

L.N. 26 of 2003

Registration of Electors (Appeals)

(Amendment) Regulation 2003

(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 4 April 2003.

2. Interpretation

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

(a) in the definition of "functional constituencies register", by repealing everything after "means" and substituting---

"---

(a) a provisional register of functional constituencies required to be compiled under section 32(1)(a)(ii) or (1A)(a)(ii) of the Legislative Council Ordinance (Cap. 542); or

(b) a final register of functional constituencies required to be compiled under section 32(1)(b)(ii) or (1A)(b)(ii) of the Legislative Council Ordinance (Cap. 542);";

(b) in the definition of "geographical constituencies register", by repealing everything after "means" and substituting---

"---

(a) a provisional register of geographical constituencies required to be compiled under section 32(1)(a)(i) or (1A)(a)(i) of the Legislative Council Ordinance (Cap. 542); or

(b) a final register of geographical constituencies required to be compiled under section 32(1)(b)(i) or (1A)(b)(i) of the Legislative Council Ordinance (Cap. 542);";

(c) by adding---

""District Council election year" (區議會選舉年) means a year in which an ordinary election is to be held;".

3. Fixing of hearing and notifying the appellant thereof

Section 2 is amended---

(a) in subsection (1)(b), by adding "registered" before "post";

(b) in subsection (3), by repealing everything after "Officer---" and substituting---

"(a) during the period beginning on 3 May 2002 and ending on 2 September 2003,

the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 August 2003 and 11 September 2003 (both dates inclusive);

(b) during the period beginning on 3 September in any year subsequent to 2002, if that subsequent year is a District Council election year, and ending on 2 July in the year following that subsequent year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 June and 11 July (both dates inclusive) in that following year; or

(c) during the period beginning on 3 July in any year subsequent to 2002, if that subsequent year is not a District Council election year, and---

(i) ending on 2 September in the year following that subsequent year, if that following year is a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 August and 11 September (both dates inclusive) in that following year; or

(ii) ending on 2 July in the year following that subsequent year, if that following year is not a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 June and 11 July (both dates inclusive) in that following year,

which date so fixed in accordance with paragraph (a), (b) or (c)(i) or (ii), as the case may be, shall not be earlier than the third day after the day on which the copy of the notice is so received.";

(c) in subsection (4)(b), by repealing everything after "that notice" and substituting---  
"shall be---

(i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11 September in that year;

(ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year;

(iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election year, a date within a period of 27 days ending on 11 July in that year; or

(iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year---

(A) a date within a period of 28 days ending on 11 September in the next following year, if that following year is a District Council election year; or

(B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year."

4. Appellant to be notified of ruling

Section 3 is amended by adding "registered" before "post".

5. Electoral Registration Officer to be notified of rulings

Section 4 is amended---

(a) by repealing everything after "concluded---" and before paragraph (c) and substituting---

"(a) during the period beginning on 15 August in a District Council election year and ending on 11 September in that year, notify the Electoral Registration Officer, on or before 17 September in that year;

(b) during the period beginning on 15 June in any year which is not a District Council election year and ending on 11 July in that year, notify the Electoral Registration Officer, on or before 17 July in that year;"

(b) in paragraph (c), by repealing "and" at the end;

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

"(d) during the period of 27 days as referred to in section 2(4)(b)(ii), (iii) or (iv)(B), as the case may be, notify the Electoral Registration Officer not later than 17 July in the same year; or

(e) during the period of 28 days as referred to in section 2(4)(b)(i) or (iv)(A), as the case may be, notify the Electoral Registration Officer not later than 17 September in the same year,".

6. Determination of matters and powers of adjournment, etc.

Section 5 is amended by repealing "6(2)(b), (c) or (d)" and substituting "6(2)(a), (b), (c), (d)(i), (ii) or (iii) or (e)(i) or (ii)".

7. Review of rulings by Revising Officer

Section 6(2) is amended---

(a) by repealing everything after "made---" and before paragraph (c) and substituting---

"(a) during the period beginning on 15 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period;

(b) during the period beginning on 15 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period;"

- (b) by repealing paragraph (d) and substituting---
- "(d) during the period of 27 days as referred to in---
- (i) section 2(4)(b)(ii) may only be reviewed during that period;
  - (ii) section 2(4)(b)(iii) may only be reviewed during that period; or
  - (iii) section 2(4)(b)(iv)(B) may only be reviewed during that period; or
- (e) during the period of 28 days as referred to in---
- (i) section 2(4)(b)(i) may only be reviewed during that period; or
  - (ii) section 2(4)(b)(iv)(A) may only be reviewed during that period."

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

28 January 2003

Explanatory Note

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

(a) to revise the dates in relation to---

(i) the hearings of appeals against the decisions of the Electoral Registration Officer not to register persons as authorized representatives of corporate electors, and claims or objections as regards entries or registration in a functional constituencies register or a geographical constituencies register;

(ii) the notification of the rulings on those appeals, claims and objections to be given to the Electoral Registration Officer; and

(iii) the review of those rulings,  
following the adjustment of the cycle for the compilation of those registers as effected by the Electoral Provisions (Miscellaneous Amendments) Ordinance 2002 (33 of 2002); and

(b) to make other consequential and related amendments.