical constituencies register;

(b) consequential to the Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) (Amendment) Regulation 2001 (L.N. 200 of 2001) ("the FC Amendment Regulation") so that the principal Regulation contains more precise definitions of "appeal" and "notice of appeal" which are consistent with those in the FC Amendment Regulation;

(c) to remove those provisions which are spent.