

**COMPARISON OF
ELECTORAL PROCEDURE (VILLAGE REPRESENTATIVE ELECTION) REGULATION WITH
EAC (ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION AND
ELECTORAL PROCEDURE (CHIEF EXECUTIVE ELECTION) REGULATION**

Provision in the New Regulation <i>(Clause Number and Heading)</i>	Similar Provision in the LCR¹ or CEER² <i>Section/Subsection</i>	Comparison
PART 1 – PRELIMINARY		
1 - Commencement	s.1 of LCR s.1 of CEER	The Regulation shall come into operation on 1 June 2003.
2 - Interpretation	s.2 of LCR s.2 of CEER	<p>Similar to CEER with the following adaptations:-</p> <p>(a) “election” (選舉) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p> <p>(b) "Election Ordinance" (《選舉條例》) means the Village Representative Election Ordinance;</p> <p>(c) “final register” (正式選民登記冊) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p> <p>(d) “polling day” (投票日) means, in relation to -</p> <ul style="list-style-type: none"> • a village ordinary election, the date of the election specified under section 20(3)(a) of the Election Ordinance which allow different polling dates for different villages to be specified by the Secretary for Home Affairs; or • a village by-election, the date of the election referred to in section 6(c). <p>The following definitions have also been inserted -</p> <p>(a) “candidate number” (候選人編號) means the number allocated to a validly nominated candidate under section 42(1);</p> <p>(b) “close of nominations” (提名期結束) means the end of the nomination period;</p> <p>(c) “Composite Indigenous Village” (共有代表鄉村) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p>

¹ “LCR” refers to the EAC (Electoral Procedure) (Legislative Council) Regulation.

² “CEER” refers to the Electoral Procedure (Chief Executive Election) Regulation

Provision in the New Regulation <i>(Clause Number and Heading)</i>	Similar Provision in the LCR¹ or CEER² <i>Section/Subsection</i>	Comparison
		<p>(d) “counting zone” (點票區) means an area set apart as a counting zone under section 58(1), the definition of which is modeled on LCR;</p> <p>(e) “Electoral Registration Officer” (選舉登記主任) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p> <p>(f) “Existing Village” (現有鄉村) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p> <p>(g) “Indigenous Inhabitant Representative” (原居民代表) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p> <p>(h) “Indigenous Village” (原居鄉村) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p> <p>(i) “principal residential address” (主要地址) has the meaning assigned to it by section 2(1) of the Election Ordinance, the definition of which is modelled on LCR;</p> <p>(j) “Resident Representative” (居民代表) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p> <p>(k) “Village” (鄉村) has the meaning assigned to it by section 2(1) of the Election Ordinance;</p> <p>(l) “village by-election” (鄉村補選) has the meaning assigned to it by section 2(1) of the Election Ordinance, the definition of which is modeled on LCR;</p> <p>(m) “village by-election notice” (鄉村補選公告) means a notice published under section 6, the definition of which is modeled on LCR;</p> <p>(n) “village election notice” (鄉村選舉公告) which means a notice published under section 4, the definition of which is modeled on LCR;</p> <p>(o) “village ordinary election” (鄉村一般選舉) has the meaning assigned to it by section 2(1) of the Election</p>

Provision in the New Regulation (Clause Number and Heading)	Similar Provision in the LCR ¹ or CEER ² Section/Subsection	Comparison
		Ordinance, the definition of which is modeled on LCR; and (p) “Village Representative” (村代表) has the meaning assigned to it by section 2(1) of the Election Ordinance.
3 - <i>Application</i>	s.3 of LCR	Similar. The Regulation applies to a village election and a village by-election.
PART 2 - NOMINATION OF CANDIDATES AND OTHER STAGES OF AN ELECTION BEFORE THE POLL		
4 - <i>Director of Home Affairs to publish village election notice</i>	s. 4-6 of LCR s.3 of CEER	Similar to s.3 of CEER, but the Director of Home Affairs (rather than the Chief Electoral Officer) should publish in the Gazette a notice for the village ordinary election, the nomination period and details related to the submission of nomination forms.
5 - <i>Director of Home Affairs to determine nomination period</i>	s.7 of LCR	Similar, but the Director of Home Affairs (rather than the Chief Electoral Officer) should determine the nomination period . The duration of nomination period shall not be less than 7 days and shall end not less than 12 days before the polling day.
6 - <i>Director of Home Affairs to publish village by-election notice if a village by-election is to be held</i>	s.8 of LCR	Similar, but the Director of Home Affairs (rather than the Chief Electoral Officer) shall publish the notice.
7 - <i>How to nominate a candidate</i>	s.10-12 of LCR s.4 of CEER	Similar to s.4 of CEER except s.4(1)(c) and (1)(d)(iii) of CEER, where “member of the Election Committee making the nomination” is replaced by “subscriber to the nomination form”.
8 - <i>RO may assist in preparation of nomination forms</i>	s.13 of LCR	Similar.
9 - <i>RO may give opportunity to rectify a nomination form</i>	s.18 of LCR s.5 of CEER	Similar.

Provision in the New Regulation <i>(Clause Number and Heading)</i>	Similar Provision in the LCR¹ or CEER² <i>Section/Subsection</i>	Comparison
10 – RO to decide whether candidates are validly nominated	s.16 of LCR	Similar except no deposit is required in the VR election.
11 - RO to endorse invalid nomination forms	s.19(1)-(2) of LCR s.6 of CEER	Similar to s.6 of CEER.
12 - RO to notify decision on validity of nomination	s.19(3)-(4) of LCR s.7 of CEER	Similar to s.7 of CEER.
13 - Nomination forms to be available for inspection	s.14 of LCR s.8 of CEER	Similar to s.8 of CEER.
14 - Withdrawal of candidature	s.20 of LCR s.9 of CEER	Similar to s. 9 of CEER. Refer to Section 26 of the Election Ordinance.
15 – RO to publish a notice of particulars of validly nominated candidates	s.21 of LCR	Similar.
16 – RO to declare candidate to be duly elected in uncontested election	s. 22 of LCR s.10 of CEER	Similar to s.22 of LCR.
17 – RO to notify and declare if a validly nominated candidate is known before date of election to have died	s.22A of LCR	Similar except that the notice shall be given to the Director of Home Affairs instead of the Chief Electoral Officer.
18 –RO to notify and declare if a validly nominated candidate is known before date of election to be disqualified	s.22B of LCR	Similar except that the notice shall be given to the Director of Home Affairs instead of the Chief Electoral Officer.

Provision in the New Regulation <i>(Clause Number and Heading)</i>	Similar Provision in the LCR¹ or CEER² <i>Section/Subsection</i>	Comparison
19 – RO to declare no poll under certain circumstances upon death or disqualification of validly nominated candidates known before date of election	s.22C of LCR	Similar.
20 – RO to declare termination of election proceedings and procedure after termination	s. 97 of LCR s.11 and s.60 of CEER	Similar to s.11 of CEER on the declaration of termination of election proceedings, and similar to s 97 of LCR and s.60 of CEER on the procedure after termination. S. 20(8) requires that when a poll is abandoned under this section, the RO shall notify the Director of Home Affairs and the Commission, instead of the Chief Electoral Officer,.
21 – RO to declare failure of election under certain circumstances upon death or disqualification of validly nominated candidate known after close of poll	s.83(2), s.97A and s.97B of LCR	Similar.

PART 3 - ELECTION AGENTS AND ELECTION EXPENSE AGENTS		
22 - Appointment of election agent	s.23 of LCR s.12 of CEER	Similar to s.12 of CEER..
23 - Appointment of election expense agent	s.25(5) of LCR s.13 of CEER	Similar to s.13 of CEER.
24 - Provisions applicable to appointment of agents	s.23, 25 and 26 of LCR s.14 of CEER	Similar to s.14 of CEER.
25 - Other candidates to be notified of particulars of election agent	s.24 of LCR s.15 of CEER	Similar to s.15 of CEER.
26 - Limit of expenses for election expense agent	s.25(7) of LCR s.16 of CEER	Similar to s.16 of CEER.
PART 4 - POLLING ARRANGEMENT		
27 - Appointment of polling hours	s.27 of LCR s.17 of CEER	Similar to s.27 of LCR but the Director of Home Affairs (rather than the Chief Electoral Officer) shall appoint polling hours and may extend the polling hours for any Village or any polling station.
28 - Designation of polling stations and counting stations	s.28 and s.30(4A) of LCR s.18 of CEER	Similar to s.18 of CEER but the Director of Home Affairs (rather than the Chief Electoral Officer) shall designate polling stations and counting stations for the elections of the villages. A venue may be designated as a polling station to accommodate polling for more than one villages. Under s.28(10), the Director of Home Affairs may allocate to an elector an alternative polling station.
29 – Director of Home Affairs to send polling notice to electors	s.31 of LCR s.19 of CEER	Similar to s.19 of CEER but with modifications – <ul style="list-style-type: none"> ● the Director of Home Affairs (rather than the Chief Electoral Officer) shall notify in the specified form to each elector; ● subsection 19(3) of CEER is not applicable to village election; and ● where an alternative polling station is allocated to an elector under section 28(10), the Director of Home Affairs shall send notice under section 29(4) to the elector, the relevant RO and the relevant Presiding Officer.

30 - Elector to vote at the correct polling station	s.32 of LCR	Similar.
31 - Appointment of Presiding Officer and polling officers	s.34, 38 and 91 of LCR s.20 of CEER	Similar to s.20 of CEER but the ROs shall be the appointment authority for the villages under their charge.
32 - Copy of final register to be supplied to candidates and RO	s.35 and 36 of LCR s.21 of CEER	Similar to s.21 of CEER but the Electoral Registration Officer (rather than the Chief Electoral Officer) shall supply to each candidate and the RO a copy of the final register for the Village concerned.
33 - Miscellaneous arrangements relating to voting	s. 37 and 39 LCR s.22 of CEER	Similar to s.22 of CEER but Returning Officers (rather than the Chief Electoral Officer) should be responsible for the polling stations in the Village concerned.
34 - Determination of no canvassing zone (NCZ) and no staying zone (NSZ)	s.40 of LCR s.23 of CEER	Similar to s.23 of CEER.
35 - Order at NCZ and NSZ	s. 41 of LCR s.24 of CEER	Similar to s.24 of CEER.
36 - Polling agents	s.42 of LCR s.25 of CEER	Similar to s.25 of CEER but with modifications- <ul style="list-style-type: none"> ● Each candidate may appoint not more than 2 persons (rather than 3 persons) as polling agents; and ● “Chief Electoral Officer” is replaced by “Returning Officer” wherever it appears.
37 - Admission to polling station	s.44 of LCR s.26 of CEER	Similar, except that section 37(9) empowers the RO and member of the EAC (rather than the Chief Electoral Officer and member of the EAC) to authorize a person to enter and stay in a polling station in accordance with the terms of authorization in order to provide greater flexibility for handling requests for entry.
38 - Order at polling station	s.45 and 46 of LCR s.27 of CEER	Similar to s.27 of CEER except that both the Returning Officer and the Presiding Officer, instead of the Presiding Officer alone, shall keep order at the polling station concerned and “Chief Electoral Officer” is replaced by “Returning Officer” in subsection (3)(j).

PART 5 - BALLOT BOXES, BALLOT PAPERS AND VOTING PROCEDURE		
39 - Design of ballot box	s.47 of LCR s.28 of CEER	Similar to s.28 of CEER.
40 - Ballot box to be sealed before commencement of poll	s.48 of LCR s.29 of CEER	Similar to s.29 of CEER except that “Chief Electoral Officer” is replaced by the Director of Home Affairs in subsection (2).
41 - Form of ballot papers	s.49 of LCR s.30 of CEER	Similar to s.30 of CEER except that- <ul style="list-style-type: none"> ● the Director of Home Affairs instead of EAC is to decide the design and colour of the ballot paper; and ● s.30(2)(c) of CEER is not applicable.
42 - Order of names of candidates on ballot papers	s.49 of LCR s.31 of CEER	Similar to s.31 of CEER except that “Chief Electoral Officer” is replaced by “Returning Officer” in subsection (4).
43 - Question to person applying for a ballot paper	s.51 of LCR s.32 of CEER	(a) Similar to s.32 of CEER except that the wordings of questions raised are revised to suit the context of the VR elections.
44 - Challenging a person who has applied for a ballot paper or who has voted	s.52 of LCR s.33 of CEER	Similar to s.33 of CEER.
45 - Issue of ballot paper	s.50(2) and 53 of LCR s.34 of CEER	Similar to s.34 of CEER with adaptations to suit the context of the VR elections, and “Chief Electoral Officer” is replaced by “the Director of Home Affairs” in subsection (8)(b).
46 – Elector who has not cast vote may return to cast vote with permission	s.55 of EAC(EP)(EC)R s.35 of CEER	Similar to s.35 of CEER except that references to “round of voting” is deleted where it appears.
47 - Voting procedure	s.54-58 of LCR s.36 of CEER	Similar to s.36 of CEER, except that an elector may be issued with more than one ballot paper. When he is issued with a ballot paper or ballot papers, he will be provided under section 47(2)(a) with a cardboard in a colour determined by the Director of Home Affairs so as to indicate the number of ballot papers issued to him.
48 – How ballot papers are to be marked	s.55-58 of LCR s.36(1)(b) of CEER	Similar.

49 - Marking of ballot paper for or by incapacitated person	s.59 of LCR s.37 of CEER	Similar to s.37 of CEER except that for an Existing Village and a Composite Indigenous Village, an elector may vote for only one candidate; while for an Indigenous Village, an elector may vote for a number of candidates not exceeding the number of Indigenous Inhabitant Representatives to be returned for the Village at the election concerned.
50 - Issue of ballot paper marked "TENDERED"	s.60 of LCR s.38 of CEER	Similar to s.38 of CEER.
51 - Marking "UNUSED" on ballot paper	s.61 of LCR s.39 of CEER	Similar to s.39 of CEER.
52 - Marking "SPOILT" on ballot paper	s.62 of LCR s.40 of CEER	Similar to s.40 of CEER.
53 - Steps to be taken at a polling station after the close of the poll	s.63 and 70 of LCR s.41 of CEER	Similar to s.41 of CEER with modifications - <ul style="list-style-type: none"> ● at a polling station used for polling for more than one Village, separate sealed packets for each Village should be used.; and ● reference to "Chief Electoral Officer" is replaced by "the Director of Home Affairs".
54 - Ballot paper account	s.64 of LCR s.42 of CEER	Similar to s.64 of LCR except that at a polling station used for polling for more than one Village, a separate ballot paper account is prepared for each Village. The account should show the number of the ballot papers for the Village concerned and state whether they are to be used for an election for an Existing Village, an Indigenous Village or a Composite Indigenous Village.
PART 6 - COUNTING OF VOTES		
55 - Determination and notice of time of counting of votes	s.65 of LCR s.43 of CEER	Similar to s.43 of CEER, except that s.43 (5) of CEER is irrelevant and "the relevant round of voting" is replaced by "the poll for the Village concerned" in subsection (2).
56 - Appointment of counting agent	s.66 of LCR s.44 of CEER	Similar to s.44 of CEER except that the maximum number of counting agents a candidate may appoint to observe the counting of the votes for the Village for which the candidate is standing for election shall be determined by the RO.
57 - Appointment of counting officers	s.67 of LCR s.45 of CEER	Similar to s.45 of CEER except that the Director of Home Affairs and the RO have respectively replaced the Chief Electoral Officer to appoint counting officers as appropriate and to display a list of the names of the counting officers.

58 - Admission to counting station	s.68 of LCR s.46 of CEER	Similar to s.46 of CEER except that the RO and member of the EAC, instead of the Chief Electoral Officer and member of the EAC, is empowered to authorize a person to enter and stay in the counting zone in accordance with the terms of authorization.
59 - Order in the counting station	s.68A and 69 s.47 of CEER	Similar to s.47 of CEER, except that the Director of Home Affairs is also empowered to permit a person to film, photograph or make audio or video recording at the counting zone. The reference to “the Chief Executive” is replaced by “Village Representatives” in subsection (3)(c)(iii).
60 - Opening a ballot box	s.73 of LCR s.48 of CEER	Similar to s.48 of CEER.
61 - Counting of votes	s.75-78 of LCR s.49 of CEER	Similar to s.49 of CEER, except that – <ul style="list-style-type: none"> ● subsection (1)(b) introduces vocal counting as an additional option for counting votes; and ● subsection (2)(b) requires that ballot papers described in section 62(e), (f), (g) and (h) (i.e., tendered, unused, spoilt or unmarked) are not to be counted. They shall be separated and shall not be forwarded to the RO for counting. Other questionable ballot papers have to be forwarded to RO for determination.
62 - Ballot papers not to be counted	s.80 of LCR s.50 of CEER	Similar to s.50 of CEER with adaptation of terminologies.
63 - Determination of validity of questionable ballot papers	s.80(3), 81, 82 of LCR s.51 of CEER	Similar to s.51 of CEER, except that – <ul style="list-style-type: none"> ● subsection (2) does not require the RO to determine whether the ballot paper shall not be counted for being tendered, unused, spoilt or unmarked as described in section 62(e), (f), (g) and (h). Section 61(2)(b) states that these ballot papers are not to be counted. They shall be separated and shall not be forwarded to the RO for counting. ● Modelled on s.80(3) of LCR, subsection (9) sets out that for the avoidance of doubt, the RO shall not make a determination not to count a ballot paper solely for the reason that it is stamped with the words “DECEASED” and “已故” or “DISQUALIFIED” and “喪失資格” in accordance with section 33(3).
64 - Verification of ballot paper account	s.74A, 74B of LCR s.52 of CEER	Similar to s.52 of CEER.
65 - Result of counting and re-count	s.79 of LCR s.53 of CEER	Similar to s.53 of CEER.

66 – Returning Officer to declare election result	s.83 of LCR	● Similar with adaptation of terminologies.
67 - Notice of election result	s. 84 of LCR s.55 of CEER	Similar to s.84 of LCR with adaptation of terminologies. Subsection (1)(b) requires the RO to send a copy of the notice of the result of the election to the Secretary for Home Affairs and the Director of Home Affairs in addition to the Chairman of the EAC, the Secretary for Constitutional Affairs and the Chief Electoral Officer.
PART 7 - DISPOSAL OF DOCUMENTS		
68 – Ballot papers to be sealed	s.85 of LCR s.56 of CEER	Similar to s.56 of CEER with adaptation of terminologies and subsection (2)(c) requires the RO to endorse on each sealed packet “the name and the type of the Village concerned” instead of “the number of the relevant round of voting”.
69 – Ballot papers, accounts, packets, etc. to be sent to Director of Home Affairs	s.86 of LCR s.57 of CEER	Similar to s.57 of CEER but documents shall be sent to the Director of Home Affairs instead of the Chief Electoral Officer.
70 – Inspection of ballot paper kept by Director of Home Affairs	s.87 of LCR s.58 of CEER	Similar to s.58 of CEER but the Director of Home Affairs will replace the Chief Electoral Officer as the authority.
71 – Retention of election documents	s.88 of LCR s.59 of CEER	Similar to s.59 of CEER but the Director of Home Affairs will replace the Chief Electoral Officer as the authority.
PART 8 -POSTPONEMENT OR ADJOURNMENT OF ELECTION PROCEEDINGS		
72 - Postponement or adjournment of polling at all polling stations or counting of votes at all counting stations	s.1 of Sch.2 to LCR s.61 of CEER	Similar to s.1 of Sch.2 to LCR.
73 – Adjournment of polling at a particular polling station or counting of votes at a particular counting station	s.2-3 of Sch.2 to LCR s.61 of CEER	Similar.

74 - Publication of postponement or adjournment of polling or counting	s.4 of Sch. 2 to LCR s.62 of CEER	Similar to s.62 of CEER except that the Presiding Officer and the RO are required by subsections (2) and (3) to publish their directions on adjournment of a poll and a counting respectively as he considers practicable.
75 - Procedure after adjournment of polling	s.5 of Sch. 2 to LCR s.63 of CEER	Similar to s.63 of CEER except that subsection (1) requires the Presiding Officer to make separate sealed packets for each Village concerned at a polling station used for polling for more than one Village.
76 - Procedure after postponement or adjournment of counting	s.6 of Sch. 2 to LCR s.64 of CEER	Similar to s.64 of CEER.
77 - Resumption of postponed or adjourned polling or counting	s.7 of Sch.2 to LCR s.65 of CEER	Similar to s.65 of CEER with adaptation of terminologies. Under s.77(5), the Commission may announce the appointed date and, where applicable, the appointed polling hours by means other than publishing in the Gazette.
PART 9 - MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS		
78 - Certain officers cannot act as candidate's agent	s.89 of LCR s.66 of CEER	Similar to s.66 of CEER.
79 - Employees of candidates shall not act as electoral officers	s.90 of LCR s.67 of CEER	Similar to s.67 of CEER.
80 - Act done in the absence of candidates or agents still valid	s.94 of LCR s.68 of CEER	Similar to s.68 of CEER.
81- Declaration of secrecy	s.95 of LCR s.69 of CEER	Similar to s.69 of CEER.
82 - Secrecy	s.96 of LCR s.70 of CEER	Similar to s.70 of CEER, except that the RO and the Presiding Officer, instead of the EAC and the RO, have the authority to permit the obtaining of information in a polling station, a no canvassing zone or a no staying zone under subsection (1)(e).
83 - Manner of giving notice	s.98 of LCR s.72 of CEER	Similar to s.72 of CEER.

84 – Specified forms	s.100 of LCR s.73 of CEER	Similar to s.73 of CEER except that the EAC specifies forms for nomination and withdrawal of candidature, and the Director of Home Affairs specifies the other forms. The Director of Home Affairs instead of the Chief Electoral Officer shall make available forms for the purpose of this Regulation. One more form is not provided to the public, i.e. notice declaring candidates to be duly elected in uncontested election (s.84(4)(a)).
85 - Limit on the RO's power to delegate	s.92 of LCR s.76 of CEER.	Similar to s.76 of CEER.
86 - Powers, duties and functions of Director of Home Affairs	s.93 of LCR s.77 of CEER	Similar to s.77 of CEER, except that reference to “the Chief Electoral Officer” is replaced by “the Director of Home Affairs”.
87 - Reporting of irregularities	s.101 of LCR s.79 of CEER.	Similar to s.79 of CEER except that reference to “the Chief Electoral Officer” is replaced by “the Director of Home Affairs”.
88 - Election advertisement	s.102 of LCR s.81 of CEER	Similar to s.81 of CEER, except that reference to “the Chief Electoral Officer” is replaced by “the Director of Home Affairs”.
89 - Offence	s.82 of CEER.	Similar.
90 - Offence of false statement	s.103 of LCR s.84 of CEER	Similar to s.84 of CEER.
Schedule 1 – FORMS OF BALLOT PAPERS FOR A VILLAGE ORDINARY ELECTION/VILLAGE BY-ELECTION		
Form 1 - Ballot paper to be used for Election for an Existing Village	Schedule 3 to LCR Schedule to CEER	Similar form with terminologies adapted.
Form 2(a) – Ballot paper to be used for Election for an Indigenous Village	Schedule 3 to LCR Schedule to CEER	Similar form with terminologies adapted.
Form 2(b) – Ballot paper to be used for Election for an Indigenous Village (more than one vacancy)	Schedule 3 to LCR	Similar form with terminologies adapted.

<i>Form 3 – Ballot Paper to be used for Election for a Composite Indigenous Village</i>	Schedule 3 to LCR Schedule to CEER	Similar form with terminologies adapted.
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Schedule 2 – FORMS FOR THE NOTICE OF RESULT OF ELECTION UNDER SECTION 36 OF THE VILLAGE REPRESENTATIVE ELECTION ORDINANCE (2 of 2003)

<i>Form 1 – Notice of result of election for an Existing Village</i>	Form 2 in Schedule 4 to LCR	Similar form with terminologies adapted.
<i>Form 2 – Notice of result of election for an Indigenous Village</i>	Form 2 in Schedule 4 to LCR	Similar form with terminologies adapted.
<i>Form 3 – Notice of result of election for a Composite Indigenous Village</i>	Form 2 in Schedule 4 to LCR	Similar form with terminologies adapted.