

Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003
(Made by the Electoral Affairs Commission under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541))

1. Commencement

This Regulation shall come into operation on 11 July 2003.

2. Interpretation

Section 2 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) is amended---

(a) in subsection (1)---

(i) by repealing the definition of "Chief Returning Officer";

(ii) in the definition of "counting zone"---

(A) by repealing "Chief Electoral Officer" and substituting "Presiding Officer";

(B) in the Chinese text, by repealing the semicolon at the end and substituting a full stop;

(iii) by repealing the definition of "district counting station";

(iv) by adding---

"dominant counting station" (主要點票站) means a place designated as a dominant counting station under section 31;

"head-dress" (頭飾) means anything which is worn on a person's head;

"political body" (政治性團體) means---

(a) a political party or an organization that purports to be a political party; or

(b) an organization whose principal function or main object is to promote or prepare a candidate for an election;";

(b) by repealing subsection (3)(a).

3. How to nominate a candidate for a constituency

Section 12(8) is amended by repealing ", identity document number and registered residential address" and substituting "and identity document number".

4. Chief Electoral Officer to designate polling stations, counting stations and dominant counting stations

Section 31 is amended---

(a) by adding---

"(1A) The Chief Electoral Officer may designate under subsection (1) the same place as a polling station and a counting station.

(1B) If in relation to a constituency, 2 or more counting stations, which are also polling stations, have been designated, the Chief Electoral Officer must

designate the polling station at which the largest number of electors are to vote as the dominant counting station for that constituency.";

(b) in subsection (6), by repealing "polling stations and counting stations" and substituting "polling stations, counting stations and dominant counting stations";

(c) by repealing subsection (9).

5. Returning Officer to determine no canvassing zones and no staying zones

Section 43 is amended---

(a) in subsection (13)---

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

(ii) by adding---

"(ca) conduct any activity for canvassing votes, so that the sound of the activity can be heard in the no canvassing zone;

(cb) subject to subsection (15), without reasonable excuse, display or wear in the no canvassing zone any badge, emblem, clothing or head-dress which---

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

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

(b) by repealing subsection (14) and substituting---

"(14) A person may, on polling day, canvass from door to door, without obstructing any person, on the storeys above or below street level, in a building within the no canvassing zone, which---

(a) the person is allowed to enter for the purpose of canvassing votes; and

(b) has no polling station inside it.

(15) A person may, for the purpose of canvassing votes as described in subsection (14), display or wear any badge, emblem, clothing or head-dress referred to in subsection (13)(cb).".

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

Section 44 is amended---

(a) in subsection (1)---

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

(ii) by adding---

"(ca) conduct any activity for canvassing votes, so that the sound of the activity can be heard in the no canvassing zone;

(cb) subject to subsection (1B), without reasonable excuse, display or wear in the no canvassing zone any badge, emblem, clothing or head-dress which---

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

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

(b) by adding---

"(1A) A person may, on polling day, canvass from door to door, without obstructing any person, on the storeys above or below street level, in a building within the no canvassing zone, which---

(a) the person is allowed to enter for the purpose of canvassing votes; and

(b) has no polling station inside it.

(1B) A person may, for the purpose of canvassing votes as described in subsection (1A), display or wear any badge, emblem, clothing or head-dress referred to in subsection (1)(cb).".

7. Candidates may appoint polling agents

Section 45(5) is amended by repealing "3 working" and substituting "7".

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

Section 47(4) is amended---

(a) in paragraph (e), by adding "and members of the Civil Aid Service" after "officers";

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

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

(d) by adding---

"(h) a person authorized in writing by the Returning Officer to act as a liaison officer.".

9. What constitutes an offence at a polling station

Section 48 is amended---

(a) in subsection (1), by repealing "Presiding Officer" and substituting "Returning Officer, Assistant Returning Officer, Presiding Officer, Deputy Presiding Officer or Assistant Presiding Officer";

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

"(5) A person who, on polling day, displays or wears in the no canvassing zone, without reasonable excuse (except as provided in section 43(15)), any badge, emblem, clothing or head-dress which---

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

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

(c) in subsection (6)(a), by adding "and an Assistant Returning Officer for the constituency or constituencies for which the polling station is used" after

"Returning Officer";

(d) by repealing subsection (8).

10. Section added

The following is added---

"56A. Elector who has not cast vote may return to cast vote with permission

(1) Subject to subsection (5), if---

(a) an elector has been issued with a ballot paper; and

(b) he or she has left the polling station without casting his or her vote, he or she shall not cast the vote when he or she returns to the polling station before the close of the poll unless---

(c) before leaving the polling station, he or she has---

(i) made a request to the Presiding Officer for permission to cast the vote before the close of the poll;

(ii) informed the Presiding Officer of his or her reason for leaving the polling station without casting the vote; and

(iii) returned the ballot paper, unmarked, to the Presiding Officer; and

(d) the Presiding Officer has granted the requested permission.

(2) If an elector has complied with subsection (1)(c), the Presiding Officer must grant the permission unless he or she is of the opinion that the request is a manifest abuse of the facilities provided by this section.

(3) If the Presiding Officer grants the permission to an elector under subsection (2), he or she must---

(a) keep in his or her custody the ballot paper returned by the elector under subsection (1)(c)(iii); and

(b) on the elector's return to the polling station before the close of the poll to cast the vote, re-issue the ballot paper to the elector in the presence of a police officer.

(4) If the Presiding Officer does not grant the permission to an elector under subsection (2), he or she must immediately re-issue to the elector the ballot paper returned under subsection (1)(c)(iii).

(5) An elector who---

(a) has been issued with a ballot paper;

(b) becomes incapacitated from voting by physical illness; and

(c) has left the polling station after---

(i) returning the ballot paper, unmarked, to the Presiding Officer; or

(ii) leaving the ballot paper, unmarked, behind in the polling station without putting the ballot paper into the ballot box (if the Presiding Officer is aware that

the elector has so left the ballot paper behind before leaving the polling station), may return to the polling station before the close of the poll and cast his or her vote.

(6) If any ballot paper is returned under subsection (5)(c)(i) or left behind in the polling station under subsection (5)(c)(ii) by an elector, the Presiding Officer must---

(a) keep in his or her custody the ballot paper; and

(b) on the elector's return to the polling station before the close of the poll to cast the vote, re-issue the ballot paper to the elector in the presence of a police officer.

(7) For the purposes of this Regulation, re-issuing a ballot paper under subsection (3), (4) or (6) shall be regarded as issuing a ballot paper under section 56(1).".

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

Section 63(1) and (2) is repealed and the following substituted---

"(1) As soon as practicable after the close of the poll at a polling station which is also designated as a counting station, the Presiding Officer must display a notice in a prominent place outside the polling station stating that the poll has been closed and that it will be opened when it is ready for use for the counting of votes.

(1A) A candidate and an election agent and a counting agent of such candidate may stay in a polling station referred to in subsection (1) while it is closed for the preparation for the counting of votes.

(2) After complying with subsection (1), the Presiding Officer must, in the presence of the persons, if any, who are present within the polling station, take the following steps---

(a) place the ballot box or boxes where that Officer and other persons who are present within the polling station can see them;

(b) cover each ballot box with a device provided for that purpose so that a ballot paper or any other material cannot be introduced into or withdrawn from the ballot box after it is covered;

(c) use a padlock to keep the device secured in position;

(d) seal each ballot box; and

(e) make up into separate sealed packets---

(i) ballot papers which have not been issued;

(ii) the unused ballot papers;

(iii) the spoilt ballot papers; and

(iv) the marked copies of the final register.

(2A) The Presiding Officer must, after complying with subsection (2), keep the sealed ballot box or boxes under that Officer's control until the counting of votes begins."

12. Presiding Officer to give notice of time and place of the counting of votes to candidates

Section 65 is amended---

(a) in subsection (1)---

(i) by repealing "Returning Officer" and substituting "Presiding Officer";

(ii) by repealing "the votes for a constituency" and substituting "votes";

(b) by repealing subsections (3), (4) and (7);

(c) by adding---

"(8) The Presiding Officer must, before the counting of votes begins, display a notice in a prominent place outside the counting station stating the time that the counting station will be opened to the public to observe the counting of votes."

13. Candidates may appoint counting agents

Section 66 is amended---

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

"(2) The maximum number of counting agents that a candidate may appoint for one counting station is 2.";

(b) in subsection (4), by repealing "3 working" and substituting "7";

(c) in subsection (5), by repealing "Returning Officer" and substituting "Presiding Officer";

(d) in subsection (7), by adding "or the Presiding Officer, as may be appropriate" after "Returning Officer";

(e) in subsection (11), by adding "or the Presiding Officer, as may be appropriate" after "Returning Officer".

14. Chief Electoral Officer to appoint counting officers

Section 67(1) and (2) is amended by repealing "Returning Officer" wherever it appears and substituting "Presiding Officer".

15. Who may be present at the counting of votes

Section 68 is amended---

(a) in subsection (1), by repealing "Chief Returning Officer, Returning Officer, Assistant Returning Officers" and substituting "Returning Officer, Assistant Returning Officers, Presiding Officer, Deputy Presiding Officer and Assistant Presiding Officers";

(b) in subsection (2), by repealing "Chief Returning Officer or the Returning Officer" and substituting "Returning Officer or the Presiding Officer";

(c) in subsection (3), by repealing "Chief Returning Officer and the Returning Officer are" and substituting "Presiding Officer is";

(d) in subsection (4), by repealing "Returning Officer" and substituting "Presiding Officer";

(e) in subsection (5)---

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

(ii) by repealing "without disrupting the count and prejudicing the secrecy of the individual votes" and substituting "to do so without prejudicing the secrecy of the individual votes and considers that it will not cause disorder or disturbance in the counting station".

16. What constitutes an offence at a counting station

Section 69 is amended---

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

"(a) the relevant Returning Officer or Presiding Officer; or";

(b) in subsection (2), by repealing "Chief Returning Officer or the Returning Officer" and substituting "Presiding Officer".

17. Presiding Officer to keep order at the counting station

Section 70 is amended---

(a) in subsection (1), by repealing "Chief Returning Officer and the other Returning Officers" and substituting "Presiding Officer";

(b) in subsection (2)---

(i) in paragraph (a), by repealing "Chief Returning Officer" and substituting "Presiding Officer";

(ii) in paragraph (b), by repealing "Returning Officer" and substituting "Presiding Officer";

(c) in subsection (3), by repealing "Chief Returning Officer or the Returning Officer, as may be appropriate" and substituting "Presiding Officer".

18. Ballot boxes to be delivered to the district counting station

Section 71 is repealed.

19. Arrangements for the supervision of counting stations and counting zones

Section 72 is amended---

(a) by repealing subsection (1);

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

"(2) The Presiding Officer is to supervise the counting station and the counting zone.

(3) The Presiding Officer may have one Deputy Presiding Officer and one or more

Assistant Presiding Officers to assist him or her.".

20. Delivered ballot boxes to be taken
to relevant counting zones at the
district counting station

Section 73 is repealed.

21. Presiding Officer to open ballot box

Section 74 is amended---

(a) in subsection (1), by repealing "A Returning Officer into whose charge a ballot box is given must open it by breaking the seal. The Returning" and substituting "A Presiding Officer must open a ballot box in that Officer's charge by breaking the seal. The Presiding";

(b) in subsection (2)---

(i) by repealing "Returning Officer" and substituting "Presiding Officer";

(ii) by adding ", other than a ballot paper," after "any paper".

22. Presiding Officer to verify ballot paper account

Section 75 is amended---

(a) in subsection (1)---

(i) by repealing "Returning Officer" and substituting "Presiding Officer";

(ii) by repealing paragraph (a);

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

"(b) after counting the votes in accordance with section 76, verify the number of ballot papers so counted by comparing it with the ballot paper account prepared under section 64 and prepare a statement in writing as to the result of the verification.";

(b) in subsection (2), by repealing "Returning Officer" and substituting "Presiding Officer".

23. Counting of votes

Section 76 is amended---

(a) in subsection (1)---

(i) by repealing "constituency" where it twice appears and substituting "counting station";

(ii) by repealing "Returning Officer" and substituting "Presiding Officer";

(b) by repealing subsection (2);

(c) by adding---

"(5) In the course of counting in accordance with subsection (4)---

(a) any ballot paper---

(i) which appears to have any writing or mark by which the elector can possibly be identified;

- (ii) which appears to be not marked in accordance with section 58(2);
- (iii) which appears to be substantially mutilated; or
- (iv) which appears to be void for uncertainty,

is questionable and shall be separated and forwarded to the Presiding Officer to decide whether the vote should be counted in accordance with section 79; and (b) any ballot paper described in section 78(1)(b), (c), (d), (f), (g) and (i) shall be separated and shall not be counted pursuant to section 78."

24. Result of the counting of the votes and re-count

Section 77 is repealed.

25. Ballot papers which are not to be counted

when counting the votes

Section 78 is amended---

(a) in subsection (1)---

(i) in paragraph (a), by repealing "the elector can" and substituting "the Presiding Officer considers that the elector can possibly";

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

"(g) a ballot paper which is not marked in accordance with section 58(1);";

(iii) in paragraph (h)---

(A) by repealing "Returning Officer" and substituting "Presiding Officer";

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

(iv) by adding---

"(i) which contains votes for more than 1 candidate.";

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

"(2) A candidate, an election agent or a counting agent is not entitled to inspect and make representations to the Presiding Officer concerning a ballot paper referred to in subsection (1)(b), (c), (d), (f), (g) and (i).";

(c) in subsection (3), by repealing "Returning Officer" and substituting "Presiding Officer".

26. Presiding Officer to make decisions on
questionable ballot papers

Section 79 is amended---

(a) by repealing subsections (1), (2) and (3) and substituting---

"(1) If a ballot paper is forwarded to the Presiding Officer under section 76(5)(a), a candidate, an election agent or a counting agent, if present at the counting zone, may inspect and make representations to the Presiding Officer concerning the ballot paper.

(2) After considering the representations (if any) made under subsection (1),

the Presiding Officer shall determine whether the ballot paper---

(a) is valid and the vote shall be counted; or

(b) shall not be counted pursuant to section 78 for---

(i) having on it any writing or mark by which, in that Officer's opinion, the elector can possibly be identified;

(ii) subject to subsection (3), being a ballot paper not marked in accordance with section 58(2);

(iii) being a ballot paper which is substantially mutilated; or

(iv) being void for uncertainty.

(3) In the case of a ballot paper which is not marked in accordance with section 58(2), if the Presiding Officer is satisfied that the intention of the elector is clear notwithstanding the deviation from the requirement in section 58(2), the Presiding Officer may count that ballot paper.";

(b) in subsection (4)---

(i) by repealing "Returning Officer" and substituting "Presiding Officer";

(ii) by adding "questionable" before "ballot paper";

(iii) by repealing "Returning Officer's" and substituting "Presiding Officer's";

(c) in subsection (5)---

(i) by repealing "Returning Officer" and substituting "Presiding Officer";

(ii) by adding "questionable" after "count a";

(d) in subsection (6)---

(i) by repealing "Returning Officer" and substituting "Presiding Officer";

(ii) by repealing "which that Officer decides under this section to be ballot papers" and substituting "referred to in section 78(1)";

(iii) in paragraph (a), by adding "possibly" after "can";

(iv) in paragraph (g), by repealing "and" at the end;

(v) in paragraph (h), by repealing the full stop at the end and substituting "; and";

(vi) by adding---

"(i) a ballot paper which contains votes for more than 1 candidate.".

27. Presiding Officer's decision on a ballot paper to be final

Section 80 is amended by repealing "Returning Officer" and substituting "Presiding Officer".

28. Sections added

The following are added---

"80A. Result of the counting of votes and re-count: one counting station

(1) This section applies where there is only one counting station for a constituency.

(2) After the votes are counted under section 76, the Presiding Officer must make known the result of the counting of votes to the candidates who are present at the counting zone.

(3) If the candidates are not present, the Presiding Officer is to make known the result to their election agents or counting agents, if those agents are present at the counting zone.

(4) A candidate who is present at the counting zone when the votes are counted or re-counted, or an election agent who is so present, may request the Presiding Officer to count again the counted votes or re-counted votes.

(5) If a request is made under subsection (4), that Presiding Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.

(6) After a counting of votes or re-count is completed, nothing further is to be done until each candidate who is present at the completion of the counting of votes or re-count, or the election agent of each candidate if present at the completion of the counting of votes or re-count, is given a reasonable opportunity to make a request for a re-count.

(7) Where there is no request for a re-count or such request is rejected by the Presiding Officer or the re-count is completed and there is no request for a further re-count or the request for a further re-count has been rejected by the Presiding Officer, the Presiding Officer must report to the Returning Officer for the constituency the result of the counting of votes and re-count (if any).

80B. Result of the counting of votes and re-count:

2 or more counting stations

(1) This section applies where there are 2 or more counting stations for a constituency.

(2) After the votes are counted under section 76, the Presiding Officer of the relevant counting station must make known the result of the counting of votes at that counting station to the candidates who are present at the counting zone.

(3) If the candidates are not present, the Presiding Officer is to make known the result to their election agents or counting agents, if those agents are present at the counting zone.

(4) A candidate who is present at the counting zone when the votes are counted or re-counted, or an election agent or a counting agent who is so present, may request the Presiding Officer to count again the counted votes or re-counted votes.

(5) If a request is made under subsection (4), that Presiding Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.

(6) After a counting of votes or re-count is completed, nothing further is to be done until each candidate who is present at the completion of the counting of votes or re-count, or the election agent or counting agent of each candidate if present at the completion of the counting of votes or re-count, is given a reasonable opportunity to make a request for a re-count.

(7) Where there is no request for a re-count or such request is rejected by the Presiding Officer or the re-count is completed and there is no request for a further re-count or the request for a further re-count has been rejected by the Presiding Officer, the Presiding Officer of each counting station must report to the Presiding Officer of the dominant counting station and the Returning Officer for the constituency the result of the counting of votes and re-count (if any).

(8) After the Presiding Officer of the dominant counting station has been notified of the results of the counting of votes of all the counting stations for the constituency, that Officer must make known the results to the candidates or their election agents or counting agents who are present at the dominant counting station. If a candidate or his or her election agent who is present at the dominant counting station requests the Presiding Officer of that counting station to re-count all the votes of all the counting stations for the constituency, that Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.

(9) If the Presiding Officer of the dominant counting station decides to comply with the request referred to in subsection (8), that Officer must conduct a re-count at the dominant counting station and inform the Presiding Officers of the other counting stations for the constituency to conduct a re-count at their respective counting station at the same time.

(10) The Presiding Officer of each of the other counting stations for the constituency must make known the result of the re-count at that Officer's counting station to the candidates or their election agents or counting agents who are present at the relevant counting stations and must report that result to the Presiding Officer of the dominant counting station.

(11) The Presiding Officer of the dominant counting station must inform the candidates or their election agents or counting agents who are present at the dominant counting station of all the re-count results.

(12) The Presiding Officer of the dominant counting station must report to the Returning Officer for the constituency the result of the counting of votes and re-count (if any) of all the counting stations including the dominant counting station for such constituency.

80C. Determination of result in the event of equality of votes

(1) If in relation to a constituency, 2 or more of the most successful candidates

have an equal number of votes, the Returning Officer for the constituency must determine the result of the election by drawing lots as provided in section 41(3) of the District Councils Ordinance (Cap. 547).

(2) In order to invite the candidates referred to in subsection (1) to be present at the office of the Returning Officer for the constituency for conducting the drawing of lots under section 41(3) of the District Councils Ordinance (Cap. 547), the Returning Officer must use the means of contact provided by those candidates on their nomination forms.

(3) If the Returning Officer fails to contact a candidate under subsection (2), that Officer may draw lots on behalf of the candidate."

29. Returning Officer to declare election result

Section 81(1) is amended by adding "in that Officer's office" after "declare".

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

Section 82(3) is amended by repealing "the counting station" and substituting "that Officer's office".

31. Presiding Officer to seal ballot papers in packets

Section 83 is amended by repealing "Returning Officer" wherever it appears and substituting "Presiding Officer".

32. Section substituted

Section 84 is repealed and the following substituted---

"84. Chief Electoral Officer to receive ballot papers, accounts, packets, etc.

(1) As soon as practicable after declaring the result of the election, the Presiding Officer must send to the Returning Officer for the constituency---

(a) the ballot paper account and verification of the ballot paper account;

(b) the statement referred to in section 79(6); and

(c) the sealed packets made up under section 83.

(2) As soon as practicable after preparing the notice of the result of the election, the Returning Officer for the constituency must send to the Chief Electoral Officer---

(a) the documents referred to in subsection (1)(a), (b) and (c);

(b) a copy of the notice of the result of the election;

(c) all nomination forms;

(d) the notices of withdrawal of candidature (if any);

(e) the notices of appointment of election agents, polling agents and counting agents and copies of authorizations of election expense agents; and

(f) any other documents relating to the election specified by the Commission."

33. Returning Officer may perform functions

through Assistant Returning Officers
and Presiding Officers

Section 90 is amended---

(a) by adding---

"(1A) A Returning Officer may perform any act which that Officer is required or authorized to perform under section 43(7) and (8) through a Presiding Officer.";

(b) in subsection (2)---

(i) in paragraph (a), by adding "or" at the end;

(ii) by repealing paragraph (b).

34. Electoral Officers, candidates and agents to
make declaration of secrecy

Section 93(2) is amended by adding "election agent," after "candidate,".

35. Procedure after election proceedings are terminated

Section 95 is amended---

(a) by repealing subsection (3) and substituting---

"(3) When the poll is abandoned under this section, the Presiding Officer at every polling station for the constituency for which the deceased or disqualified candidate was standing for election must take the steps that Officer is required to take under this Regulation for the purpose of---

(a) sealing in packets all the ballot papers in the ballot box or boxes without separating, sorting or counting them or counting the votes; and

(b) separating and sealing the following in packets---

(i) ballot papers which have not been issued;

(ii) the unused ballot papers;

(iii) the spoilt ballot papers; and

(iv) the marked copies of the final register.";

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

"(5) As soon as practicable after sealing the ballot papers referred to in subsection (3), the Presiding Officer must deliver to the Returning Officer for the constituency all the sealed packets and the ballot box or boxes.".

36. Publication and display of notices, etc.

Section 98 is amended---

(a) in subsection (1), by adding "or Presiding Officer" after "Returning Officer";

(b) in subsection (2)---

(i) in paragraph (h), by adding "and" at the end;

(ii) in paragraph (i), by repealing "; and" at the end and substituting a full stop;

(iii) by repealing paragraph (j).

37. Commission to designate Chief Returning Officer
for each counting station

Section 99 is repealed.

38. Election advertisements

Section 103 is amended---

(a) in subsection (5), by repealing "not later than 7 days after" and substituting "before";

(b) in subsection (6), by repealing ", not later than 7 days after" and substituting "before";

(c) in subsection (9), by repealing ", not later than 7 days after" and substituting "before";

(d) by adding---

"(9A) Before displaying, distributing or otherwise using an election advertisement, the candidate must deposit with the Returning Officer a copy of the written consent referred to in section 27(1) or (2) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).";

(e) by repealing subsection (14) and substituting---

"(14) Any unauthorized election advertisement may be seized, disposed of, destroyed, covered or obliterated by the Returning Officer or any person authorized by that Officer.";

(f) in subsection (15)(c), by repealing "T-shirt, cap, badge or carrier bag" and substituting "badge, carrier bag, clothing or head-dress".

39. Postponement and adjournment of ordinary election and by-elections

Section 6 of Schedule 1 is amended---

(a) in subsections (1), (2) and (3), by repealing "Returning Officer" and substituting "Presiding Officer";

(b) by repealing subsection (4).

Made this 12th day of May 2003.

WOO Kwok-hing, J.A.

Chairman,

Electoral Affairs Commission

Norman LEUNG Nai-pang

Member,

Electoral Affairs Commission

Elizabeth S. C. SHING

Member,

Electoral Affairs Commission

Explanatory Note

This Regulation amends the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) ("the Regulation") to---

(a) provide for the counting of votes at the polling station instead of at a district counting station;

(b) require the Chief Electoral Officer to designate dominant counting stations (section 4);

(c) allow any person, on polling day, to carry out canvassing activities on the storeys above or below street level in a building within the no canvassing zone other than a building in which there is a polling station (section 6);

(d) change the period for giving notice of appointment of a polling agent to the Returning Officer from 3 working days to 7 days before polling day (section 7);

(e) prohibit the display or wearing of any badge, emblem, clothing or head-dress in the no canvassing zone that may promote or prejudice the election of any candidate or makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, unless there is a reasonable excuse for doing so (section 9);

(f) allow an elector to postpone his casting of votes on reasonable grounds (section 10);

(g) require the Presiding Officer after the close of the poll to display a notice informing the public that the counting station will be opened when it is ready for use for the counting of votes (sections 11 and 12);

(h) provide that the maximum number of counting agents that a candidate may appoint for one counting station is 2 (section 13);

(i) specify that the Presiding Officer is responsible for supervising the counting station and the counting of votes (sections 15, 16, 17, 19, 21, 22 and 23);

(j) provide that a candidate, an election agent or a counting agent is not entitled to inspect and make representations to the Presiding Officer concerning certain ballot papers which are not to be counted (section 25);

(k) provide that the decision of the Presiding Officer on a ballot paper is final (sections 26 and 27);

(l) require the Presiding Officer of each polling station to make known the result of the counting of votes and any re-count to the candidates and their agents who are present at the counting station, and report to the Presiding Officer of the dominant polling station (if any) and the Returning Officer for the constituency the result of the counting of votes and any re-count (section 28);

(m) require the Returning Officer to declare the result of the election in his office and to display a notice of the result of the election outside his office (sections 29 and 30);

- (n) require the Presiding Officer to seal the ballot papers after the result of the election has been ascertained (section 31);
- (o) authorize a Presiding Officer to perform acts which a Returning Officer is required or authorized to perform under the Regulation (section 33);
- (p) require a candidate to deposit with the Returning Officer a copy of the written consent of the person or organization supporting the candidate at an election before the candidate displays or distributes any election advertisement (section 38).