

Chapter:	541D	ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION	Gazette Number	Version Date
		Empowering section	L.N. 20 of 1998	21/01/1998

(Cap 541 section 7)

[21 January 1998]

(L.N. 20 of 1998)

PART I**PRELIMINARY**

Section:	1	(Omitted as spent)	L.N. 20 of 1998	21/01/1998
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(Omitted as spent)

Section:	2	Interpretation	L.N. 210 of 2001	12/10/2001
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- (1) In this Regulation, unless the context otherwise requires-
- "authorized representative" (獲授權代表) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);
- "ballot paper account" (選票結算表) means a statement prepared under section 64;
- "by-election" (補選) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);
- "by-election notice" (補選公告) means a notice published under section 8;
- "candidate" (候選人) means, subject to subsection (2), in relation to-
- (a) a particular geographical constituency, a candidate who is validly nominated to be returned as a Member for that geographical constituency at a general election or by-election; and
 - (b) a particular functional constituency, a candidate who is validly nominated to be returned as a Member for that functional constituency at a general election or by-election; and
 - (c) ~~the Election Committee election, a candidate who is validly nominated to be returned as a Member by the Election Committee at a general election or by-election;~~
- "central counting station" (中央點票站) means a counting station designated under section 28(9)(a)(ii) in relation to a general election for counting the votes for functional constituencies and the Election Committee election; (L.N. 65 of 2000)
- "Chief Returning Officer" (總選舉主任) means the Returning Officer designated as such under section 99(a);
- "constituency" (選區或界別) means a geographical constituency or a functional constituency;
- "counting agent" (監察點票代理人) means a person appointed as a counting agent under

- section 66;
- "counting of the votes" (點票) includes, where appropriate, the separation, sorting and counting of ballot papers;
- "counting officer" (點票人員) means, in relation to a counting station, a person appointed under section 67 as a counting officer for that counting station;
- "counting station" (點票站) means a place designated as a counting station under section 28;
- "counting zone" (點票區) means an area within a counting station assigned by the Chief Electoral Officer ~~Chief Returning Officer, the Returning Officer or the Presiding Officer,~~ as may be appropriate, for the counting of the votes for a particular constituency ~~or for the Election Committee election;~~
- ~~"EC ballot paper" (選委會選票) means a ballot paper used for the Election Committee election;~~
- ~~"EC polling station" (選委會投票站) means a polling station assigned by the Chief Electoral Officer under section 30(1)(b) to conduct the polling for the Election Committee election. (L.N. 147 of 1998)~~
- "election" (選舉) means a general election or a by-election;
- "election advertisement" (選舉廣告) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), but the reference to "an election" in that meaning is to be construed as the election referred to in section 4(b) or (c) of that Ordinance; (L.N. 65 of 2000)
- "election agent" (選舉代理人) means a person appointed as an election agent under section 23;
- ~~"Election Committee election" (選舉委員會選舉) means the election by the Election Committee of the Members to be returned by that Committee at a general election or by-election;~~
- ~~"Election Committee final register" (選舉委員會正式委員登記冊) means the final register of members of the Election Committee compiled under 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.) and which is in effect; (L.N. 200 of 2001)~~
- "election expense agent" (選舉開支代理人) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); (L.N. 65 of 2000)
- "election expenses" (選舉開支) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), but the reference to "an election" in that meaning is to be construed as the election referred to in section 4(b) or (c) of that Ordinance; (10 of 2000 s. 47; L.N. 65 of 2000)
- "election notice" (選舉公告) means, in relation to-
- (a) a geographical constituency, a notice published under section 4; and
 - (b) a functional constituency, a notice published under section 5; and
 - ~~(c) the Election Committee election, a notice published under section 6;~~
- "elector" (選民) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);
- ~~"emblem" (標誌) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (L.N. 263 of 2003);~~
- "FC ballot paper" (功能界別選票) means a ballot paper to vote for a candidate standing for election for a functional constituency;
- "final register" (正式登記冊) means-
- (a) the geographical constituencies final register; or
 - (b) the functional constituencies final register; or
 - ~~(c) the Election Committee final register;~~

- "functional constituencies final register" (功能界別正式選民登記冊) means the final register of electors for functional constituencies compiled under 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.) and which is in effect; (L.N. 200 of 2001)
- "functional constituency" (功能界別) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);
- "GC ballot paper" (地方選區選票) means a ballot paper to vote for a candidate standing for election for a geographical constituency;
- "GC counting station" (地方選區點票站) means a counting station designated under section 28(9)(a)(i) in relation to a general election for counting the votes for one geographical constituency; (L.N. 65 of 2000)
- "GC elector" (地方選區選民) means a person who is entitled to vote for a geographical constituency; (L.N. 147 of 1998)
- "GC polling station" (地方選區投票站) means a polling station assigned by the Chief Electoral Officer under section 30(1)(a) to conduct the polling for a particular geographical constituency;
- "general election" (換屆選舉) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);
- "geographical constituencies final register" (地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg.) and which is in effect; (L.N. 284 of 1999)
- "geographical constituency" or "GC" (地方選區) means an area declared to be a geographical constituency under section 18(2)(a) of the Legislative Council Ordinance (Cap 542);
- "head-dress" (頭飾) means anything which is worn on a person's head;
- "identity card" (身分證) has the meaning assigned to it by section 1A of the Registration of Persons Ordinance (Cap 177); (L.N. 147 of 1998)
- "identity document" (身分證證明文件) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);
- "list of candidates" (候選人名單) means a list of candidates referred to in section 38(10) of the Legislative Council Ordinance (Cap 542) or a new list of candidates referred to in section 38(14) of that Ordinance; (L.N. 65 of 2000)
- "main counting station" (大點票站) means a place designated as a main counting station under section 28;
- "Member" (議員) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);
- "multiple candidates list" (多名候選人名單) means a list of candidates with more than one candidate;
- "multiple nominees list" (多名獲提名人名單) means a nomination list with more than one nominee;
- "no canvassing zone" (禁止拉票區) means an area determined under section 40 to be an area in which canvassing of votes is prohibited;
- "no staying zone" (禁止逗留區) means an area determined under section 40 to be an area in which staying or loitering is prohibited;
- "nomination form" (提名表格) means, in relation to-
- (a) a geographical constituency, the specified form containing the nomination list;
- and

- (b) a functional constituency, the specified form submitted for the purpose of nominating a candidate to stand for election for a functional constituency; and
 (c) ~~the Election Committee election, the specified form submitted for the purpose of nominating a candidate to stand for election by the Election Committee;~~

"nomination list" (提名名單) means a list submitted for the purposes of section 38 of the Legislative Council Ordinance (Cap 542);

"nomination period" (提名期) means, in relation to nominations-

- (a) for a geographical constituency, the period specified under section 4(2)(b);
 (b) for a functional constituency, the period specified under section 5(2)(b); and
 (c) ~~for the Election Committee election, the period specified under section 6(2)(b);~~
 and
 (d) for a by-election for a constituency ~~or for the Election Committee~~, the relevant period specified under section 8(7)(a);

"Nominations Advisory Committee" (提名顧問委員會) means a committee appointed under the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg.); (L.N. 115 of 1999)

"notice appointing the election day" (指定選舉日公告) means, in relation to a general election, a notice by which a date is specified by the Chief Executive under the Legislative Council Ordinance (Cap 542) to hold an election to return-

- (a) the Members to be returned for geographical constituencies; or
 (b) the Members to be returned for functional constituencies; or
 (c) ~~the Members to be returned by the Election Committee;~~

"notice of nominations" (提名公告) means a notice published under section 21(3), (4), (5) or (6) ~~or (5)~~ in relation respectively to an election for geographical constituencies or functional constituencies or by the Election Committee;

"ordinary business hours" (通常辦公時間) means the hours-

- (a) between 9 a.m. and 12 noon on a Saturday; and
 (b) between 9 a.m. and 5 p.m. on any other day,
 other than a general holiday;

"ordinary functional constituencies" (普通功能界別) means the functional constituencies specified in section 20(1)(e) to (zb) of the Legislative Council Ordinance (Cap 542); (L.N. 65 of 2000)

"political body" (政治性團體) has the meaning assigned to it by section 2(1) of the Societies Ordinance (Cap 151); ~~(L.N. 65 of 2000)~~

"polling agent" (監察投票代理人) means a person appointed as a polling agent under section 42;

"polling day" (投票日) means the date on which the poll is to be held in an election;

"polling hours" (投票時間) means the hours for polling appointed under section 27;

"polling officer" (投票站人員) means, in relation to a polling station, a person appointed under section 34(2) as a polling officer for that polling station;

"polling station" (投票站) means a place designated as a polling station under section 28;

"prescribed body" (訂明團體) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (L.N. 263 of 2003);

"prescribed person" (訂明人士) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (L.N. 263 of 2003);

"Presiding Officer" (投票站主任) means, in relation to a polling station, the person appointed under section 34(1) as the Presiding Officer for that polling station;

"principal residential address" (主要住址) means, in relation to a person, the address of the only or principal residence (within the meaning of section 28(3) of the Legislative

- Council Ordinance (Cap 542)) of the person;**
- "registered" (登記), in the context of a registered emblem or a registered name, has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (L.N. 263 of 2003);
- "registered residential address" (登記住址) means, in relation to a person, the address recorded in the particulars of that person in the geographical constituencies final register;
- "Returning Officer" (選舉主任) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);
- "single candidate list" (單人候選人名單) means a list of candidates with only one candidate;
- "single nominee list" (單人獲提名人名單) means a nomination list with only one nominee;
- "small polling station" (小投票站) means a place designated as a small polling station under section 28;
- "special functional constituencies" (特別功能界別) means the functional constituencies specified in section 20(1)(a) to (d) of the Legislative Council Ordinance (Cap 542); (L.N. 65 of 2000)
- "special polling station" (特別投票站) means a polling station designated as such under section 29;
- "specified address" (指明地點) means, in relation to a geographical constituency, geographical constituency or a functional constituency, or the Election Committee election, the address specified in the relevant election notice or by-election notice as the address at which the nomination forms are to be submitted;
- "specified form" (指明表格、指明格式) means, in relation to a particular purpose of this Regulation, the form specified under section 100 for that purpose;
- "spoilt ballot paper" (損壞的選票) means a spoilt ballot paper within the meaning of section 62;
- "tendered ballot paper" (重複的選票) means a tendered ballot paper within the meaning of section 60;
- "unused ballot paper" (未用的選票) means an unused ballot paper within the meaning of section 61(2);
- "validly nominated candidate" (獲有效提名的候選人) means-
- (a) subject to paragraph (b), a person whom the Returning Officer has decided under section 16 to be validly nominated;
 - (b) in case a declaration under section 42B(2)(b) or (5)(b) of the Legislative Council Ordinance (Cap 542) is made, a person who is stated to be validly nominated in the declaration; (L.N. 65 of 2000)
- "verification of the ballot paper account" (選票結算核實書) means a statement prepared under section 74(1)(d) or (2)(e), 74A(1)(c) or 74B(1)(c), 74A(1)(a) or (b)(ii) or 74B(1)(c) or (1A) or (1B)(b). (L.N. 147 of 1998; L.N. 65 of 2000)
(L.N. 147 of 1998; L.N. 65 of 2000; L.N. 210 of 2001)
- (2) In this Regulation-
- (a) in Part II, "candidate" (候選人) includes a person who is being or has been nominated as a candidate (including a person whose name appears on a nomination list as a nominee) to stand for election as a Member; and
 - (b) in sections 25 and 102, "candidate" (候選人)-
 - (i) means a person who stands nominated as a candidate at an election; and
 - (ii) also means a person who, at any time before close of nominations for an election, has publicly declared an intention to stand as a candidate at the election,
 and includes a person who is one of a group of candidates within the meaning

of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554). (L.N. 65 of 2000)

(3) In this Regulation, unless it is provided otherwise, a reference to "Returning Officer" is to be construed, in relation to-

- (a) a geographical constituency, as the Returning Officer appointed for that geographical constituency; and
- (b) a functional constituency, as the Returning Officer appointed for that functional constituency; and
- (c) the Election Committee election, as the Returning Officer appointed for that election.

(4) In this Regulation, any reference to the election agent, polling agent or counting agent of a candidate is to be construed, where appropriate, as including the election agent, polling agent or counting agent appointed on behalf of a list of candidates.

(5) In this Regulation, any provision which entitles or permits a candidate, an election agent, a polling agent or a counting agent to do anything in a polling station, counting station, counting zone or in relation to the counting of the votes is to be construed as entitling or permitting the candidate or the agent to do it in a polling station, counting station, counting zone or in relation to the counting of the votes for the constituency for which the candidate is standing for election or for which the agent is appointed, as the case may require.

~~(6) Subsection (5) applies in relation to the Election Committee election subject to necessary modifications.~~ (6) In this Regulation, unless it is provided otherwise -

- (a) a reference to "counting station" is to be construed as including a main counting station; and
- (b) a reference to "polling station" is to be construed as including a small polling station and a special polling station.

(7) (Repealed L.N. 210 of 2001)

Section:	3	Application	L.N. 210 of 2001	12/10/2001
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(1) Except where otherwise stated, this Regulation applies to a general election and a by-election.

(2) In their application to a by-election, Parts III and IV are to be read subject to necessary modifications.

(3) (Repealed L.N. 210 of 2001)

(4) Schedule 2 applies to a general election and by-election. (L.N. 210 of 2001)

PART II

NOMINATION OF CANDIDATES AND OTHER STAGES OF AN ELECTION BEFORE THE POLL: GENERAL ELECTION AND BY-ELECTIONS

Division I: Nominations

Section:	4	Chief Electoral Officer to publish a notice specifying a period and place for submitting nomination forms for geographical constituencies	L.N. 20 of 1998	21/01/1998
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(1) As soon as practicable after the publication of the notice appointing the election day, the Chief Electoral Officer must publish in the Gazette, for the geographical constituencies, a notice which complies with subsection (2).

(2) A notice referred to in subsection (1) must state in relation to each geographical constituency-

- (a) the name of the geographical constituency and the number of Members to be returned for that geographical constituency;
- (b) the period within which nomination forms for the geographical constituency are to be submitted to the Returning Officer;
- (c) the address at which the nomination forms are to be submitted;
- (d) that nomination forms must be submitted during ordinary business hours;
- (e) the date on which the election for the geographical constituency is to be held; and
- (f) that a poll will be held on the date referred to in paragraph (e) for the geographical constituency, if the number of validly nominated candidates for that geographical constituency exceeds the number of Members to be returned for that geographical constituency.

Section:	5	Chief Electoral Officer to publish a notice specifying a period and place for submitting nomination forms for functional constituencies	L.N. 20 of 1998	21/01/1998
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(1) As soon as practicable after the publication of the notice appointing the election day, the Chief Electoral Officer must publish in the Gazette, for the functional constituencies, a notice which complies with subsection (2).

(2) A notice referred to in subsection (1) must state in relation to each functional constituency-

- (a) the name of the functional constituency and the number of Members to be returned for that functional constituency;
- (b) the period within which nomination forms for the functional constituency are to be submitted to the Returning Officer;
- (c) the address at which the nomination forms are to be submitted;
- (d) that nomination forms must be submitted during ordinary business hours;
- (e) the date on which the election for the functional constituency is to be held; and
- (f) that a poll will be held on the date referred to in paragraph (e) for the functional constituency, if the number of validly nominated candidates for that functional constituency exceeds the number of Members to be returned for that functional constituency.

Section:	6	Chief Electoral Officer to publish a notice specifying a period and place for submitting nomination forms for Election Committee election	L.N. 20 of 1998	21/01/1998
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~~(1) As soon as practicable after the publication of the notice appointing the election day, the Chief Electoral Officer must publish in the Gazette, for the Election Committee election, a notice which complies with subsection (2).~~

~~(2) A notice referred to in subsection (1) must state-~~

- ~~(a) the number of Members to be returned by the Election Committee;~~
- ~~(b) the period within which nomination forms for the Election Committee election are to be submitted to the Returning Officer;~~
- ~~(c) the address at which the nomination forms are to be submitted;~~
- ~~(d) that nomination forms must be submitted during ordinary business hours;~~

- ~~(e) the date on which the Election Committee election is to be held; and~~
~~(f) that a poll will be held on the date referred to in paragraph (e) for the Election Committee election, if the number of validly nominated candidates standing for election by the Election Committee exceeds the number of Members to be returned by that Committee.~~

Section:	7	Chief Electoral Officer to determine nomination period	L.N. 65 of 2000	05/05/2000
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(1) Subject to subsections (2) and (3), the nomination period is to be determined by the Chief Electoral Officer.

(2) The nomination period must not begin earlier than the date on which the election notice or the by-election notice, as the case may be, is published in the Gazette. The nomination period must not be less than 14 days or more than 21 days. (L.N. 65 of 2000)

(3) The nomination period must end not less than 28 days and not more than 42 days before the date on which the relevant election is to be held.

Section:	8	Chief Electoral Officer to publish by-election notice if a by-election is to be held under section 36 of the Legislative Council Ordinance	L.N. 65 of 2000	05/05/2000
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(1) Subject to section 36(2) of the Legislative Council Ordinance (Cap 542), as soon as practicable after a declaration referred to in section 36(1)(a), (b), (c), (ca) or (cb) or a determination referred to in section 36(1)(d), of that Ordinance is made, in order to hold a by-election for the purposes of that section 36(1), the Chief Electoral Officer must publish in the Gazette, a notice in accordance with this section. (L.N. 65 of 2000)

(2) If a by-election is to be held for a geographical constituency or geographical constituencies, the by-election notice must state the name of the geographical constituency or each geographical constituency for which the by-election is to be held, and the number of Members to be returned for the geographical constituency or each geographical constituency at the by-election.

(3) If a by-election is to be held for a functional constituency or functional constituencies, the by-election notice must state the name of the functional constituency or each functional constituency for which the by-election is to be held, and the number of Members to be returned for the functional constituency or each functional constituency at the by-election.

~~(4) If a by-election is to be held to elect one or more Members to be elected by the Election Committee, the by-election notice must state the number of those Members to be returned by the Election Committee at the by-election.~~

(5) In each case referred to in subsections (2), (3) and ~~(4)~~and (3), the by-election notice must state the date on which the by-election is to be held.

(6) The by-election notice must also state that a poll will be held on the relevant date referred to in subsection (5), if the number of candidates validly nominated for the ~~geographical constituency, functional constituency or for election by the Election Committee, as the case may be, or functional constituency~~ exceeds the number of Members to be returned for that ~~geographical constituency, functional constituency or by the Election Committee or functional constituency~~ at the by-election.

(7) The by-election notice must also state-

- (a) the period within which nomination forms for the by-election are to be submitted to the Returning Officer;

- (b) the address at which nomination forms are to be submitted; and
- (c) that nomination forms must be submitted during ordinary business hours.

Section:	9	Election notice to be in the specified form	L.N. 20 of 1998	21/01/1998
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An election notice or a by-election notice must be in the specified form.

Section:	10	How to nominate a candidate for a geographical constituency	L.N. 65 of 2000	05/05/2000
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(1) A person is to be nominated as a candidate for a geographical constituency by submitting to the Returning Officer a nomination form containing a nomination list which complies with section 38 of the Legislative Council Ordinance (Cap 542) and this section.

(2) The nomination form for the purposes of subsection (1) must be submitted in person by one of the candidates on the nomination list as required by section 38 of the Legislative Council Ordinance (Cap 542) and in accordance with this section.

(3) The nomination form must be in the specified form and subscribed in accordance with the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542 sub. leg.).

(4) Each candidate on a nomination list must make the declarations and promissory oath required by section 40(1)(b) of the Legislative Council Ordinance (Cap 542) in the appropriate place on the nomination form.

(5) The nomination form must contain a declaration by each candidate to the effect that he or she-

- (a) is eligible to be nominated as a candidate for a geographical constituency;
- (b) is not disqualified from being so nominated;
- (c) consents to being so nominated; and
- (d) in the case of a multiple nominees list, consents to the order of priority in which the names of candidates appear on the nomination list.

(6) The nomination form-

- (a) must contain the name of each candidate as shown on the candidate's identity document (being the identity document on the basis of which the particulars of the candidate are recorded in the geographical constituencies final register) and, if the Returning Officer is satisfied that any of the candidate is usually known by a name different from that shown on the candidate's identity document aforesaid, may also include that different name; and
- (b) must also contain the identity document number and principal residential address of each candidate. (L.N. 65 of 2000)

(7) The nomination form must be signed by each candidate in each place the candidate's signature is required on that form.

(8) The nomination form must be signed by each subscriber. It must contain the name, identity document number and registered residential address and identity document number of each subscriber.

(9) The nomination form must contain other particulars (if any) required to be furnished on that form.

(10) The Returning Officer may require a candidate to furnish any other information that Officer considers appropriate to be satisfied-

- (a) that he or she is eligible to be nominated as a candidate for a geographical constituency; or
- (b) as to the validity of the nomination.

(11) The nomination form must be submitted to the Returning Officer within the

nomination period at the specified address.

Section:	11	How to nominate a candidate for a functional constituency	L.N. 65 of 2000	05/05/2000
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(1) A person is to be nominated as a candidate for a functional constituency by submitting to the Returning Officer a nomination form which complies with this section.

(2) The nomination form must be submitted in accordance with this section.

(3) The nomination form must be in the specified form and subscribed in accordance with the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542 sub. leg.).

(4) The candidate must make the declarations and promissory oath required by section 40(1)(b) of the Legislative Council Ordinance (Cap 542) in the appropriate place on the nomination form.

(5) The nomination form must contain a declaration by the candidate to the effect that he or she-

- (a) is eligible to be nominated as a candidate for the functional constituency concerned;
- (b) is not disqualified from being so nominated; and
- (c) consents to being so nominated.

(6) The nomination form-

- (a) must contain the name of the candidate as shown on the candidate's identity document (being the identity document on the basis of which the particulars of the candidate are recorded in the geographical constituencies final register) and, if the Returning Officer is satisfied that the candidate is usually known by a name different from that shown on the candidate's identity document aforesaid, may also include that different name; and
- (b) must also contain the identity document number and principal residential address of the candidate. (L.N. 65 of 2000)

(7) The nomination form must be signed by the candidate in each place the candidate's signature is required on that form.

(8) The nomination form must be signed by each subscriber. It must contain the name, identity document number and registered residential address and identity document number of each subscriber.

(9) In the case of an elector other than a natural person, the subscription of the nomination form by that elector may be effected by that elector's authorized representative. (L.N. 147 of 1998)

(10) The nomination form must contain other particulars (if any) required to be furnished on that form. (L.N. 147 of 1998)

(11) The Returning Officer may require a candidate to furnish any other information that Officer considers appropriate to be satisfied- (L.N. 147 of 1998)

- (a) that he or she is eligible to be nominated as a candidate for the functional constituency concerned; or
- (b) as to the validity of the nomination.

(12) Only one person can be nominated by one nomination form. (L.N. 147 of 1998)

(13) The nomination form must be submitted to the Returning Officer within the nomination period at the specified address. (L.N. 147 of 1998)

(14) The nomination form must be submitted by the candidate in person or in any other manner authorized by the Chief Electoral Officer. (L.N. 147 of 1998)

Section:	12-	How to nominate a candidate for the Election Committee election	L.N. 65 of 2000	05/05/2000
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~~(1) A person is to be nominated as a candidate for the Election Committee election by submitting to the Returning Officer a nomination form which complies with this section.~~

~~(2) The nomination form must be submitted in accordance with this section.~~

~~(3) The nomination form must be in the specified form and subscribed in accordance with the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542 sub-leg.).~~

~~(4) The candidate must make the declarations and promissory oath required by section 40(1)(b) of the Legislative Council Ordinance (Cap 542) in the appropriate place on the nomination form.~~

~~(5) The nomination form must contain a declaration by the candidate to the effect that he or she~~

~~(a) is eligible to be nominated as a candidate for election by the Election Committee;~~

~~(b) is not disqualified from being so nominated; and~~

~~(c) consents to being so nominated.~~

~~(6) The nomination form-~~

~~(a) must contain the name of the candidate as shown on the candidate's identity document (being the identity document on the basis of which the particulars of the candidate are recorded in the geographical constituencies final register) and, if the Returning Officer is satisfied that the candidate is usually known by a name different from that shown on the candidate's identity document aforesaid, may also include that different name; and~~

~~(b) must also contain the identity document number and principal residential address of the candidate. (L.N. 65 of 2000)~~

~~(7) The nomination form must be signed by the candidate in each place the candidate's signature is required on that form.~~

~~(8) The nomination form must be signed by each subscriber. It must contain the name, identity document number and registered residential address of each subscriber.~~

~~(9) The nomination form must contain other particulars (if any) required to be furnished on that form.~~

~~(10) The Returning Officer may require a candidate to furnish any other information that Officer considers appropriate to be satisfied-~~

~~(a) that he or she is eligible to be nominated as a candidate for election by the Election Committee; or~~

~~(b) as to the validity of the nomination.~~

~~(11) Only one person can be nominated by one nomination form.~~

~~(12) The nomination form must be submitted to the Returning Officer within the nomination period at the specified address.~~

~~(13) The nomination form must be submitted by the candidate in person or in any other manner authorized by the Chief Electoral Officer.~~

Section:	13	Returning Officer may assist in preparation of nomination forms	L.N. 20 of 1998	21/01/1998
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The Returning Officer may, at the request of a person who proposes to be nominated as a candidate, give assistance in preparing a nomination form.

Section:	14	Returning Officer to make available copies of nomination forms for public inspection	L.N. 20 of 1998	21/01/1998
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The Returning Officer must make available for inspection by the public, at the specified address, during ordinary business hours, a copy of each of the nomination forms received by that Officer. A nomination form must be made so available as soon as practicable after it is received by the Returning Officer and until the relevant notice of election result is published under section 58 of the Legislative Council Ordinance (Cap 542).

Section:	15	Returning Officer not to accept nomination form without deposit and to issue receipt for deposit	L.N. 20 of 1998	21/01/1998
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(1) The Returning Officer may accept a nomination form only if it is accompanied by the appropriate deposit.

(2) When the Returning Officer receives the appropriate deposit, that Officer must issue a receipt for the amount of the deposit.

(3) In this section and section 16 "appropriate deposit" (適當的按金) means the amount of deposit to be lodged under the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542 sub. leg.), having regard to whether the nomination form is submitted for a geographical constituency, ~~functional constituency or the Election Committee election or a functional constituency.~~

Section:	16	Returning Officer to decide whether candidates are validly nominated	L.N. 20 of 1998	21/01/1998
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(1) The Returning Officer must, as soon as practicable after receiving a nomination form, decide whether a candidate is validly nominated.

(2) If section ~~10, 11 or 12 or 11~~ (as may be applicable) and sections 37, 39 and 40 of the Legislative Council Ordinance (Cap 542) are complied with, the candidate stands validly nominated unless-

- (a) the Returning Officer decides that the nomination form is invalid; or
- (b) the candidate withdraws his or her candidature.

(3) Without prejudice to sections 37, 39 and 40 of the Legislative Council Ordinance (Cap 542), the Returning Officer may decide that a nomination is invalid if and only if-

- (a) the nomination form has not been signed by the prescribed number of subscribers qualified to subscribe to the nomination form under the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542 sub. leg.);
- (b) the nomination form has not been completed or signed as required under this Regulation;
- (c) the Returning Officer is satisfied that the candidate is not eligible to be or is disqualified from being nominated as a candidate under the Legislative Council Ordinance (Cap 542);
- (d) in the case the nomination form relates to
 - (i) ~~a constituency, the candidate has been nominated for another constituency (whether a geographical constituency or a functional constituency) in the same election or if applicable, for the Election Committee election; and,~~
 - (ii) ~~the Election Committee election, the candidate is nominated for a~~

constituency,

and the Returning Officer is satisfied that the other candidature has not been withdrawn;

- (e) the candidate has not lodged the appropriate deposit; or
- (f) the Returning Officer is satisfied that the candidate is dead.

(4) In this section "prescribed number" (訂明數目) means the number of subscribers required to subscribe to the nomination form under the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542 sub. leg.), having regard to whether the nomination form is submitted for a geographical constituency, functional constituency or the Election Committee election or a functional constituency.

Section:	17	Returning Officer to have regard to advice of Nominations Advisory Committee	L.N. 115 of 1999	07/05/1999
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In deciding under section 16 whether a person is eligible to be or is disqualified from being nominated as a candidate, the Returning Officer must have regard to-

- (a) advice given by a Nominations Advisory Committee on an application, if any, made by the Returning Officer regarding that person under the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg.); or (L.N. 115 of 1999)
- (b) advice given by a Nominations Advisory Committee on an application, if any, made by that person to the Nominations Advisory Committee under that Regulation or, if advice has not been given, the result of the application.

Section:	18	Returning Officer may give opportunity to rectify a nomination form	L.N. 147 of 1998	27/02/1998
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(1) If the Returning Officer detects on a nomination form-

- (a) an error or what appears to that Officer to be an error, or an omission, which may amount to a ground for deciding that the nomination form is invalid; or
- (b) anything which may affect the validity of the nomination form,

and the Returning Officer considers that it can be rectified within the nomination period, that Officer may, before making a decision under section 16, give the candidate a reasonable opportunity to rectify it.

(2) If the nomination form relates to a geographical constituency, the opportunity to rectify must be given to all the candidates on the nomination list if it is appropriate to do so.

(3) A nomination form cannot be rectified under this section after the expiry of the nomination period.

(L.N. 147 of 1998)

Section:	19	Returning Officer to endorse invalid nomination forms	L.N. 20 of 1998	21/01/1998
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(1) If the Returning Officer decides that a nomination form or the nomination of a candidate is invalid, that Officer must endorse on the nomination form the decision and the reasons for it.

(2) The Returning Officer must sign an endorsement under subsection (1).

(3) The Returning Officer must send a notice of a decision that a person is validly nominated or is not validly nominated to the person concerned and each validly nominated

candidate for the constituency concerned ~~or the Election Committee election, as may be applicable.~~

(4) A notice under subsection (3) must be sent to the principal residential address of the candidate as given on the nomination form.

Section:	20	How a nominated candidate is to withdraw from candidature	L.N. 20 of 1998	21/01/1998
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(1) A withdrawal of candidature for the purposes of section 42 of the Legislative Council Ordinance (Cap 542) is to be effected by giving a notice of withdrawal to the Returning Officer in accordance with subsection (2).

(2) The following applies to a notice of withdrawal-

- (a) the notice must be in the specified form;
- (b) the signature of the candidate on the notice must be attested by a witness;
- (c) the notice must be delivered to the Returning Officer by the candidate in person or the candidate's election agent in person; and
- (d) the notice must be so delivered at the specified address.

Section:	21	Returning Officer to publish a notice of particulars of validly nominated candidates	L.N. 65 of 2000	05/05/2000
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(1) The Returning Officer must, within 14 days of the expiry of the nomination period, publish a notice in the Gazette which complies with this section.

(2) A notice referred to in subsection (1) must be published for all geographical constituencies, ~~functional constituencies and the Election Committee election and functional constituencies.~~

(3) For the purposes of subsection (2), separate notices may be published for each geographical constituency and each functional constituency or one notice may be published for all the geographical constituencies and one notice may be published for all the functional constituencies. ~~A separate notice must be published for the Election Committee election.~~

(4) A notice published for a geographical constituency must state-

- (a) which lists of candidates are validly nominated for that geographical constituency and state the number allocated to each list under section 49(6); and
- (b) the name and the principal residential address of each validly nominated candidate in each list.

(5) A notice published for a functional constituency must state-

- (a) the name and the principal residential address of each validly nominated candidate for that functional constituency; and
- (b) in the case of an ordinary functional constituency, the letter of the alphabet assigned to that functional constituency followed by the number allocated to each candidate under section 49(8); and in the case of a special functional constituency the abbreviation for the name of that special functional constituency followed by the letter of the alphabet allocated to each candidate under section 49(9). (L.N. 147 of 1998; L.N. 65 of 2000)

~~(6) A notice published for the Election Committee election must state-~~

- ~~(a) the name and the principal residential address of each validly nominated candidate for that election; and~~
- ~~(b) the number allocated to each candidate under section 49(10).~~

(7) A notice under this section must be in the specified form.

(8) If one notice is to be published under this section for-

(a) all the geographical constituencies; or
 (b) all the functional constituencies,
 the notice is to be published by the Returning Officer specified for the purpose by the Chief Electoral Officer. (L.N. 65 of 2000)

Section:	22	Returning Officer to publish a notice for the purposes of section 46(1) of the Legislative Council Ordinance	L.N. 65 of 2000	05/05/2000
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(1) If, for a geographical constituency, no more candidates have been validly nominated than the number of Members to be returned for that constituency, the Returning Officer must, in the notice published for that constituency under section 21 or in a separate notice, declare, for the purposes of section 46(1) of the Legislative Council Ordinance (Cap 542), the candidate or candidates as being duly elected as a Member or Members for that constituency.

(2) If, for a functional constituency, no more candidates have been validly nominated than the number of Members to be returned for that constituency, the Returning Officer must, in the notice published for that constituency under section 21 or in a separate notice, declare, for the purposes of section 46(1) of the Legislative Council Ordinance (Cap 542), the candidate or candidates as being duly elected as a Member or Members for that constituency.

(3) If the number of candidates validly nominated for the Election Committee election does not exceed 6, the Returning Officer must, in the notice published for that election under section 21 or in a separate notice, declare, for the purposes of section 46(1) of the Legislative Council Ordinance (Cap 542), the candidate or candidates as being duly elected as a Member or Members by the Election Committee. (L.N. 65 of 2000)

(4) A separate notice under subsection (1), (2) or (3) or (2) must-

- (a) be published in the Gazette within 14 days of the expiry of the nomination period;
- (b) state the name and the principal residential address of the candidate declared to be duly elected as a Member; and
- (c) be in the specified form.

Section:	22A	Returning Officer to notify or declare if a validly nominated candidate for a GC is known proved to have died	L.N. 65 of 2000	05/05/2000
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(1) A notice under section 42B(1) of the Legislative Council Ordinance (Cap 542) is to be given in writing, by the Returning Officer concerned, as soon as practicable after the death of the candidate comes to the knowledge is proved to the satisfaction of that Officer, to-

- (a) the Chief Electoral Officer; and
 - (b) if practicable, each candidate who remains validly nominated for election for the geographical constituency concerned or by the Election Committee, as the case may be, to replace the notice under section 19(3).
- (2) The Returning Officer under subsection (1)-
- (a) must-
 - (i) endorse on the nomination form of the deceased candidate that the candidate has died; and
 - (ii) sign the endorsement; and
 - (b) may on polling day, if that Officer considers it appropriate to do so, display a notice in a prominent place outside each polling station used for polling for the geographical constituency concerned or for the Election Committee election;

as the case may be.

(3) Declarations under section 42B(2) of the Legislative Council Ordinance (Cap 542) are to be made, by the Returning Officer concerned, as soon as practicable after the death of the candidate comes to the knowledge ~~is proved to the satisfaction of that Officer -~~

- (a) by notice published in the Gazette;
- (b) by notice published in any daily newspaper in circulation in Hong Kong;
- (c) by a public announcement made by radio or television; or
- (d) by such other means as that Officer considers appropriate in the circumstances.

(4) A notice under subsection (2)(b) or (3)(a) or (b) must state-

- (a) the name and the principal residential address of the deceased candidate;
- ~~(b) whether the deceased candidate was nominated for election for a geographical constituency (and if so, the name of the geographical constituency) or by the Election Committee; and~~
- ~~(b) the name of the geographical constituency for which the deceased candidate was nominated; and~~
- (c) the name and the principal residential address of each candidate who remains validly nominated for election for that geographical constituency ~~or by the Election Committee, as the case may be.~~

(5) A public announcement under subsection (3)(c) must state-

- (a) the name of the deceased candidate;
- ~~(b) whether the deceased candidate was nominated for election for a geographical constituency (and if so, the name of the geographical constituency) or by the Election Committee; and~~
- ~~(b) the name of the geographical constituency for which the deceased candidate was nominated; and~~
- (c) the name of each candidate who remains validly nominated for election for that geographical constituency ~~or by the Election Committee, as the case may be.~~

(L.N. 65 of 2000)

Section:	22B	Returning Officer to notify or declare if a validly nominated candidate for a GC is known <u>proved to be disqualified</u>	L.N. 29 of 2004	27/02/2004
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(1) A notice under section 42B(4) of the Legislative Council Ordinance (Cap 542) is to be given in writing, by the Returning Officer concerned, as soon as practicable after the disqualification to which the variation of decision relates comes to the knowledge ~~is proved to the satisfaction of that Officer, to-~~ (L.N. 29 of 2004)

- (a) the Chief Electoral Officer; and
- (b) if practicable, each candidate who remains validly nominated for election for the geographical constituency concerned ~~or by the Election Committee, as the case may be,~~ to replace the notice under section 19(3).

(2) The Returning Officer under subsection (1)-

- (a) must-
 - (i) endorse on the nomination form of the disqualified candidate that that Officer's decision made under section 42A(1) of the Legislative Council Ordinance (Cap 542) in relation to that candidate is varied and the reason for the variation of decision; and
 - (ii) sign the endorsement; and
- (b) may on polling day, if that Officer considers it appropriate to do so, display a notice in a prominent place outside each polling station used for polling for the geographical constituency concerned ~~or for the Election Committee election,~~

as the case may be.

(3) Declarations under section 42B(5) of the Legislative Council Ordinance (Cap 542) are to be made by the Returning Officer concerned, as soon as practicable after the disqualification to which the variation of decision relate comes to the knowledge is proved to the satisfaction of that Officer -

- (a) by notice published in the Gazette;
 - (b) by notice published in any daily newspaper in circulation in Hong Kong;
 - (c) by a public announcement made by radio or television; or
 - (d) by such other means as that Officer considers appropriate in the circumstances.
- (4) A notice under subsection (2)(b) or (3)(a) or (b) must state-
- (a) the name and the principal residential address of the disqualified candidate;
 - (b) whether the disqualified candidate was nominated for election for a geographical constituency (and if so, the name of the geographical constituency) or by the Election Committee;
 - (b) the name of the geographical constituency for which the disqualified candidate was nominated;
 - (c) that the decision of the Returning Officer made under section 42A(1) of the Legislative Council Ordinance (Cap 542) has been varied to the effect that the candidate is not validly nominated; and
 - (d) the name and the principal residential address of each candidate who remains validly nominated for election for that geographical constituency or by the Election Committee, as the case may be.
- (5) A public announcement under subsection (3)(c) must state-
- (a) the name of the disqualified candidate;
 - (b) whether the disqualified candidate was nominated for election for a geographical constituency (and if so, the name of the geographical constituency) or by the Election Committee; and
 - (b) the name of the geographical constituency for which the disqualified candidate was nominated; and
 - (c) the name of each candidate who remains validly nominated for election for that geographical constituency or by the Election Committee, as the case may be.

(L.N. 65 of 2000)

Section:	22C	No poll upon death or disqualification of candidate for a GC under certain circumstances	L.N. 65 of 2000	05/05/2000
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(1) If, after the death referred to in section 22A(1) or the disqualification referred to in section 22B(1)-

- (a) the number of candidate remaining validly nominated for election for the geographical constituency concerned or by the Election Committee is equal to the number of Members to be returned for that geographical constituency or by the Election Committee, as the case may be;
- (b) no candidate remains validly nominated for election for the geographical constituency concerned or by the Election Committee, as the case may be; or
- (c) the number of candidates remaining validly nominated for election for the geographical constituency concerned or by the Election Committee is less than the number of Members to be returned for that geographical constituency or by the Election Committee, as the case may be,

the Returning Officer must, by such means as that Officer considers appropriate in the circumstances, declare that no poll is to be held for that geographical constituency or the

Election Committee election, as the case may be.

(2) The Returning Officer must in the notice under section 22A(3)(a) or 22B(3)(a), if any, or in a separate notice-

- (a) in the case of subsection (1)(a), declare, for the purposes of section 46(1) of the Legislative Council Ordinance (Cap 542), the remaining candidate or candidates as being duly elected as a Member or as Members;
- (b) in the case of subsection (1)(b), declare, for the purposes of section 46(2) of the legislative Council Ordinance (Cap 542), the election to have failed;
- (c) in the case of subsection (1)(c), declare-
 - (i) for the purposes of section 46(1) of the Legislative Council Ordinance (Cap 542), the remaining candidate or candidates as being duly elected as a Member or as Members; and
 - (ii) for the purposes of section 46(2) of that Ordinance, the election to have failed to the extent that the number of candidates remaining validly nominated for election is less than the number of Members to be returned.

(3) A separate notice containing a declaration under subsection (2)(a) or (c)(i) must-

- (a) be published in the Gazette as soon as practicable;
- (b) state the name and the principal residential address of each candidate declared to be duly elected as a Member; and
- (c) be in the specified form.

(4) A separate notice containing a declaration under subsection (2)(b) or (c)(ii) must comply with section 97B(1).

(L.N. 65 of 2000)

Division 2: Election Agents and Election Expense Agents

Section:	23	A candidate or a list of candidates may appoint election agent	L.N. 65 of 2000	05/05/2000
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(1) All the candidates on a multiple nominees list or a multiple candidates list may jointly appoint one person as their election agent.

(2) The candidate on a single nominee list or a single candidate list may appoint one person as his or her election agent.

(3) Each candidate for a functional constituency may appoint one person as his or her election agent.

~~(4) Each candidate for the Election Committee election may appoint one person as his or her election agent.~~

(5) Only a holder of an identity card who has attained the age of 18 years may be appointed as an election agent. (L.N. 147 of 1998)

(6) A candidate must give notice of appointment of his or her election agent to the Returning Officer. If the election agent is appointed on behalf of a multiple nominees list or a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the relevant list. (L.N. 147 of 1998)

(7) The appointment of an election agent is not effective until notice of the appointment is received by the Returning Officer.

(8) A notice for the purposes of this section must be in writing and state the name, identity document number and residential address of the election agent. (L.N. 65 of 2000)

(9) The notice must be signed by the candidate or, in the case of a multiple nominees list or a multiple candidates list, by all the candidates on the list.

(10) A candidate or a nomination list or a list of candidates cannot have more than one election agent at any one time.

(11) If the appointment of an election agent is revoked, notice of revocation must be

given to the Returning Officer by the candidate as soon as possible after the revocation. In the case of a multiple nominees list or multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the relevant list. (L.N. 147 of 1998)

(12) A notice of revocation must be in writing and be signed by the candidate or, in the case of a multiple nominees list or a multiple candidates list, by all the candidates on the list.

(13) The revocation of the appointment of an election agent is not effective until notice of the revocation is received by the Returning Officer.

(14) If at any time an election agent dies or the appointment of an election agent is revoked, the candidate or, in the case of a multiple nominees list or a multiple candidates list, all the candidates on the relevant list jointly, may appoint a replacement.

(15) The appointment of a replacement must be in accordance with the requirements of this section.

(16) A notice of appointment or a notice of revocation under this section must be in the specified form.

(17) Subject to subsection (18), an election agent may do all things which a candidate or the candidates on a nomination list or a list of candidates may do in connection with an election. Any such act of the election agent is effective as if it had been done by the candidate in person or by the candidates on a nomination list or a list of candidates, as the case may be.

(18) An election agent may not-

- (a) do anything a candidate is required to do under section 10, ~~11 or 12 or 11~~;
- (b) withdraw a candidate's candidature; or
- (c) authorize any person for the purposes of section 25.

(L.N. 147 of 1998)

Section:	24	Returning Officer to send to other candidates a notice of particulars of election agent	L.N. 147 of 1998	27/02/1998
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(1) The Returning Officer must send to the candidate ranking first in priority on a multiple nominees list or a multiple candidates list, and the candidate on a single nominee list or a single candidate list, a notice containing the particulars of the election agents of the other nomination lists or lists of candidates for the geographical constituency.

(2) The Returning Officer must send to every candidate for a functional constituency, a notice containing the particulars of the election agents of the other candidates for that constituency.

~~(3) The Returning Officer must send to every candidate for the Election Committee election, a notice containing the particulars of the election agents of the other candidates for that election.~~

(4) If a replacement is appointed for an election agent, the Returning Officer must send a notice of the particulars of the replacement to the candidates that Officer is required to send a notice under subsections ~~(1), (2) and (3)~~ and (2).

(5) The Returning Officer must send a notice under subsection ~~(1), (2) or (3)~~ or (2) within 10 days of the expiry of the relevant nomination period.

(6) If the appointment of the election agent is made after the period of 10 days referred to in subsection (5), or if a replacement is appointed under section 23(14), the Returning Officer must send a notice of the particulars as soon as practicable after that Officer receives notice of the appointment or replacement, as the case may be. (L.N. 147 of 1998)

(7) The Returning Officer must also display in a prominent place outside that Officer's office, a notice of the particulars of the election agents.

(8) A notice under this section must be in the specified form.

(9) A notice required to be sent to a candidate under subsection ~~(1), (2) or (3)~~ or (2) may be sent to the election agent instead of to the candidate. (L.N. 147 of 1998)

Section:	25	Authorization of election expense agent to incur election expenses at or in connection with an election	L.N. 65 of 2000	05/05/2000
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(1)-(4) (Repealed L.N. 65 of 2000)

(5) Only a person who has attained the age of 18 years may be authorized as an election expense agent to incur election expenses at or in connection with an election. (L.N. 65 of 2000)

(6) An authorization of such an election expense agent must be in writing and in the specified form and state the name, identity document number and residential address of the person authorized. (L.N. 65 of 2000)

(7) The authorization must specify the maximum amount of election expenses that the election expense agent is authorized to incur. (L.N. 65 of 2000)

(8) The authorization must be signed by the candidate, or each of the candidates, making the authorization. The authorization must also be signed by the person authorized. (L.N. 65 of 2000)

(9) A copy of the authorization must be served-

(a) on the Returning Officer; or

(b) if the Returning Officer has not been appointed, on the Chief Electoral Officer. (L.N. 65 of 2000)

(10) Service of a copy of the authorization-

(a) may be effected by delivery by hand, by post or by facsimile transmission; and

(b) must be effected by the candidate, or any of the candidates, making the authorization. (L.N. 65 of 2000)

(11) The Returning Officer or the Chief Electoral Officer, as the case may be, is to regard an authorization of an election expense agent to incur election expenses at or in connection with an election as being effective, for any purpose related to the election for which the authorization is relevant, only when a copy of the authorization has been served on the relevant Officer. (L.N. 65 of 2000)

(12)-(13) (Repealed L.N. 65 of 2000)

(14) If the authorization of an election expense agent to incur election expenses at or in connection with an election has been revoked, the candidate, or any of the candidates, who made the authorization must as soon as possible after the revocation, give written notice of the revocation, by hand, by post or by facsimile transmission-

(a) to the Returning Officer; or

(b) if the Returning Officer has not been appointed, to the Chief Electoral Officer. (L.N. 147 of 1998; L.N. 65 of 2000)

(15) The notice of revocation must be in the specified form and signed by the candidate, or each of the candidates, who made the authorization. (L.N. 65 of 2000)

(16) If the authorization of an election expense agent to incur election expenses at or in connection with an election has been revoked, the Returning Officer or the Chief Electoral Officer, as the case may be, is to regard the revocation as being effective, for any purpose related to the election for which the revocation is relevant, only when the relevant Officer receives the notice of revocation. (L.N. 147 of 1998; L.N. 65 of 2000)

(17)-(18) (Repealed L.N. 65 of 2000)

Section:	26	Copies of authorization of election expense agents to be made available for public inspection	L.N. 65 of 2000	05/05/2000
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The Returning Officer or the Chief Electoral Officer, as the case may be, must make

available for public inspection a copy of each of the copies of authorizations served on that Officer under section 25. A copy must be made available for public inspection as soon as practicable after that Officer is served the copy of the authorization and until the end of the period for which the copy of the election return lodged by the candidate is available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554).

(10 of 2000 s. 47; L.N. 65 of 2000)

PART III

CONTESTED ELECTIONS: GENERAL ELECTION AND BY-ELECTIONS

Division 1: Hours of Poll and Matters Relating to Polling Stations

Section:	27	Chief Electoral Officer to appoint polling hours and to give notice in the Gazette	L.N. 20 of 1998	21/01/1998
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(1) The hours during which electors can cast their votes on polling day are to be appointed by the Chief Electoral Officer in accordance with this section.

(2) The Chief Electoral Officer may appoint different polling hours for different constituencies or the Election Committee election or for different polling stations.

(3) The Chief Electoral Officer must appoint the polling hours so as to give the electors a reasonable opportunity to vote.

(4) The Chief Electoral Officer must, at least 10 days before polling day, publish in the Gazette, a notice specifying the polling hours for the geographical constituencies, functional constituencies, Election Committee election and, if appropriate, for each polling station.

(5) In this section "electors" (選民) includes authorized representatives.

Section:	28	Chief Electoral Officer to designate polling stations and counting stations	L.N. 65 of 2000	05/05/2000
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(1) The Chief Electoral Officer must designate, by notice published in the Gazette, one or more places for-

- (a) conducting a poll in respect of an election; and
- (b) counting of the votes.

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

(1B) The Chief Electoral Officer must designate a polling station at which less than 200 electors are allocated to vote as a small polling station.

(1C) If in relation to a geographical constituency, 2 or more polling stations have been designated and one or more than one of them is a small polling station, the Chief Electoral Officer must designate a polling station, not being a small polling station, as a main counting station for the purpose of counting the votes cast at the polling station and the small polling station or stations, as the case may be.

(2) The Chief Electoral Officer may designate under subsection (1)-

- (a) premises occupied by a Government department for official purposes ("Government building");
- (b) a structure, place or premises hired under subsection (3) or which is to be so hired;
- (c) any school in respect of which a grant is made out of the general revenue;

- (d) a building occupied by an organization, association or body in respect of which a grant is made out of the general revenue; or
- (e) any other structure, premises, whether permanent or temporary, mobile or otherwise, or place, which the Chief Electoral Officer considers suitable for a purpose specified in subsection (1).

(3) The Chief Electoral Officer may hire any structure, place or premises or a part of a structure, place or premises to designate as a polling station or a counting station.

(4) The Chief Electoral Officer may designate a place described in subsection (2) in addition to or in substitution of a place designated under this section as a polling station or a counting station. The Chief Electoral Officer must publish notice of such designation. The notice may be published in a manner that Officer thinks fit.

(5) The Chief Electoral Officer must ensure that there are sufficient polling stations and counting stations to enable polling and counting of the votes to take place smoothly and efficiently.

(6) The Chief Electoral Officer must make available, at that Officer's office, for public inspection, a list of the polling stations and counting stations.

(7) The Chief Electoral Officer must, in the case of a polling station or a counting station which is not a Government building-

- (a) make good any damage caused; and
- (b) defray any expenses incurred by any person having control over the structure, place or premises,

due to their having been used as a polling station or a counting station.

(8) The Chief Electoral Officer may take such steps as that Officer considers appropriate, including taking out insurance, to insure against any risk of loss or damage that may arise due to or in connection with the use of any structure, place or premises as a polling station or a counting station.

(9) The Chief Electoral Officer may-

- (a) in relation to a general election, designate-
 - (i) ~~one counting station~~ or more counting stations for counting the votes for each geographical constituency cast at all the polling stations used for polling for the general election; and
 - (ii) one counting station for counting the votes for functional constituencies and the ~~Election Committee election~~ cast at all the polling stations used for polling for the general election;
- (b) in relation to a by-election for a constituency ~~or the Election Committee~~, designate ~~one counting station~~ one or more counting stations for counting the votes cast at all the polling stations used for polling for the by-election. (L.N. 65 of 2000)

Section:	29	Chief Electoral Officer to designate some polling stations as special polling stations	L.N. 20 of 1998	21/01/1998
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(1) The Chief Electoral Officer must designate one or more polling stations to be used for voting by persons with a disability for whom access to other polling stations would be difficult.

(2) Only a polling station which is, in the opinion of the Chief Electoral Officer, suitable for use by persons referred to in subsection (1) may be designated as a special polling station.

(2A) The Chief Electoral Officer may designate the same place as a special polling station for use by persons referred to in subsection (1) and a polling station for use by other electors.

(3) At least 10 days before polling day, the Chief Electoral Officer must indicate on the list of polling stations, the special polling stations.

- (4) The Chief Electoral Officer must indicate on the list of polling stations-
- (a) ~~the constituency or the constituencies for which a particular special polling station is designated, and~~
 - (b) ~~the special polling station or stations designated for the Election Committee election.~~

Section:	30	Chief Electoral Officer to assign polling stations for constituencies and Election Committee election and to allocate polling stations to electors and authorized representatives	L.N. 65 of 2000	05/05/2000
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- ~~(1) The Chief Electoral Officer may assign-~~
- (a) ~~for each constituency, one or more polling stations for conducting the poll for that constituency; and~~
 - (b) ~~for the Election Committee election, one or more polling stations for conducting the poll for that election.~~
- ~~(1) The Chief Electoral Officer may assign one or more polling stations for conducting the poll for each constituency.~~
- ~~(2) Notwithstanding subsection (1), the Chief Electoral Officer may, in relation to a general election, make arrangements for-~~
- (a) ~~voting for one or more ordinary functional constituencies to take place at a GC polling station;~~
 - (b) ~~voting for one or more functional constituencies and one or more geographical constituencies to take place at an EC polling station.~~
- ~~(2) Notwithstanding subsection (1), the Chief Electoral Officer may, in relation to a general election, make arrangements for voting for one or more functional constituencies and one or more geographical constituencies to take place at a GC polling station.~~
- ~~(3) The Chief Electoral Officer must allocate to each elector and authorized representative a polling station or polling stations to cast the vote or votes he or she is entitled to cast at an election.~~
- ~~(4) Under subsection (3), for the purposes of a general election, the Chief Electoral Officer-~~
- (a) ~~must, subject to paragraphs (ca), (cb) and (d), allocate to a GC elector, a GC polling station close to his or her registered residential address to cast the vote for the geographical constituency;~~
 - (b) ~~may allocate to a GC elector who is entitled to vote for an ordinary functional constituency either as an elector or an authorized representative, his or her GC polling station to cast the vote for the geographical constituency and that for the functional constituency;~~
 - (c) ~~may allocate to a GC elector who is entitled to vote for an ordinary functional constituency as an elector and for another ordinary functional constituency as an authorized representative, his or her GC polling station to cast the vote for the geographical constituency and the votes for the 2 functional constituencies;~~
 - (ca) ~~may allocate to a GC elector who is entitled to vote for a special functional constituency either as an elector or an authorized representative, an ECa GC polling station to cast the vote for the geographical constituency and that for the functional constituency; (L.N. 65 of 2000)~~
 - (cb) ~~may allocate to a GC elector who is entitled to vote-~~
 - (i) ~~for a special functional constituency as an elector and for another special functional constituency as an authorized representative; or~~
 - (ii) ~~for a special functional constituency and for an ordinary functional constituency, as an elector for one and as an authorized representative~~

for the other,
 an EC a GC polling station to cast the vote for the geographical constituency
 and the votes for the 2 functional constituencies;--- (L.N. 65 of 2000)

~~(d) may allocate to a GC elector who is a member of the Election Committee, an
 EC polling station to cast the vote for the Election Committee election, the
 vote for the geographical constituency and if he or she is entitled to vote for a
 functional constituency as an authorized representative, the vote for the
 functional constituency concerned.~~

(4A) The Chief Electoral Officer may, if that Officer considers it appropriate to do so in
 the circumstances, allocate to an elector or authorized representative an alternative polling
 station, in addition to or in substitution of the polling station or any of the polling stations, as
 the case may be, allocated under subsection (3), to cast the vote or votes he or she is entitled
 to cast at an election. (L.N. 65 of 2000)

(5) In this section, in relation to a person, his or her GC polling station is to be
 construed as the polling station, or the alternative polling station in addition thereto or in
 substitution thereof, that person is allocated under subsection (4)(a), or subsection (4A).

(L.N. 147 of 1998; L.N. 65 of 2000)

Section:	31	Chief Electoral Officer to send poll cards to electors and authorized representatives	L.N. 65 of 2000	05/05/2000
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(1) Subject to subsections (3) and (4), for every contested election, at least 10 days
 before polling day, the Chief Electoral Officer must send a poll card to each elector and
 authorized representative.

(2) A poll card need not be sent to an elector or authorized representative if-

- (a) the Chief Electoral Officer is satisfied, having regard to information received
 from the Registrar of Births and Deaths, that the elector or authorized
 representative is dead; or
- (b) the Chief Electoral Officer is satisfied that the elector's or authorized
 representative's address as recorded in the final register-
 - (i) does not exist;
 - (ii) refers to a building that has been demolished; or
 - (iii) refers to a building that is not built at the time poll cards are to be sent.

(3) A poll card need not be sent under subsection (1) to a corporate elector.

(4) If the Chief Electoral Officer receives notice of the substitution or replacement of
 an authorized representative within the 10 days preceding polling day, that Officer need not
 send a poll card to the substitute or replacement authorized representative. The Chief Electoral
 Officer must inform that substitute or replacement authorized representative of the polling
 station allocated to him or her in a manner that Officer thinks fit.

(5) If a person is entitled to cast more than one vote at an election, the Chief Electoral
 Officer may send separate poll cards for each vote or send one poll card for all the votes.

(6) The Chief Electoral Officer must state in the poll card or each poll card the polling
 station or stations at which the elector or authorized representative must cast his or her vote or
 votes.

(6A) Where an alternative polling station is allocated to an elector or authorized
 representative under section 30(4A), the Chief Electoral Officer must, as soon as practicable,
 notify, in a manner that Officer considers appropriate-

- (a) the elector or authorized representative;
- (b) the Returning Officer;
- (c) the Presiding Officer of the polling station previously allocated to the elector
 or authorized representative; and
- (d) the Presiding Officer of the alternative polling station. (L.N. 65 of 2000)

(7) In this section "corporate elector" (團體選民) has the meaning assigned to it by

section 3(1) of the Legislative Council Ordinance (Cap 542).

Section:	32	Person to vote at the correct polling station	L.N. 20 of 1998	21/01/1998
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(1) Subject to subsection (2), a person may only vote at the polling station or polling stations allocated to him or her under section 30.

(2) A person who is allocated a special polling station under section 33 may only vote at that special polling station.

Section:	33	Chief Electoral Officer may allocate special polling stations	L.N. 65 of 2000	05/05/2000
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(1) An elector or authorized representative who claims to be a person with a disability and that access to the polling station which is allocated to him or her under section 30 is difficult for him or her due to the disability, may apply to the Chief Electoral Officer to vote at the special polling station designated for the constituency for which he or she is entitled to vote. If the elector is a member of the Election Committee, he or she may apply to vote in the Election Committee election at the special polling station designated for that election.

(2) An application under subsection (1) must be made at least 5 days before polling day. The application-

- (a) may be-
 - (i) made in writing; and
 - (ii) delivered by hand or sent by post or by facsimile transmission; or
- (b) may be made orally by telephone. (L.N. 65 of 2000)

(3) On receiving an application under subsection (1), the Chief Electoral Officer must, if satisfied that the application is well founded, allocate to the elector or authorized representative an appropriate special polling station to cast the vote he or she is entitled to cast at the election to which the application relates. (L.N. 65 of 2000)

(4) The Chief Electoral Officer must inform the applicant in a manner that that Officer considers appropriate, the result of the application, as soon as practicable.

(5) (Repealed L.N. 65 of 2000)

(6) When the Chief Electoral Officer allocates a special polling station to an elector or authorized representative under this section, that Officer must, as soon as practicable, notify, in a manner that the Officer considers appropriate-

- (a) the Returning Officer;
- (b) the Presiding Officer at the special polling station; and
- (c) the Presiding Officer of the polling station previously allocated to the elector or the authorized representative,

of the name, identity document number and registered residential address of that elector or authorized representative.

(7) The Chief Electoral Officer must notify the persons referred to in subsection (6) of the geographical constituency, and the functional constituency, if any, for which the elector or authorized representative is entitled to vote. If the elector is entitled to vote at the Election Committee election, the Chief Electoral Officer must notify those persons that the elector is so entitled.

(8) The Chief Electoral Officer may, if that Officer considers it appropriate to do so in the circumstances, allocate to an elector or authorized representative an alternative special polling station, in addition to or in substitution of the special polling station allocated under subsection (3), to cast the vote he or she is entitled to cast at the election. (L.N. 65 of 2000)

(9) Where an alternative special polling station is allocated to an elector or authorized representative under subsection (8), the Chief Electoral Officer must, as soon as practicable,

notify, in a manner that Officer considers appropriate-

- (a) the elector or authorized representative;
- (b) the persons referred to in subsection (6); and
- (c) the Presiding Officer of the alternative special polling station. (L.N. 65 of 2000)

Section:	34	Chief Electoral Officer to appoint or remove Presiding Officers for each polling station	L.N. 65 of 2000	05/05/2000
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- (1) The Chief Electoral Officer must appoint a person to preside at each polling station.
- (2) The Chief Electoral Officer may appoint, as polling officers, persons that Officer considers suitable to assist the Presiding Officer in the conduct of a poll. (L.N. 65 of 2000)
- (3) The Chief Electoral Officer may at any time revoke the appointment of any Presiding Officer or polling officer made under subsection (1) or (2).

Section:	35	Chief Electoral Officer to supply candidates with copy of final register	L.N. 65 of 2000	05/05/2000
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- (1) The Chief Electoral Officer must supply to the candidate on a single candidates list or the candidate ranking first in priority on a multiple candidates list, a copy of the part of the final register which relates to the constituency for which the list of candidates is nominated.
 - (2) The Chief Electoral Officer must supply to each candidate for a functional constituency, a copy of the part of the final register which relates to the constituency for which that candidate is nominated.
 - ~~(3) The Chief Electoral Officer must supply to each candidate for the Election Committee election a copy of the Election Committee final register.~~
 - (4) A copy under this section must be supplied to a candidate as soon as practicable after the relevant nomination form is submitted to the Returning Officer. There may be added to the copy any additional particulars or information the Chief Electoral Officer thinks fit to include.
 - (5) The form in which the copy is supplied may be in a printed form, a form which is capable of being read by a computer or any other form determined by the Chief Electoral Officer.
 - (6) The copy for the purposes of this section may be supplied to the election agent of a candidate instead of the candidate to whom it is required to be supplied.
- (L.N. 65 of 2000)

Section:	36	Chief Electoral Officer to supply Returning Officer with copy of final register	L.N. 65 of 2000	05/05/2000
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- (1) The Chief Electoral Officer must supply to the Returning Officer, a copy of the part of the final register relating to the constituency for which the Returning Officer is appointed.
- ~~(2) The Chief Electoral Officer must supply to the Returning Officer for the Election Committee election, a copy of the Election Committee final register.~~
- (3) A copy under this section must be supplied after the relevant notice of nominations is published.
- (4) There may be added to the copy the identity document numbers of the electors and authorized representatives and such other additional particulars or information as the Chief Electoral Officer thinks fit to include.
- (5) The form in which the copy is supplied may be in a printed form, a form which is

capable of being read by a computer or any other form determined by the Chief Electoral Officer.

(L.N. 65 of 2000)

Section:	37	Chief Electoral Officer to carry out other duties relating to polling stations	L.N. 65 of 2000	05/05/2000
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(1) The Chief Electoral Officer must provide at each polling station sufficient compartments as that Officer considers necessary to enable electors and authorized representatives to vote, screened from observation.

(2) The Chief Electoral Officer must supply to each Presiding Officer, the number of ballot papers the Chief Electoral Officer considers necessary for the constituency or constituencies or the Election Committee election, as may be applicable, for which the polling station is to be used for polling. The Chief Electoral Officer must ensure that the name of any deceased or disqualified candidate regarding whom notice under section 22A(1) or 22B(1) is given or declarations under section 22A(3) or 22B(3) are made, and other information relating to that candidate, if printed on the ballot papers, are crossed out by stamping the words "已故" and "DECEASED" or "喪失資格" and "DISQUALIFIED", as the case may require.

(3) The Chief Electoral Officer must also supply to the Presiding Officer a copy of the appropriate part of the final register or registers.

(4) There may be added to the copy the identity document numbers of the electors and authorized representatives and such other additional particulars or information as the Chief Electoral Officer thinks fit to include.

(5) The form in which the copy is supplied may be in a printed form, a form which is capable of being read by a computer or any other form determined by the Chief Electoral Officer.

(6) The Chief Electoral Officer must provide at each polling station-

(a) materials; and

(b) if the polling station is also assigned for conducting the poll for a geographical constituency or ordinary functional constituency, chops bearing the mark "

✓ ", with or without other design,

that are necessary to enable electors and authorized representatives to mark ballot papers.
(L.N. 65 of 2000)

(7) The Chief Electoral Officer must do other acts and things as that Officer considers necessary for holding the poll effectively.

(L.N. 65 of 2000)

Section:	38	Chief Electoral Officer to supply list of polling officers to assist Presiding Officer	L.N. 20 of 1998	21/01/1998
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(1) The Chief Electoral Officer must supply to the Presiding Officer a list of the names of the polling officers appointed for the polling station for which that Presiding Officer is appointed.

(2) The Chief Electoral Officer must supply to the Returning Officer for a constituency a list of the polling officers appointed for the polling stations at which polling for that constituency is to take place. The Chief Electoral Officer must supply to the Returning Officer for the Election Committee election a list of the polling officers appointed for the polling stations at which polling for that election is to take place.

(3) The Presiding Officer must display the list referred to in subsection (1) in a prominent place outside the polling station for which that Officer is appointed.

Section:	39	Presiding Officer to exhibit at polling station notice providing information for the guidance of electors	L.N. 20 of 1998	21/01/1998
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(1) The Presiding Officer must ensure that a notice providing information for the guidance of electors and authorized representatives in voting procedure is exhibited outside the polling station and inside every voting compartment of the polling station.

(2) A notice under subsection (1) must be in the specified form.

Section:	40	Returning Officer to determine no canvassing zones and no staying zones	L.N. 65 of 2000	05/05/2000
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(1) The Returning Officer for a constituency or the Election Committee election must determine an area outside each polling station used for polling for that constituency or election as a no canvassing zone and an area within that area as a no staying zone. A no canvassing zone and a no staying zone are to be determined with reference to a map or plan.

(2) If a polling station is to be used for polling for-

(a) more than one constituency; or

(b) jointly for a constituency or constituencies and for the Election Committee election, if a polling station is to be used for polling for more than one constituency,

the determination of the no canvassing zone and the no staying zone is to be made by the Returning Officer specified for the purpose by the Chief Electoral Officer.

(3) If the polling station is to be used only for one geographical constituency, the Returning Officer for the geographical constituency must give notice to the list of candidates nominated for that constituency. In the case of a multiple candidates list, notice must be given to the candidate ranking first in priority on the list and, in the case of a single candidate list, the candidate on the list.

(4) If the polling station is to be used only for one functional constituency, the Returning Officer for the functional constituency must give notice to the candidates for that constituency.

(5) If the polling station is to be used only for the Election Committee election, the Returning Officer must give notice to the candidates for that election.

(6) If a polling station is to be used for-

(a) more than one constituency; or

(b) jointly for a constituency or constituencies and the Election Committee election,

the following applies-

(i) if the Returning Officer who makes the determination is the Returning Officer for a constituency, that Officer must give notice to the candidates for that constituency and the Returning Officers for the other constituencies and the Returning Officer for the Election Committee election, as may be applicable; and

(ii) if the Returning Officer who makes the determination is the Returning Officer for the Election Committee election, that Officer must give notice to the candidates for that election and the Returning Officers for the constituencies.

(6) If a polling station is to be used for more than one constituency, and the Returning Officer who makes the determination is the Returning Officer for a constituency, that Officer must give notice to the candidates for that constituency and the Returning Officers for the other constituencies.

(7) Notice under subsection (3), (4), ~~(5)~~ or (6) must be given at least 7 days before polling day.

(8) A Returning Officer who is given notice under subsection (6) must give notice to the candidates for the constituency for which that Officer is appointed ~~or to the candidates for the Election Committee election, as may be applicable,~~ as soon as practicable after that Officer receives the notice.

(9) A Returning Officer who makes a determination of a no canvassing zone or a no staying zone may vary either or both those areas in accordance with this section. Subject to subsection (13), notice of a variation must be given as soon as practicable after the variation in the same manner as notice of a no canvassing zone or a no staying zone is given under subsection (3), (4), ~~(5)~~, (6) or (8).

(10) On polling day, the Returning Officer who has determined the no canvassing zone or the no staying zone (or subsequently varied it, if applicable) must display at or near the polling station a notice of the no canvassing zone and the no staying zone. That Officer must also indicate the boundaries of those zones in a manner that Officer thinks fit.

(11) If after display under subsection (10), either or both of those areas are varied, the Returning Officer must display at or near the polling station a notice of the no canvassing zone or the no staying zone or both those zones, if appropriate, as varied.

(12) A determination of a no canvassing zone or a no staying zone or the variation of such an area becomes effective only on the display of a notice under subsection (10) or (11), as may be applicable.

(13) A notice of a variation under subsection (11) need not be given to the candidates if it is not reasonably practicable to do so before the close of the poll. Notice may be given to the election agent or polling agent of a candidate if present at the polling station.

(14) A notice required to be given to a candidate under this section may be given to the election agent or polling agent of the candidate instead of to the candidate.

(15) For the purposes of this section "notice" (通知、公告) means a notice of the determination of the no canvassing zone and the no staying zone with a map or plan or separate maps or plans showing those zones in relation to the relevant polling station.

(16) On polling day, a person must not-

(a) subject to subsection ~~(17)(a)~~(17), engage in canvassing for votes in a no canvassing zone; (L.N. 65 of 2000)

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

(b) use a sound amplifying system or device for any purpose in the no canvassing zone;

(c) use a sound amplifying system or device, for canvassing for votes, so that the sound emitted by it can be heard in the no canvassing zone; (L.N. 65 of 2000)

(ca) subject to subsection ~~(17)(b)~~(18), without reasonable excuse, display or wear in the no canvassing zone any badge, emblem or clothing, 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 (L.N. 65 of 2000)

(ii) makes direct reference to -

(A) a body any member of which is standing as a candidate in the election; or

(B) a prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election;

or

(d) stay or loiter in the no staying zone without the express permission of the Presiding Officer.

~~(17) On polling day, a person may, 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-~~

- ~~(a) without obstructing any person, canvass for votes from door to door; and
(b) for the purpose of such canvassing, display any badge, emblem or clothing referred to in subsection (16)(ca). (L.N. 65 of 2000)~~

~~(17) A person may, on polling day, canvass for votes 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 for votes; and
(b) has no polling station inside it.~~

~~(18) A person may, for the purpose of canvassing for votes as described in subsection (17), display or wear any badge, emblem, clothing or head-dress referred to in subsection (16)(ca).~~

Section:	41	Presiding Officer to keep order in no canvassing zone and no staying zone	L.N. 65 of 2000	05/05/2000
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(1) The Presiding Officer must use that Officer's best endeavours to ensure that a person does not, on polling day, perform any act as described in section 40(16).

- ~~(a) engage in the canvassing for votes in the no canvassing zone (except as provided in section 40(17)(a)); (L.N. 65 of 2000)
(b) use a sound amplifying system or device in the no canvassing zone;
(c) use a sound amplifying system or device, for canvassing for votes, so that the sound emitted by it can be heard in the no canvassing zone; (L.N. 65 of 2000)~~

- ~~(ca) (except as provided in section 40(17)(b)) without reasonable excuse, display in the no canvassing zone any badge, emblem or clothing 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 (L.N. 65 of 2000)~~

~~(d) stay or loiter in the no staying zone (except where the person has been expressly permitted to do so by the Presiding Officer);~~

- (2) If, on polling day, in a no canvassing zone or a no staying zone, a person-
- (a) misconducts himself or herself, the Returning Officer or the Presiding Officer may;
- (b) fails to obey a lawful order of the Returning Officer, that Officer may; or
- (c) fails to obey a lawful order of the Presiding Officer, that Officer may,

order the person to leave the no canvassing zone or the no staying zone, as the case may be, immediately.

(3) If a person fails to leave when ordered to do so under subsection (2), the person may be removed by a police officer or by a person authorized in writing by the Returning Officer or the Presiding Officer, as may be appropriate.

(4) A person who is removed under subsection (3) may not enter the relevant zone area again on that day, unless the Returning Officer or the Presiding Officer, as may be appropriate, permits him or her to do so.

(5) The powers conferred by this section are not to be exercised so as to prevent a person from voting at the polling station allocated to that person.

Section:	42	Candidates may appoint polling agents	L.N. 65 of 2000	05/05/2000
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(1) Candidates may appoint persons to attend at polling stations on their behalf for any purpose connected with the conduct of a poll, in accordance with this section.

(2) Polling agents may be appointed to attend only at the polling stations used for polling for the constituency for which the candidate or the candidate as on a list of candidates is standing for election, or if the candidate is standing for election by the Election Committee, at the polling stations used for polling for the Election Committee election.

(3) Candidates on a multiple candidates list may jointly appoint a maximum of 2 polling agents for one polling station.

(4) A candidate on a single candidate list may appoint a maximum of 2 polling agents for one polling station.

(5) A candidate for a functional constituency may appoint a maximum of 2 polling agents for one polling station.

(6) A candidate for the Election Committee election may appoint a maximum of 2 polling agents for one polling station.

(7) Only a holder of an identity card who has attained the age of 18 years may be appointed as a polling agent. (L.N. 147 of 1998)

(8) A candidate must give notice of appointment of a polling agent to the Chief Electoral Officer at least 1 week before polling day. In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998; L.N. 65 of 2000)

(9) If notice is not given under subsection (8), it must be delivered on polling day to the Presiding Officer for the polling station for which the polling agent is appointed-

(a) by the candidate in person, or in the case of a multiple candidates list, by any candidate on the list in person; or

(b) by the election agent of the candidate or of the list, in person. (L.N. 147 of 1998)

(10) The appointment of a polling agent is not effective until notice is received by the Chief Electoral Officer or the Presiding Officer, as may be appropriate. (L.N. 65 of 2000)

(11) A notice for the purposes of this section must be in writing and in the specified form. It must state the name, identity document number and residential address of the polling agent. It must be signed by the candidate or, in the case of a multiple candidates list, by all the candidates on the list. (L.N. 65 of 2000)

(12) If the appointment of a polling agent is revoked, the candidate must give notice of the revocation to the Chief Electoral Officer or Presiding Officer in accordance with subsection (14). In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998; L.N. 65 of 2000)

(13) A notice of revocation must be in writing and in the specified form. In the case of a polling agent for a functional constituency, the Election Committee election or a single candidate list, it must be signed by the candidate. In the case of a multiple candidates list, it must be signed by all the candidates on the list.

(14) If the notice of revocation is given before polling day, it must be given to the Chief Electoral Officer. If it is given on polling day, it must be given to the Presiding Officer for the polling station for which the polling agent is appointed in accordance with subsection (9). (L.N. 65 of 2000)

(15) The revocation of the appointment of a polling agent is not effective unless notice is received by the Chief Electoral Officer or the Presiding Officer, as may be appropriate. (L.N. 65 of 2000)

Section:	43	Chief Electoral Officer to delineate polling stations on a map and display map outside the polling station	L.N. 20 of 1998	21/01/1998
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(1) The Chief Electoral Officer must delineate each polling station on one or more maps or plans. The Chief Electoral Officer must display the relevant map or plan outside each polling station.

(2) The Presiding Officer must demarcate clearly by marks, barriers or other means as that Officer thinks fit, the polling station in accordance with the map or plan referred to in subsection (1).

(3) The Chief Electoral Officer and the Presiding Officer must carry out their functions under this section before the poll commences.

Section:	44	Who may enter or be present at a polling station	L.N. 65 of 2000	05/05/2000
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(1) Except where it is provided otherwise in this Regulation, a person must not enter a polling station other than to vote.

(2) Subject to subsections (4) and (5), in order to ensure that polling takes place smoothly and efficiently, the Presiding Officer may-

- (a) regulate the number of electors, authorized representatives, candidates, election agents and polling agents to be admitted to the polling station at any one time; or
- (b) exclude any person from the polling station.

(3) Without limiting subsection (2), the Presiding Officer may exclude from the polling station any person who is present in contravention of this section.

(4) The Presiding Officer may not exclude from the polling station-

- (a) a polling officer;
- (aa) the Chief Returning Officer; (L.N. 65 of 2000)
- (b) the Returning Officers or Assistant Returning Officers for the constituencies for which the polling station is used; (L.N. 65 of 2000)
- ~~(c) if the polling station is used for the Election Committee election, the Returning Officer or Assistant Returning Officers for that election; (L.N. 65 of 2000)~~
- (d) members of the Commission;
- (e) public officers on duty at the polling station;
- (f) the Chief Electoral Officer; (L.N. 65 of 2000)
- (g) public officers authorized in writing by the Chief Electoral Officer; or (L.N. 65 of 2000)
- (h) persons authorized in writing by a member of the Commission; (L.N. 65 of 2000)
- (i) police officers and members of the Civil Aid Service on duty at the polling station; or
- (j) a person authorized in writing by the Returning Officer to act as a liaison officer.

(5) A person authorized by the Commission to be present in a polling station may be present in accordance with the terms of the authorization.

(6) Subject to subsections (7), (8), (9), (10), (11) and (12), on behalf of each candidate or list of candidates, one polling agent of that candidate or list may be present in the polling station at any one time.

(7) If a candidate or one of the candidates on a multiple candidates list is present in the polling station, the election agent or polling agent of that candidate or list may not be present in that polling station at the same time.

(8) If the election agent of a candidate or a list of candidates is present in the polling station, a polling agent of that candidate or list may not be present in that polling station at the same time.

(9) A candidate, an election agent or polling agent may be present in the polling station subject to the availability of seats in the area designated to accommodate them.

(10) A person referred to in subsection (9) who wishes to be admitted to the polling station must, on arriving at the polling station, report in person to the Presiding Officer and produce his or her identity document and a declaration of secrecy completed on the specified form by him or her.

(11) If the area referred to in subsection (9) is occupied to its full seating capacity, the Presiding Officer may refuse entry to the polling station to any person referred to in that subsection. That Officer may make arrangements for admitting them to the polling station later.

(12) Only an election agent or polling agent regarding whom notice of appointment has been given under this Regulation may be present at a polling station on behalf of a candidate or a list of candidates.

(13) If-

- (a) a person arrives at a polling station for the purpose of voting accompanied by a child; and
- (b) the Presiding Officer considers that the child-
 - (i) should not be left unattended while the person is in the polling station; and
 - (ii) will not disturb or cause inconvenience to any person in the polling station,

that Officer may permit the child to enter the polling station. (L.N. 65 of 2000)

(14) The Presiding Officer must not exercise the powers conferred on that Officer under this section so as to prevent a person from voting at the polling station allocated to that person. (L.N. 147 of 1998)

Section:	45	What constitutes an offence at a polling station	L.N. 65 of 2000	05/05/2000
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- (1) Subject to subsection (6), if on polling day, within a polling station, a person-
 - (a) communicates with an elector or an authorized representative; or
 - (b) uses a mobile telephone, paging machine or any other device for electronic communication,

contrary to a direction of the Presiding Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Deputy Presiding Officer or Assistant Presiding Officer not to do so, that person commits an offence. (L.N. 147 of 1998)

(2) A person who, on polling day, films or takes photographs or makes any audio or video recording within a polling station without-

- (a) the express permission of-
 - (i) the Presiding Officer; or
 - (ii) any member of the Commission; or
- (b) the express permission, in writing, of the Returning Officer for-
 - (i) the constituency or constituencies for which the polling station is used for polling; or
 - (ii) the Election Committee election, if the polling station is used for polling for that election,

commits an offence (L/N. 65 of 2000)

- (3) A person who, on polling day, engages in the canvassing for votes or displays an

election advertisement within a polling station commits an offence. (L.N. 65 of 2000)

(4) A person who, on polling day, fails to comply with a lawful order given by the Returning Officer or the Presiding Officer or behaves in a disorderly manner in a no canvassing zone or a no staying zone or within or at a polling station or contravenes section 40(16) or 41(4), commits an offence.

(5) A person who, without reasonable excuse, displays or wears, on polling day and within a polling station, any badge, emblem or clothing, 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~~ prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election,

commits an offence. (L.N. 65 of 2000)

(6) Subsection (1) does not apply to-

- (a) a Returning Officer or an Assistant Returning Officer;
- (b) a member of the Commission;
- (c) the Chief Electoral Officer; (L.N. 147 of 1998)
- (d) a person authorized in writing by a member of the Commission to so communicate;
- (e) a Presiding Officer;
- (f) a polling officer;
- (g) a person authorized in writing by the Returning Officer to act as a liaison officer;
- (h) a police officer on duty at a polling station; or
- (i) a member of the Civil Aid Service on duty at the polling station. (L.N. 147 of 1998)

(7) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 3 months. (L.N. 147 of 1998)

Section:	46	Presiding Officer to keep order at the polling station	L.N. 20 of 1998	21/01/1998
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- (1) The Presiding Officer must keep order at the polling station.
- (2) If, on polling day, in the polling station or its vicinity, a person-
 - (a) misconducts himself or herself, the Returning Officer or the Presiding Officer may;
 - (b) fails to obey a lawful order of the Returning Officer, that Officer may; or
 - (c) fails to obey a lawful order of the Presiding Officer, that Officer may,
 order the person to leave the polling station or the vicinity of the polling station, as the case may be, immediately.
- (3) If a person fails to leave when ordered to do so under subsection (2), the person may be removed by a police officer or by a person authorized in writing by the Returning Officer or the Presiding Officer, as may be appropriate.
- (4) A person who is removed under subsection (3) may not enter the relevant polling station again on that day, unless the Returning Officer or the Presiding Officer, as may be appropriate, permits him or her to do so.
- (5) The powers conferred by this section are not to be exercised so as to prevent a person from voting at the polling station allocated to that person.

Section:	47	Design of ballot box	L.N. 20 of 1998	21/01/1998
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A ballot box to be used for an election is to be so constructed that ballot papers can be introduced into it while it is locked but cannot be withdrawn from it without unlocking it or breaking the seal or the sealing device.

Section:	48	Presiding Officer to seal ballot box before commencement of poll	L.N. 65 of 2000	05/05/2000
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(1) Immediately before the commencement of the poll, the Presiding Officer must show each ballot box, empty, to the persons, if any, as are then present within the polling station. Then the Presiding Officer must lock the ballot box, seal it with a seal provided for that purpose or any other device specified by the Chief Electoral Officer, so that it cannot be opened without breaking the seal or the device.

(2) The Presiding Officer must place the ballot box for the receipt of ballot papers in that Officer's view or in the view of any other polling officers, and must keep it locked and sealed. (L.N. 65 of 2000)

Section:	49	Form of ballot papers and order of appearance of lists or names of candidates on ballot papers	L.N. 65 of 2000	05/05/2000
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(1) A ballot paper to be used to vote for a geographical constituency is to be in Form 1 in Schedule 3.

(2) A ballot paper to be used to vote for a special functional constituency is to be in Form 2 in Schedule 3.

(3) A ballot paper to be used to vote for an ordinary functional constituency is to be in Form 3(a) or 3(b) in Schedule 3, as appropriate. (L.N. 65 of 2000)

~~(4) A ballot paper to be used to vote at the Election Committee election is to be in Form 4 in Schedule 3.~~

(4) The Chief Electoral Officer may modify the layout of any Form in Schedule 3 to incorporate particulars relating to candidates to be printed on a ballot paper in accordance with the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (L.N. 263 of 2003).

(5) The Commission may decide-

- (a) to have a ballot paper printed in white or in colour or colour pattern;
- (b) the colour in which a ballot paper is to be printed or the colour pattern to be printed on a ballot paper;
- (c) to have different types of ballot paper printed in different colours or with different colour patterns;
- (d) whether or not to have a design on the back of a ballot paper;
- (e) the design to be printed on the back of a ballot paper; or
- (f) to have different designs printed on the back of different types of ballot papers.

(6) The order in which lists of candidates appear on a GC ballot paper is to be determined by the Returning Officer by the drawing of lots. A number is to be allocated to each list in accordance with the result of the draw. That number is to be printed on the ballot paper against the list of candidates. In each list, each candidate is to be allocated a letter of the alphabet to indicate the order of priority, beginning with the letter "a" for the candidate ranking first in priority; and the letter so allocated is to be printed on the ballot paper against the name of the candidate. (L.N. 147 of 1998)

(7) The order in which the names of candidates appear on an FC ballot paper for a functional constituency is to be determined by the Returning Officer by the drawing of lots. (L.N. 147 of 1998)

(8) Each ordinary functional constituency is to be assigned a letter of the alphabet by the Chief Electoral Officer and each candidate for an ordinary functional constituency is to be allocated a number preceded by the letter so assigned, according to the result of the draw. The letter and the number are to be printed on the ballot paper against the name of the candidate. (L.N. 147 of 1998; L.N. 65 of 2000)

(9) A letter of the alphabet is to be allocated to each candidate for a special functional constituency according to the result of the draw and that letter preceded by an appropriate abbreviation for the name of the special functional constituency is to be printed on the ballot paper against the name of the candidate. (L.N. 147 of 1998)

~~(10) The order in which the names of candidates appear on an EC ballot paper is to be determined by the Returning Officer by the drawing of lots. A number with 2 digits is to be allocated to each candidate in accordance with the result of the draw. (L.N. 147 of 1998)~~

(11) A candidate may be present at the drawing of lots under this section or be represented by a person authorized in writing by him or her.

(12) The Returning Officer must give notice to each candidate of the arrangements for the drawing of lots under this section. In the case of a multiple candidates list, notice need to be given only to the candidate ranking first in priority on the list.

(13) A ballot paper is to contain the following information-

(a) the name of the candidate;

(aa) ~~the particulars specified in the Schedule to the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (L.N. 263 of 2003);~~

(b) if the Commission so determines, the address of the candidate as shown on the notice of nominations; and

(c) the number or a letter of the alphabet allocated to the candidate or the list of candidates under this section.

(13A) In the case of the death or disqualification of a candidate who has been allocated a number or a letter of the alphabet under this section, the name of the candidate and the information under subsection (13) relating to that candidate-

(a) are to be omitted from the ballot paper; or

(b) if printed on the ballot paper, are to be crossed out in accordance with section 37(2). (L.N. 65 of 2000)

(13B) The number or letter of the alphabet allocated to a candidate under this section is not to be altered even if the information relating to another candidate for the constituency concerned or for the Election Committee election, as the case may be, who has died or is disqualified is omitted from the ballot paper or crossed out under subsection (13A). (L.N. 65 of 2000)

(14) A ballot paper is to have the date and description of the election printed on the front of it.

(15) A number may be printed on the counterfoil of a ballot paper, but that number is not to be printed or shown in any manner on the ballot paper.

(16) A notice required to be given to a candidate under subsection (12) may be given to the election agent instead of to the candidate. (L.N. 147 of 1998)

Section:	50	Ballot paper to be given to person only if Presiding Officer is satisfied of person's identity	L.N. 20 of 1998	21/01/1998
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(1) The Presiding Officer must not give a ballot paper to a person unless that Officer is satisfied by inspecting that person's identity document or any other document showing the

person's name and photograph that he or she is the person registered in the final register, whom he or she claims to be.

(2) A person is not to be prevented from voting only due to an omission or inaccuracy of a particular required to be recorded in a final register, other than the omission of both the person's name and the identity document number.

Section:	51	Questions to be asked from persons applying for a ballot paper	L.N. 147 of 1998	27/02/1998
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(1) The Presiding Officer may, at the time a person applies for a ballot paper, but not afterwards, ask, in case of doubt, the appropriate questions set out in subsection (3). (L.N. 147 of 1998)

(2) When asking the questions, the Presiding Officer must have regard to whether the ballot paper applied for is a GC ballot paper, an FC ballot paper or an EC ballot paper or an FC ballot paper and the person applying for the ballot paper is an elector or an authorized representative. That Officer must choose, frame, adjust or modify the questions accordingly.

(3) The questions referred to in subsections (1) and (2) are-

- (a) "Are you the person registered in the final register now in effect for this geographical constituency, as follows (the Presiding Officer to read the whole entry as it is recorded in the register)?" or "你是否已登記在就本地方選區正有效的正式登記冊上，並且有關登記記項一如以下所述 (the Presiding Officer to read the whole entry as it is recorded in the register)?"
- (b) "Are you the person registered in the final register now in effect for this functional constituency, as follows (the Presiding Officer to read the whole entry as it is recorded in the register)?" or "你是否已登記在就本功能界別正有效的正式登記冊上，並且有關登記記項一如以下所述 (the Presiding Officer to read the whole entry as it is recorded in the register)?"
- (c) "~~Are you the person registered in the Election Committee final register, as follows (the Presiding Officer to read the whole entry as it is recorded in the register)?" or "你是否已登記在選舉委員會正式委員登記冊上，並且有關登記記項一如以下所述 (the Presiding Officer to read the whole entry as it is recorded in the register)?"~~
- (d) "Have you already voted for this or any other geographical constituency in this election?" or "在這次選舉中，你是否已經就本地方選區或任何其他地方選區投票？"
- (e) "Have you already voted for this functional constituency in this election?" or "在這次選舉中，你是否已經就本功能界別投票？"
- (f) "~~Have you already voted at the Election Committee election?" or "你是否已經在選舉委員會選舉中投票？"~~

(4) The Presiding Officer must ask the appropriate questions set out in subsection (3) if so required by a candidate, an election agent or a polling agent.

(5) The Presiding Officer must not give a ballot paper to any person who fails to answer the questions asked of that person under this section to the satisfaction of that Officer.

Section:	52	A candidate or election agent may challenge a person who has applied for a ballot paper or who has voted	L.N. 55 of 2000	03/03/2000
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(1) If a candidate, an election agent or a polling agent declares to the Presiding Officer that he or she has reasonable cause to believe that a person has engaged in corrupt conduct by impersonation and undertakes in writing to substantiate the allegation in a court, the Presiding Officer may request a police officer to arrest that person. A candidate or an election agent or a polling agent may so declare only at the time a person applies for the ballot paper or after a person has applied for a ballot paper and before he or she has left the polling station.

(2) If the Presiding Officer has reason to believe that a person applying for a ballot paper or who has applied for a ballot paper and who has not left the polling station has engaged in corrupt conduct by impersonation, the Presiding Officer may request a police officer to arrest that person.

(3) A person regarding whom a declaration is made under subsection (1) (whether or not that person is arrested under that subsection) or a person who has been arrested under subsection (2) is not to be prevented from voting only by reason of the declaration or the arrest.

(4) In this section, the reference to corrupt conduct by impersonation is to be construed as the corrupt conduct referred to in section 15 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554). (10 of 2000 s. 47)

(10 of 2000 s. 47)

Section:	53	Presiding Officer to issue one or more ballot papers depending on the entitlement to vote	L.N. 65 of 2000	05/05/2000
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(1) At a polling station used only for polling for a geographical constituency, the Presiding Officer is to issue only one ballot paper to an elector who applies for a ballot paper.

(2) At a polling station used only for polling for a functional constituency, the Presiding Officer is to issue only one ballot paper to an elector or authorized representative who applies for a ballot paper.

~~(3) At a polling station used only for polling for the Election Committee election, the Presiding Officer is to issue only one ballot paper to an elector who applies for a ballot paper.~~

(4) At a GC polling station which is also used for polling for one or more ordinary functional constituencies, the Presiding Officer-

- (a) must issue a GC ballot paper to an elector who is entitled to vote only for that geographical constituency;
- (b) must issue a GC ballot paper and the appropriate FC ballot paper to a GC elector who is entitled to vote for an ordinary a functional constituency either as an elector or as an authorized representative; and
- (c) must issue a GC ballot paper and the appropriate FC ballot papers to a GC elector who is entitled to vote as an elector for an ordinary a functional constituency and as an authorized representative for another ordinary functional constituency. (L.N. 147 of 1998; L.N. 65 of 2000)

~~(5) At an EC polling station which is also used for polling for one or more geographical constituencies and one or more functional constituencies, the Presiding Officer-~~

- ~~(aa) must issue the appropriate GC ballot paper and FC ballot paper to a person who is entitled to vote for a geographical constituency and as an elector or authorized representative for a special functional constituency; (L.N. 65 of 2000)~~
- ~~(ab) must issue the appropriate GC ballot paper and FC ballot papers to a person who is entitled to vote for a geographical constituency and-~~
 - ~~(i) for a special functional constituency as an elector and for another special functional constituency as an authorized representative; or~~
 - ~~(ii) for a special functional constituency and for an ordinary functional constituency, as an elector for one and as an authorized representative for the other; (L.N. 65 of 2000)~~

- ~~(a) must issue an EC ballot paper and the appropriate GC ballot paper to a person who is entitled to vote at the Election Committee election and a geographical constituency; and~~
- ~~(b) must issue an EC ballot paper, the appropriate GC ballot paper and FC ballot paper to a person who is entitled to vote at the Election Committee election, for a geographical constituency and as an authorized representative for a functional constituency. (L.N. 147 of 1998)~~

(6) Before issuing a ballot paper or ballot papers under this section, the name of the elector or authorized representative, as may be applicable, as stated in the copy of the relevant final register supplied under section 37(3) must be called out. (L.N. 65 of 2000)

(7) Immediately before issuing the ballot paper or ballot papers, the Presiding Officer must place a line in the copy of the final register across the name and identity document number of the elector or authorized representative to denote that the ballot papers the person is entitled to have issued to him or her at that polling station have been so issued. (L.N. 65 of 2000)

(8) No record is to be made of the particular ballot paper or ballot papers issued to an elector or authorized representative.

(L.N. 147 of 1998)

Section:	53A	Elector who has not cast vote may return to cast vote with permission		
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- (1) Subject to subsection (5), if an elector -
 - (a) has been issued with a ballot paper; and
 - (b) has left the polling station without casting the vote,
 the elector must not cast the vote when the elector returns to the polling station before the close of the poll unless -
 - (c) before leaving the polling station, the elector 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 the 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 that Officer 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), that Officer must -
 - (a) keep in 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), that Officer 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) has become 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 the 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 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) is to be regarded as issuing a ballot paper under section 53(1) or (2).

Section:	54	Procedure for voting	L.N. 65 of 2000	05/05/2000
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(1) When an elector or authorized representative is issued with a ballot paper or ballot papers, he or she must immediately go into a voting compartment and mark the ballot paper or ballot papers as appropriate. After marking the ballot paper or ballot papers, the elector or authorized representative must, before leaving the voting compartment, conceal the mark or marks on it or them in the appropriate manner described in subsection (2) ~~or (3)~~ and put the ballot paper or ballot papers, into the correct ballot box.

~~(2) An elector voting at the Election Committee election must put the marked ballot paper, unfolded, into the envelope provided for the purpose of concealing the marks on the ballot paper and put the envelope containing the ballot paper into the ballot box. Before putting the ballot paper into the ballot box, the elector may ascertain whether he or she has marked the ballot paper correctly by using the device, if any, provided for that purpose at the polling station.~~

(3) An elector or authorized representative voting for a constituency must - fold the ballot paper so that the marked side is inside and if an envelope is provided for the purpose of concealing the mark or marks, put the folded ballot paper into the envelope, and put the envelope containing the ballot paper into the ballot box. If an envelope has not been provided, the elector or authorized representative must fold the ballot paper so that the marked side is inside and put the folded ballot paper into the ballot box.

(a) in relation to an FC ballot paper, put the ballot paper, unfolded, into the ballot box with the marked side facing down;

(b) in relation to a GC ballot paper, fold the ballot paper so that the marked side is inside and put the folded ballot paper into the ballot box.

(4) An elector or an authorized representative must cast his or her vote without undue delay. An elector or authorized representative must leave the polling station as soon as he or she has put the ballot paper or ballot papers into the ballot box or ballot boxes.

(5) Subject to subsections (2) and subsection (3), a person must not put anything other than a marked ballot paper into the ballot box.

(6) Except where it is provided otherwise in this Regulation, a person must not remove a ballot paper from a polling station. A person who contravenes this subsection commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months. (L.N. 65 of 2000)

(7) In this section "voting compartment" (投票間) means a compartment provided under section 37(1) for the purpose of marking ballot papers.

Section:	55	How GC ballot papers are to be marked	L.N. 65 of 2000	05/05/2000
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(1) An elector voting for a geographical constituency must mark his or her ballot paper with the chop provided under section 37(6) for the purpose. (L.N. 65 of 2000)

(2) The chop is to be affixed to give a single "✓" in the circle opposite the list of candidates of the elector's choice on the ballot paper. (L.N. 65 of 2000)

Section:	56	How special functional constituency ballot papers are to be marked	L.N. 65 of 2000	05/05/2000
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(1) An elector or authorized representative voting for a special functional constituency must mark the ballot paper as described in section 50(3) of the Legislative Council Ordinance (Cap 542).

(2) For the purposes of this section and section 50(3) of the Legislative Council Ordinance (Cap 542), an elector or authorized representative must mark the first preference by entering, in accordance with subsection (2A), "1" (Arabic numeral) against the name of a candidate on the ballot paper and mark, in the same manner, the other preferences in the descending order beginning with "2" (Arabic numeral). (L.N. 65 of 2000)

(2A) The Arabic numeral is to be entered in the circle opposite the name of the candidate of the elector's or authorized representative's choice on the ballot paper. (L.N. 65 of 2000)

(3) If a person referred to in subsection (1) marks a first preference for 2 or more candidates (whether or not that person marks preferences for any other candidate) or does not mark a first preference (whether or not that person marks any other preference) the ballot paper is void.

Section:	57	How ordinary functional constituency ballot papers are to be marked	L.N. 65 of 2000	05/05/2000
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(1) An elector or authorized representative voting for an ordinary functional constituency must mark his or her ballot paper with the chop provided under section 37(6) for the purpose. The elector or authorized representative may vote for a number of candidates not exceeding the number of Members to be returned for that ordinary functional constituency. (L.N. 65 of 2000)

(2) The chop is to be affixed to give a single "✓" in the circle opposite the names of the candidates of the elector's or authorized representative's choice on the ballot paper. (L.N. 65 of 2000)

Section:	58	How EC ballot papers are to be marked	L.N. 65 of 2000	05/05/2000
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~~A person voting at the Election Committee election must mark the ballot paper by shading the space provided for that purpose on the ballot paper against the name of each candidate, against not more than and not less than 6 candidates of his or her choice.~~

~~(L.N. 65 of 2000)~~

Section:	59	Marking of ballot papers for or by incapacitated person	L.N. 20 of 1998	21/01/1998
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(1) The Presiding Officer may mark a ballot paper for an elector or authorized representative who is or claims that he or she is unable to read or is incapacitated from voting due to blindness or other physical cause. The Presiding Officer may do so only on the application of such an elector or authorized representative.

(2) The Presiding Officer must mark the ballot paper for a person referred to in subsection (1) in the presence of a polling officer and in the appropriate manner specified in section 55, 56, ~~57 or 58~~ or 57 (as may be applicable), according to the choice of the elector or authorized representative. The Presiding Officer must put the ballot paper into the ballot box, in the appropriate manner described in section 54 in the presence of a polling officer, after marking it.

(3) An elector or authorized representative who is blind or claims that he or she is blind may make use of a template to mark the ballot paper if a template is provided for that purpose at the polling station.

Section:	60	When a person is to be issued with a ballot paper marked "重複" and "TENDERED"	L.N. 20 of 1998	21/01/1998
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(1) If Subject to subsection (2) and section 53A, if a person ("the first-mentioned person") representing himself or herself to be a particular elector or authorized representative applies for a ballot paper after another person has been issued with a ballot paper on the basis that he or she is that first-mentioned person, the Presiding Officer must issue to the first-mentioned person a ballot paper endorsed on the front of it with the words "重複" and "TENDERED".

(2) The Presiding Officer may issue a ballot paper under subsection (1) only if the first-mentioned person answers the appropriate questions set out in section 51 to the satisfaction of the Presiding Officer, if –

- (a) the Presiding Officer is not certain that the first-mentioned person is the person who has been issued with a ballot paper earlier; and
- (b) the first-mentioned person answers the appropriate questions set out in section 51 to the satisfaction of the Presiding Officer.

Section:	61	What ballot papers are to be marked "未用" and "UNUSED" by the Presiding Officer	L.N. 20 of 1998	21/01/1998
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(1) Unless it is not reasonably practicable to do so, the Presiding Officer must endorse the words "未用" and "UNUSED" on any ballot paper that has been issued but has not been put into the ballot box.

(2) References in this Regulation to an "unused ballot paper" are to be construed as a reference to a ballot paper which has been issued and has not been put into the ballot box, whether or not it has been endorsed under subsection (1).

Section:	62	What ballot papers are to be marked "損壞" and "SPOILT" by the Presiding Officer	L.N. 20 of 1998	21/01/1998
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(1) If an elector or authorized representative inadvertently deals with the ballot paper issued to him or her in such a manner that it cannot be properly used as a ballot paper or makes an error in marking a ballot paper, he or she may apply to the Presiding Officer for another ballot paper.

(2) The Presiding Officer may issue another ballot paper to a person referred to in subsection (1) if that person gives back the ballot paper already issued to him or her to the Presiding Officer and establishes to the satisfaction of the Presiding Officer inadvertence or the fact that he or she made an error.

(3) The Presiding Officer must immediately cancel the ballot paper given back to that Officer under subsection (2) by endorsing on the front of it with the words "損壞" and "SPOILT".

Section:	63	Steps to be taken at a polling station at the close of the poll: a polling station which is not a small polling station	L.N. 65 of 2000	05/05/2000
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~~(1) As soon as practicable after the close of the poll at a polling station, the Presiding Officer must, in the presence of the persons, if any, who are present within the polling station, take the following steps-~~

- ~~(a) seal each ballot box with a seal provided for that purpose or with any other device specified by the Chief Electoral Officer, so that a ballot paper or any other material cannot be introduced or withdrawn from the ballot box after it is sealed; and~~
- ~~(b) 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.~~~~

~~(2) The Presiding Officer must then comply with section 70 in relation to the ballot box, the sealed packets and the ballot paper account. (L.N. 65 of 2000)~~

~~(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.~~

~~(3) At a polling station used for polling for more than one constituency or which is used for polling for a constituency and the Election Committee election, the Presiding Officer must make separate sealed packets for each constituency and the Election Committee election.~~

~~(4) For the avoidance of doubt it is stated that the ballot papers in a sealed packet prepared under this section are not to be counted for the purpose of counting the votes. Accordingly, the references to ballot papers in relation to the counting of the votes are to be construed as not including those ballot papers.~~

Section:	63A	Steps to be taken at the close of the poll: a small polling station		
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(1) As soon as practicable after the close of the poll at a small polling station, the Presiding Officer of that polling station 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.

(2) A candidate and an election agent and a polling agent of such candidate may stay in a polling station referred to in subsection (1) while it is closed for taking the steps referred to in subsection (1)(a), (b), (c), (d) and (e).

(3) The Presiding Officer of the small polling station must then deliver the ballot box or boxes and the sealed packets to the Presiding Officer of the main counting station.

Section:	64	Presiding Officer to prepare ballot paper account	L.N. 65 of 2000	05/05/2000
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(1) The Presiding Officer must prepare a statement which complies with subsection (2). At a polling station used for polling for more than one constituency, or for a constituency and the Election Committee election, the Presiding Officer must make a separate statement for each constituency and the Election Committee election. (L.N. 65 of 2000) the Presiding Officer must make a separate statement for each constituency.

(2) The statement under subsection (1) must be in the specified form and show the number of ballot papers for the constituency or the Election Committee election, as the case may be, supplied to the Presiding Officer under section 37(2) and account for those ballot papers under the following heads-

- (a) the number of ballot papers estimated by the Presiding Officer to be in the ballot box or boxes;
- (b) the number of un-issued ballot papers;
- (c) the number of unused ballot papers; and
- (d) the number of spoilt ballot papers.

PART IV

COUNTING OF VOTES: GENERAL ELECTION AND BY-ELECTIONS

Section:	65	Returning Officer and Presiding Officer to give notice of time and place of counting of votes to candidates	L.N. 20 of 1998	21/01/1998
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(1) Subject to subsection (7), the Returning Officer or the Presiding Officer, as may be

appropriate, is to determine the time at which the counting of the votes in respect of a constituency or the Election Committee election is to begin.

~~(2) The time determined under subsection (1)-~~

- ~~(a) for a constituency must be a time after the poll has closed at all the polling stations at which polling for that constituency was conducted; and~~
- ~~(b) for the Election Committee election must be a time after the poll has closed at all the polling stations at which polling for the Election Committee election was conducted.~~

~~(2) The time determined under subsection (1) for a constituency must be a time after the poll has closed at all the polling stations at which polling for that constituency was conducted.~~

~~(3) The Returning Officer must give notice in writing to each candidate for a constituency of the time determined for the counting of the votes for that constituency to begin and functional constituency of the place or places at which counting is to take place for the functional constituency contested by the candidate.~~

~~(4) The Returning Officer must give notice in writing to each candidate for the Election Committee election of the time determined for the counting of the votes for that election to begin and the place or places at which counting is to take place.~~

~~(5) Notice under subsection (3) or (4) must be given at least 24 hours in advance of the relevant time determined under subsection (1) working day before the polling day.~~

~~(5A) 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.~~

~~(6) If a poll for a constituency or the Election Committee election is adjourned under Schedule 2, the counting of the votes for that constituency or the Election Committee election is to stand postponed.~~

~~(7) If the counting of the votes stands postponed under subsection (6), the Chief Electoral Officer is to determine a time for the counting to begin and the place or places for it to take place. The time must be after the adjourned poll is resumed and after the close of that poll. The Returning Officer is to give notice to each candidate of the relevant constituency or the Election Committee election, as the case may be, of the time and place.~~

~~(8) A notice required to be given under this section may be given to the election agent or counting agent of a candidate or a list of candidates instead of to the candidate.~~

~~(9) In this section, "Presiding Officer" (投票站主任) does not include a Presiding Officer of a small polling station.~~

Section:	66	Candidates may appoint counting agents	L.N. 65 of 2000	05/05/2000
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~~(1) A candidate for a functional constituency or a list of candidates may appoint persons to attend at a counting station to observe the counting of the votes for the constituency contested by the candidate or the list, in accordance with this section. A candidate for the Election Committee election may appoint persons to attend at a counting station to observe the counting of the votes for that election, in accordance with this section.~~

~~(2) The Commission is to determine the maximum number of counting agents a candidate or a list of candidates may appoint.~~

~~(3) In the case of a multiple candidates list, the counting agents must be appointed jointly by all the candidates on the list.~~

~~(4) Only a holder of an identity card who has attained the age of 18 years may be appointed as a counting agent. (L.N. 147 of 1998)~~

~~(5) A candidate must give notice of appointment of a counting agent to the Returning Officer at least 3 working days 1 week before polling day. In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998)~~

(6) If notice is not given under subsection (5), it must be delivered on polling day to the Returning Officer or the Presiding Officer, as may be appropriate-

- (a) by the candidate in person, or in the case of a multiple candidates list, by any candidate on the list in person; or
- (b) by the election agent of the candidate or of the list, in person. (L.N. 147 of 1998)

(7) A notice for the purposes of this section must be in writing and in the specified form. It must state the name, identity document number and residential address of the counting agent. It must be signed by the candidate or, in the case of a multiple candidates list, by all the candidates on the list. (L.N. 65 of 2000)

(8) The appointment of a counting agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate.

(9) If the appointment of a counting agent is revoked, the candidate must give notice of the revocation to the Returning Officer or the Presiding Officer, as may be appropriate. In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998)

(10) A notice of revocation must be in writing and in the specified form. In the case of a counting agent for a functional constituency, ~~the Election Committee election~~ or a single candidate list, it must be signed by the candidate. In the case of a multiple candidates list, it must be signed by all the candidates on the list.

(11) If notice of revocation is given on polling day it must be given in accordance with subsection (6).

(12) A revocation of the appointment of a counting agent is not effective until notice of it is received by the Returning Officer or the Presiding Officer, as may be appropriate.
(L.N. 147 of 1998)

Section:	67	Chief Electoral Officer to appoint or revoke counting officers	L.N. 65 of 2000	05/05/2000
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(1) The Chief Electoral Officer may appoint, as counting officers, persons that Officer considers suitable to assist a Returning Officer or a Presiding Officer in counting the votes. (L.N. 65 of 2000)

(2) The Chief Electoral Officer must supply to the Returning Officer or the Presiding Officer a list of the counting officers appointed to assist the ~~Returning Officer~~ that Officer.

(3) The Chief Electoral Officer must display the list of counting officers in a prominent place within the relevant counting station or stations.

(4) The Chief Electoral Officer may at any time revoke the appointment of a counting officer made under subsection (1).

Section:	68	Who may be present at the counting of the votes	L.N. 65 of 2000	05/05/2000
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(1) Subject to subsections (2) and (5), only the Chief Returning Officer, Returning Officer, Assistant Returning Officers, Presiding Officer, Deputy Presiding Officer and Assistant Presiding Officers and the following persons may be present at the counting of the votes-

- (a) counting officers;
- (b) candidates;
- (c) election agents and counting agents;
- (d) members of the Commission;
- (e) the Chief Electoral Officer;
- (f) police officers on duty at the counting station;

- (g) members of the Civil Aid Service on duty at the counting station;
- (ga) public officers authorized in writing by the Chief Electoral Officer; or (L.N. 65 of 2000)
- (h) persons authorized in writing by a member of the Commission.
- (2) No other person may be present at the counting of the votes except with the permission of-
- (a) if the counting takes place at a counting zone of the central counting station, the Chief Returning Officer, or the Returning Officer in charge of that counting zone;
- (b) if the counting takes place at a counting zone of any other counting station, the ~~Returning Officer~~ Presiding Officer who supervises the counting station. (L.N. 65 of 2000)
- (3) The Chief Returning Officer, and the Returning Officer in charge of the counting zone are to ensure that the arrangements for the counting of the votes at a counting zone of the central counting station are such that the candidates and their respective election agents or counting agents are able to observe how individual votes are counted.
- (3A) ~~The Returning Officer~~ Presiding Officer who supervises a counting station is to ensure that the arrangements for the counting of the votes at a counting zone of that counting station are such that the candidates and their respective election agents or counting agents are able to observe how individual votes are counted. (L.N. 65 of 2000)
- (4) Only an election agent or counting agent regarding whom notice of appointment has been given under this Regulation may be present during the counting of the votes at the counting zone or zones. On arriving at the counting station, an election agent or counting agent must report in person to the Returning Officer or the Presiding Officer, as may be appropriate, and produce his or her identity document and a declaration of secrecy completed on the specified form by him or her.
- (5) The Chief Returning Officer (in the case of the central counting station), or the ~~Returning Officer~~ the Presiding Officer who supervises the counting station (in the case of any other counting station), may, if that Officer considers it appropriate and practicable without disrupting the count and prejudicing the secrecy of the individual votes, permit members of the public to observe the counting of the votes from an area at the counting station set apart for that purpose by that Officer. The area is to be at such a distance from the place where the votes are being counted as that Officer considers appropriate.

(L.N. 65 of 2000)

Section:	68A	What constitutes an offence at a counting station	L.N. 65 of 2000	05/05/2000
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- (1) A person who, during the relevant period, films or takes photographs or makes any audio or video recording within a counting zone of a counting station without the express permission of-
- (a) (i) in the case of the central counting station, the Chief Returning Officer, or the Returning Officer in charge of that counting zone;
- (ii) in the case of any other counting station, the ~~Returning Officer~~ Presiding Officer who supervises the counting station; or
- (b) any member of the Commission,
- commits an offence.
- (2) In subsection (1), "relevant period" (有關期間), in relation to a counting zone, means the period commencing from the time, determined under section 65, at which the counting of the votes is to begin at the zone and ending upon the completion of the counting and re-count, if any, at the zone.
- (3) A person who, at or in the vicinity of a counting station, behaves in a disorderly manner, or fails to comply with a lawful order given by-

- (a) in the case of the central counting station, the Chief Returning Officer, or the Returning Officer in charge of a counting zone of the counting station; or
- (b) in the case of any other counting station, the ~~Returning Officer~~ Presiding Officer who supervises the counting station,

commits an offence.

(4) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 3 months.

(L.N. 65 of 2000)

Section:	69	Returning Officers or Presiding Officers to keep order at the counting station	L.N. 65 of 2000	05/05/2000
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(1) The Chief Returning Officer, and the Returning Officers in charge of a counting zone of the central counting station must keep order at the central counting station. (L.N. 65 of 2000)

(1A) ~~The Returning Officer~~ Presiding Officer who supervises a counting station must keep order at that counting station. (L.N. 65 of 2000)

(2) If a person-

- (a) ~~misconducts himself or herself at or in the vicinity of-~~
 - (i) ~~the central counting station, the Chief Returning Officer may; or~~
 - (ii) ~~any other counting station, the Returning Officer who supervises that counting station may;~~
- (b) ~~at or in the vicinity of a counting station, fails to obey a lawful order of the Returning Officer-~~
 - (i) ~~who supervises that counting station; or~~
 - (ii) ~~in charge of a counting zone of that counting station, that Officer may;~~

~~order the person to leave the counting station or the vicinity of the counting station, as the case may be, immediately. (L.N. 65 of 2000)~~

(2) If, at or in the vicinity of the central counting station, a person -

- (a) misconducts himself or herself, or
 - (b) fails to obey a lawful order of -
 - (i) the Chief Returning Officer who supervises the counting station; or
 - (ii) the Returning Officer in charge of a counting zone of the counting station,
- that Officer may,

order the person to leave the counting station or the vicinity of the counting station, as the case may be, immediately.

(2A) If, at or in the vicinity of a counting station other than the central counting station, a person -

- (a) misconducts himself or herself, or
- (b) fails to obey a lawful order of the Presiding Officer who supervises the counting station,

the Presiding Officer may order the person to leave the counting station or the vicinity of the counting station, as the case may be, immediately.

(3) If a person fails to leave when ordered to do so under subsection (2) or (2A), the person may be removed by a police officer or by a person authorized in writing by the Chief Returning Officer or the Returning Officer, the Returning Officer or the Presiding Officer, as may be appropriate.

(4) A person who is removed under subsection (3) may not enter the relevant counting station again on that day, unless the Officer who ordered his or her removal permits him or

her to do so.

(5) (Repealed L.N. 65 of 2000)

Section:	70	Ballot boxes for FC ballot papers to be delivered to the counting station	L.N. 65 of 2000	05/05/2000
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(1) In a general election in relation to which the Chief Electoral Officer has exercised the power under section 28(9)(a), a Presiding Officer of a GC polling station must deliver or arrange to be delivered to the central counting station the ballot boxes from that Officer's polling station and the ballot boxes given into that Officer's charge under section 63A(3), for the FC ballot papers, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer for the functional constituencies. -

~~(a) a Presiding Officer of a GC polling station must deliver or arrange to be delivered-~~

~~(i) to the relevant GC counting station, the ballot boxes from that Officer's polling station for the GC ballot papers, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer for the geographical constituency; and~~

~~(ii) to the central counting station, the ballot boxes from that Officer's polling station for the FC ballot papers, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer for the functional constituencies; and~~

~~(b) a Presiding Officer of a EC polling station must deliver or arrange to be delivered to the central counting station, the ballot boxes from that Officer's polling station, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer.~~

(2) In a by-election for a constituency or the Election Committee functional constituency, the Presiding Officer must deliver or arrange to be delivered to the counting station for counting the votes cast at the by-election, the ballot boxes from that Officer's polling station, together with the sealed packets under section 63 and the ballot paper account prepared by that Officer.

(L.N. 65 of 2000)

Section:	71	Arrangements for the supervision of counting station and counting zone	L.N. 65 of 2000	05/05/2000
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(1) The Chief Returning Officer is to supervise the central counting station. In that counting station-

(a) the Chief Returning Officer is to be in charge of the counting zones for the special functional constituencies, and is to be assisted in those counting zones by the respective Returning Officers for the special functional constituencies; and

(b) the respective Returning Officers for the ordinary functional constituencies are to be in charge of the counting zone for the relevant functional constituencies; and,

~~(c) the Returning Officer for the Election Committee election is to be in charge of the counting zone for that election.~~

~~(2) A GC counting station for counting the votes for a geographical constituency is to be supervised by the Returning Officer for that constituency.~~

(2) A counting station for counting the votes for a geographical constituency is to be supervised by the Presiding Officer of that counting station.

~~(3) Any other counting station for counting the votes of a constituency or the Election Committee election is to be supervised by the Returning Officer for that constituency or election.~~

~~(4) The Chief Returning Officer and the Returning Officers are to be assisted by one or more Assistant Returning Officers.~~

~~(5) The Presiding Officer may be assisted by one Deputy Presiding Officer and one or more Assistant Presiding Officers.~~

~~(6) In this section, "Presiding Officer" (投票站主任) does not include a Presiding Officer of a small polling station.~~

(L.N. 65 of 2000)

Section:	72	Delivered ballot boxes to be given into charge of relevant Returning Officer	L.N. 65 of 2000	05/05/2000
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~~(1) After delivery of the ballot boxes to the central counting station, the ballot boxes from a GC polling station for the FC ballot papers are to be given into the charge of a Returning Officer for a functional constituency, the following arrangements are to be observed-~~

~~(a) the ballot boxes from a GC polling station for the FC ballot papers are to be given into the charge of the Returning Officer for an ordinary functional constituency, specified for the purpose by the Chief Electoral Officer;~~

~~(b) the ballot boxes from each EC polling station for the EC ballot papers and those for the GC ballot papers are to be given into the charge of the Returning Officer for the Election Committee election; and (L.N. 147 of 1998; L.N. 65 of 2000)~~

~~(c) the ballot boxes from each EC polling station for the FC ballot papers are to be given into the charge of the Returning Officer for a special functional constituency, specified for the purpose by the Chief Electoral Officer. (L.N. 65 of 2000)~~

~~(2) If the Chief Returning Officer considers that the arrangements described in subsection (1) are not practicable, that Officer may modify them.~~

~~(3) The ballot boxes delivered to a counting station (other than the central counting station) are to be given into the charge of the Returning Officer who supervises the counting station. (L.N. 65 of 2000)~~

Section:	73	Returning Officer at the central counting station to open ballot box	L.N. 65 of 2000	05/05/2000
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~~(1) A Returning Officer for a constituency or the Election Committee election into whose charge a ballot box is given must, at the counting zone for that constituency or election at the central counting station must open it by breaking the seal. That Officer must do so in the presence of the candidates, their election agents or counting agents, if present at the counting zone. (L.N. 65 of 2000)~~

~~(2) The Returning Officer must permit a candidate, or the election agent or counting agent of a candidate, to inspect any paper, other than a ballot paper, taken from the ballot box, if so requested by the candidate or agent, before that paper is disposed of. A candidate or an election agent or a counting agent must not be permitted under this subsection to inspect a ballot paper or an envelope which contains or which appears to the Returning Officer to contain a ballot paper.~~

Section:	73A	Presiding Officer at a counting station to open ballot box for the receipt of GC ballot papers		
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(1) A Presiding Officer at a counting station must open a ballot box for the receipt of GC ballot papers in that Officer's charge by breaking the seal. That Officer must do so in the presence of the candidates, their election agents or counting agents, if present at the counting zone.

(2) The Presiding Officer must permit a candidate, or the election agent or counting agent of a candidate, to inspect any paper, other than a ballot paper, taken from the ballot box, if so requested by the candidate or agent, before that paper is disposed of. A candidate or an election agent or a counting agent must not be permitted under this subsection to inspect a ballot paper.

Section:	74	Arrangements for separating ballot papers and verifying ballot paper account at central counting station	L.N. 65 of 2000	05/05/2000
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(1) At the central counting station, the Returning Officer for a functional constituency must, in relation to the FC ballot papers in the ballot boxes given into that Officer's charge under section 72, in the counting zone for that functional constituency-

- (a) sort the FC ballot papers according to each functional constituency;
- (b) count and record the number of FC ballot papers for each functional constituency;
- (c) verify the ballot paper account for each functional constituency by comparing it with the number of ballot papers recorded for that functional constituency under paragraph (b);
- (d) prepare a statement in writing as to the result of the verification;
- (e) retain the FC ballot papers for the functional constituency for which that Officer is appointed together with the verification of the ballot paper account;
- (f) make into separate bundles the other sorted FC ballot papers together with the relevant verification of the ballot paper account, place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone; and
- (g) in case there are any GC ballot papers or EC ballot papers in the ballot boxes-
 - (i) sort the GC ballot papers according to each geographical constituency;
 - (ii) count and record the number of GC ballot papers for each geographical constituency;-
 - (A) the number of GC ballot papers for each geographical constituency;
 - (B) the number of EC ballot papers;
 - (iii) prepare a statement in writing as to the number of GC ballot papers recorded for each geographical constituency under subparagraph (ii);-
 - (A) the number of GC ballot papers recorded for each geographical constituency under subparagraph (ii)(A);
 - (B) the number of EC ballot papers recorded under subparagraph (ii)(B);
 - (iv) make into separate bundles the sorted GC ballot papers and EC ballot papers together with the relevant statement prepared under subparagraph (iii), place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone. (L.N. 65 of 2000)

(2) At the central counting station, the Returning Officer for the Election Committee election must, in relation to the ballot papers in the ballot boxes given into that Officer's charge under section 72, in the counting zone for the Election Committee election-

- ~~(a) retain the EC ballot papers and sort the GC ballot papers according to each geographical constituency;~~
- ~~(b) count and record the number of EC ballot papers;~~
- ~~(c) count and record the number of GC ballot papers for each geographical constituency;~~
- ~~(d) verify the ballot paper account for the EC ballot papers by comparing it with the number of ballot papers recorded under paragraph (b) and verify the ballot paper account for each geographical constituency by comparing it with the number of ballot papers recorded for that constituency under paragraph (c);~~
- ~~(e) prepare a statement in writing as to the result of the verification;~~
- ~~(f) make into separate bundles the sorted GC ballot papers together with the relevant verification of the ballot paper account, place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone; and~~
- ~~(g) in case there are any FC ballot papers in the ballot boxes-~~
 - ~~(i) count and record the number of FC ballot papers according to each functional constituency;~~
 - ~~(ii) prepare a statement in writing as to the number of FC ballot papers recorded for each functional constituency under subparagraph (i);~~
 - ~~(iii) make into separate bundles the sorted FC ballot papers together with the relevant statement prepared under subparagraph (ii), place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone. (L.N. 65 of 2000)~~

~~(3)-(4) (Repealed L.N. 65 of 2000)~~

~~(5) If a Returning Officer considers it necessary or if required by a candidate who is present at the counting zone or an election agent or counting agent so present, that Officer must, in preparing the verification of the ballot paper account, compare the ballot paper account with the ballot papers recorded by that Officer and the spoilt ballot papers, the unused ballot papers and the counterfoils or un-issued ballot papers.~~

~~(6)-(7) (Repealed L.N. 65 of 2000)~~

~~(8) A Returning Officer must give the receptacles referred to in subsection (1)(f) or (g)(iv) or (2)(f) or (g)(iii) into the charge of an Assistant Returning Officer in attendance at the relevant counting zone. The Assistant Returning Officer-~~

- ~~(a) must hand over the receptacle containing the bundle of special functional constituency ballot papers to the Chief Returning Officer or to the Returning Officer for the relevant special functional constituency;~~
- ~~(b) must hand over the receptacle containing the bundle of other FC ballot papers or the bundle of EC ballot papers to the Returning Officer for the relevant functional constituency or the Election Committee election, as the case may be to the Returning Officer for the relevant functional constituency; and~~
- ~~(c) must hand over the receptacle containing the bundle of GC ballot papers to the Returning Officer for the relevant geographical constituency. -~~
 - ~~(i) deliver the receptacle containing the bundle of GC ballot papers to the relevant GC counting station and hand over the receptacle to the Returning Officer who supervises the counting station; and~~
 - ~~(ii) if the bundle of GC ballot papers is made under subsection (2)(f), also deliver to that GC counting station the sealed packets under section 63 and the ballot paper account prepared for the geographical constituency by the Presiding Officers of the EC polling stations. (L.N. 65 of 2000)~~

~~(9) In this section, in relation to a ballot paper contained in an envelope, retaining, separating, sorting, counting or recording ballot papers is to be construed as retaining, separating, sorting, counting or recording ballot papers contained in envelopes.~~

~~(10) A candidate or an election agent or a counting agent may copy what is recorded on the ballot paper account or the verification of the ballot paper account.~~

(L.N. 147 of 1998)

Section:	74A	Arrangements for verification of ballot paper account at GC counting station	L.N. 65 of 2000	05/05/2000
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(1) ~~At a GC counting station, the Presiding Officer who supervises -Returning Officer who supervises it must in relation to the ballot papers in the ballot boxes given into that Officer's charge under section 72, at the counting zone-~~

- ~~(a) count and record the number of GC ballot papers;~~
- ~~(b) verify the ballot paper account for the GC ballot papers by comparing it with the number of ballot papers recorded under paragraph (a);~~
- ~~(c) prepare a statement in writing as to the result of the verification; and~~
- ~~(a) a counting station other than a main counting station must, after counting the votes in accordance with section 75, at the counting zone verify the number of GC 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) a main counting station must, before counting the votes in accordance with section 75, at the counting zone -~~
 - ~~(i) count and record the number of GC ballot papers in each ballot box under that Officer's charge;~~
 - ~~(ii) verify the ballot paper account by comparing it with the number of GC ballot papers recorded under subparagraph (i) and prepare a statement in writing as to the result of the verification;~~
- ~~(d) in case there are any FC ballot papers in the ballot boxes delivered to the counting station-~~
 - ~~(i) sort the FC ballot papers according to each functional constituency;~~
 - ~~(ii) count and record the number of FC ballot papers for each functional constituency;~~
 - ~~(iii) prepare a statement in writing as to the number of FC ballot papers recorded for each functional constituency under subparagraph (ii);~~
 - ~~(iv) make into separate bundles the sorted FC ballot papers together with the relevant statement prepared under subparagraph (iii), place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone.~~

(2) ~~If the Returning Officer~~ **Presiding Officer** considers it necessary or if required by a candidate who is present at the counting zone or an election agent or counting agent so present, that Officer must, in preparing the verification of the ballot paper account, compare the ballot paper account with the ballot papers recorded by that Officer and the spoiled ballot papers, the unused ballot papers and the counterfoils or unissued ballot papers.

(3) ~~A Returning Officer~~ **A Presiding Officer** must give the receptacles referred to in subsection (1)(d)(iv) into the charge of an ~~Assistant Returning Officer~~ **Assistant Presiding Officer** in attendance at the counting zone. The ~~Assistant Returning Officer~~ **Assistant Presiding Officer** must deliver the receptacles to the central counting station and hand over the receptacle containing the bundle of FC ballot papers to the ~~Returning Officer~~ **Returning Officer** for the relevant functional constituency.

~~(4) In this section, in relation to a ballot paper contained in an envelope, retaining, separating, sorting, counting or recording ballot papers is to be construed as retaining, separating, sorting, counting or recording ballot papers contained in envelopes.~~

(5) A candidate or an election agent or a counting agent may copy what is recorded on the ballot paper account or the verification of the ballot paper account.

(L.N. 65 of 2000)

Section:	74B	Arrangements for verification of ballot paper account at counting station at a by-election	L.N. 65 of 2000	05/05/2000
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(1) ~~At a counting station for counting the votes cast at a by-election for a functional constituency, the Returning Officer by-election, the Returning Officer who supervises it must, in relation to the ballot papers in the ballot boxes given into that Officer's charge under section 72, at the counting zone-~~

- ~~(a) count and record the number of ballot papers;~~
- ~~(b) verify the ballot paper account for the ballot papers by comparing it with the number of ballot papers recorded under paragraph (a); and~~
- ~~(c) prepare a statement in writing as to the result of the verification.~~

~~(1A) At a counting station for counting the votes cast at a by-election for a geographical constituency, the Presiding Officer other than the Presiding Officer of a main counting station must, after counting the votes in accordance with section 75, at the counting zone verify the number of GC 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.~~

~~(1B) At a main counting station for counting the votes cast at a by-election for a geographical constituency, the Presiding Officer must, before counting the votes in accordance with section 75, at the counting zone -~~

- ~~(a) count and record the number of GC ballot papers in each ballot box under that Officer's charge; and~~
- ~~(b) verify the ballot paper account by comparing it with the number of GC ballot papers recorded under paragraph (a) and prepare a statement in writing as to the result of the verification.~~

(2) If the Returning Officer or the Presiding Officer, as may be appropriate, considers it necessary or if required by a candidate who is present at the counting zone or an election agent or counting agent so present, that Officer must, in preparing the verification of the ballot paper account, compare the ballot paper account with the ballot papers recorded by that Officer and the spoilt ballot papers, the unused ballot papers and the counterfoils or unissued ballot papers.

(3) ~~In this section in relation to a ballot paper contained in an envelope, retaining, separating, sorting, counting or recording ballot papers is to be construed as retaining, separating, sorting, counting or recording ballot papers contained in envelopes.~~

(4) A candidate or an election agent or a counting agent may copy what is recorded on the ballot paper account or the verification of the ballot paper account.

(L.N. 65 of 2000)

Section:	75	Counting of votes for geographical constituencies	L.N. 65 of 2000	05/05/2000
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(1) At the counting zone for a geographical constituency, the ballot papers for that constituency, that is-

- (a) in the case of a general election, the ballot papers whose numbers are counted and recorded under section 74A(1)(a) and those handed over under section 74(8) 74A(1);
- (b) in the case of a by-election, the ballot papers whose numbers are counted and recorded under section 74B(1)(a)(1A) and (1B)(a),

must be dealt with by the Returning Officer/Presiding Officer as provided in this section. (L.N. 147 of 1998; L.N. 65 of 2000)

~~(2) If GC ballot papers contained in envelopes have been delivered from 2 or more polling stations, the envelopes containing ballot papers from 2 or more stations must be mixed.~~

~~(3) GC ballot papers (not contained in envelopes) that have been delivered from 2 or more polling stations must be mixed.~~

~~(4) All GC ballot papers contained in envelopes must be taken out of the envelopes after they are mixed under subsection (2).~~

~~(4A) The Presiding Officer of a main counting station must mix the ballot papers of the polling station designated as the main counting station together with the ballot papers that have been delivered from one or more small polling stations to the main counting station before counting the votes at the main counting station.~~

~~(5) GC ballot papers are to be separated with reference to the list of candidates for which the vote has been recorded.~~

~~(6) The votes recorded on the GC ballot papers, including those recorded on the GC ballot papers handed over to a Returning Officer under section 74(8)(c), are to be counted according to the system of counting described in section 49 of the Legislative Council Ordinance (Cap 542).~~

~~(7) In the course of counting in accordance with subsection (6) –~~

- ~~(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 55(2);~~
 - ~~(iii) which appears to be substantially mutilated; or~~
 - ~~(iv) which appears to be void for uncertainty,~~
~~is questionable and must be separated and forwarded to the Presiding Officer to decide whether the vote is to be counted in accordance with section 81; and~~
- ~~(b) any ballot paper described in section 80(1)(b), (c), (d), (f), (ha) and (i) must be separated and the vote is not to be counted pursuant to section 80.~~

Section:	76	Counting of votes for special functional constituencies	L.N. 65 of 2000	05/05/2000
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(1) At the counting zone for a special functional constituency, the ballot papers for that special functional constituency, that is-

- (a) in the case of a general election, the ballot papers retained under section 74(1)(e) and those handed over under section 74(8);
- (b) in the case of a by-election, the ballot papers whose numbers are counted and recorded under section 74B(1)(a),

must be dealt with by the Returning Officer as provided in this section. (L.N. 147 of 1998; L.N. 65 of 2000)

~~(2) If ballot papers for a special functional constituency contained in envelopes have been delivered from 2 or more polling stations, the envelopes containing ballot papers from 2 or more polling stations must be mixed.~~

~~(3) Ballot papers for a special functional constituency (not contained in envelopes) that have been delivered from 2 or more polling stations must be mixed.~~

~~(4) All special functional constituency ballot papers contained in envelopes must be taken out of the envelopes after they are mixed under subsection (2).~~

~~(5) The votes recorded on the ballot papers for each special functional constituency are to be counted according to the system of counting described in section 50 of the Legislative Council Ordinance (Cap 542).~~

~~(6) In the course of counting in accordance with subsection (5) –~~

- ~~(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 56(2);
 - (iii) which appears to be substantially mutilated; or
 - (iv) which appears to be void for uncertainty,
- is questionable and must be separated and forwarded to the Returning Officer to decide whether the vote is to be counted in accordance with section 81; and
- (b) any ballot paper described in section 80(1)(b), (c), (d), (f) and (hc) must be separated and the vote is not to be counted pursuant to section 80.

Section:	77	Counting of votes for ordinary functional constituencies	L.N. 65 of 2000	05/05/2000
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- (1) At the counting zone for an ordinary functional constituency, the ballot papers for that ordinary functional constituency, that is-
 - (a) in the case of a general election, the ballot papers retained under section 74(1)(e) and those handed over under sections 74(8) and 74A(3);
 - (b) in the case of a by-election, the ballot papers whose numbers are counted and recorded under section 74B(1)(a),
 must be dealt with by the Returning Officer as provided in this section. (L.N. 147 of 1998)
- ~~(2) If ballot papers for an ordinary functional constituency contained in envelopes have been delivered from 2 or more polling stations, the envelopes containing ballot papers from 2 or more polling stations must be mixed.~~
- (3) Ballot papers for a functional constituency (not contained in envelopes) that have been delivered from 2 or more polling stations must be mixed.
- ~~(4) All ordinary functional constituency ballot papers that are contained in envelopes must be taken out of the envelopes after they are mixed under subsection (2).~~
- (5) The ballot papers are to be separated with reference to the candidate for whom the vote has been recorded, or in the case of constituencies returning more than one Member, the candidates for whom the votes have been recorded.
- (6) The votes recorded on the ballot papers for each ordinary functional constituency are to be counted according to the system of counting described in section 51 of the Legislative Council Ordinance (Cap 542).

(L.N. 65 of 2000)

- (7) In the course of counting in accordance with subsection (6) -
 - (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 57(2);
 - (iii) which appears to be substantially mutilated; or
 - (iv) which appears to be void for uncertainty,
 is questionable and must be separated and forwarded to the Returning Officer to decide whether the vote is to be counted in accordance with section 81; and
 - (b) any ballot paper described in section 80(1)(b), (c), (d), (f) and (hb) must be separated and the vote is not to be counted pursuant to section 80.

Section:	78	Counting of votes for Election Committee election	L.N. 65 of 2000	05/05/2000
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(1) ~~At the counting zone for the Election Committee election, the EC ballot paper, that is-~~

- ~~(a) in the case of a general election, the ballot papers retained under section 74(2)(a) and those handed over under section 74(8);~~
- ~~(b) in the case of a by-election, the ballot papers whose numbers are counted and recorded under section 74B(1)(a);~~

~~must be dealt with by the Returning Officer as provided in this section. (L.N. 147 of 1998; L.N. 65 of 2000)~~

~~(2) If EC ballot papers contained in envelopes have been delivered from 2 or more polling stations, the envelopes must be mixed.~~

~~(3) Ballot papers for the Election Committee election (not contained in envelopes) that have been delivered from 2 or more polling stations must be mixed.~~

~~(4) All EC ballot papers contained in envelopes must be taken out of the envelopes after they are mixed under subsection (2).~~

~~(5) The votes recorded on the EC ballot papers are to be counted according to the system of counting described in section 52 of the Legislative Council Ordinance (Cap 542).~~

~~(6) The votes cast for the candidates for the Election Committee election may be counted by using an approved programme and a computer.~~

~~(7) In this section "approved programme" (認可程式) means any computer software which the Commission is satisfied is programmed to count the votes at the Election Committee election so as to give an accurate result.~~

Section:	79	Result of the counting of votes and re-count for functional constituencies	L.N. 20 of 1998	21/01/1998
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(1) ~~After the votes are counted under section 75, 76, 77 or 78 or 77, in each case, the Returning Officer must make known to the candidates who are present within the counting zone, the result of the counting of the votes. If the candidates are not present, the Returning Officer is to make known the result to their respective election agents or counting agents, if those agents are present at the counting zone.~~

~~(2) A candidate who is present when the votes are counted or re-counted or an election agent who is so present, may request the Returning Officer to count again the counted or re-counted (as the case may be) votes. That Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.~~

~~(3) After a count or re-count is completed, nothing further is to be done until each candidate present at the completion, or the election agent of each candidate (but not both) if present at the completion of the count or re-count is given a reasonable opportunity to make a request for a re-count.~~

Section:	79A	Result of the counting of votes and re-count for geographical constituencies		
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~~(1) After the votes are counted under section 75, the Presiding Officer must make known to the candidates who are present within the counting zone the result of the counting of the votes. If the candidates are not present, that Officer is to make known the result to their respective election agents or counting agents, if those agents are present at the counting zone.~~

~~(2) A candidate who is present 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 or re-counted (as the case may be) votes. That Officer must comply~~

with the request unless the Officer is of the opinion that the request is unreasonable.

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

(4) 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 relevant Assistant Returning Officer for the geographical constituency the result of the counting of votes and re-count (if any).

(5) After the Assistant Returning Officer has been notified of the results of the counting of votes of all the counting stations in his charge for the geographical constituency, that Officer must make known the results to the Returning Officer for the geographical constituency.

(6) After the Returning Officer has been notified of the results of the counting of votes of all the counting stations for the geographical constituency, that Officer must add up such results together with the result of the counting of votes recorded on the GC ballot papers handed over to that Officer under section 74(8)(c), if any, and make known the final results to the candidates or their election agents or counting agents at the place specified by the Returning Officer. If a candidate or the election agent of the candidate who is present at the specified place makes a request to the Returning Officer for a re-count of the votes of all the counting stations for the geographical constituency, that Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable.

(7) If the Returning Officer decides to comply with the request referred to in subsection (6), that Officer must conduct a re-count of the votes recorded on the ballot papers handed over to that Officer under section 74(8)(c) and inform all the Assistant Returning Officers to instruct the Presiding Officers under their respective charge to conduct a re-count at their respective counting station forthwith.

(8) The Presiding Officer of each of the counting stations for the geographical 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 relevant Assistant Returning Officer.

(9) After the Assistant Returning Officer has been notified of the results of the re-count of all the counting stations in his charge for the geographical constituency, that Officer must make known the results to the Returning Officer for the geographical constituency.

(10) After the Returning Officer has been notified of the results of the re-count of all the counting stations for the geographical constituency, that Officer must add up such results together with the result of the counting of votes recorded on the GC ballot papers handed over to that Officer under section 74(8)(c), if any, and make known the final results to the candidates or their election agents or counting agents at the place specified by the Returning Officer.

Section:	80	Ballot papers which are not to be counted regarded as valid when counting the votes	L.N. 65 of 2000	05/05/2000
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(1) When counting the votes, any ballot paper the following ballot papers are not to be regarded as valid-

- (a) on which there is writing or a mark by which the elector can possibly be identified;
- (b) which has the words "重複" and "TENDERED" endorsed on the front of it;
- (c) which has the words "損壞" and "SPOILT" endorsed on the front of it;
- (d) which has the words "未用" and "UNUSED" endorsed thereon;
- (e) which is substantially mutilated;

- (f) which is unmarked;
- (g) subject to subsection (2)-
 - (i) a GC ballot paper which is not marked in accordance with section 55(2); or
 - (ii) an FC ballot paper for an ordinary functional constituency which is not marked in accordance with section 57(2);
- (h) subject to subsection (2), an FC ballot paper for a special functional constituency which is not marked in accordance with section 56(2);
- (ha) a GC ballot paper which is not marked in accordance with section 55(1);
- (hb) an FC ballot paper for an ordinary functional constituency which is not marked in accordance with section 57(1);
- (hc) an FC ballot paper for a special functional constituency which is marked as described in section 56(3);
- (i) an EC ballot paper which is not marked in accordance with section 58; or
- (i) a GC ballot paper on which votes for more than 1 list of candidates have been recorded; or
- (j) which the Returning Officer or the Presiding Officer, as may be appropriate, determines as being void for uncertainty.

is not to be counted.

(2) In the case of a ballot paper referred to in subsection (1)(g)(i) or (ii) or (h), if the Returning Officer or the Presiding Officer, as may be appropriate, is satisfied that the intention of the elector or authorized representative is clear notwithstanding the deviation from the requirements in section 55(2), 56(2A) or 57(2), as the case may be, that Officer may count the vote recorded on that ballot paper.

(3) For the avoidance of doubt, it is declared that the Returning Officer or the Presiding Officer, as may be appropriate, is not to make a decision not to count the vote recorded on a ballot paper solely for the reason that the ballot paper is stamped with the words "已故" and "DECEASED" or "喪失資格" and "DISQUALIFIED", as the case may be, in accordance with section 37(2). (L.N. 65 of 2000)

(4) A candidate, an election agent or a counting agent is not entitled to inspect and make representations to the Returning Officer or the Presiding Officer concerning a ballot paper referred to in subsection (1)(b), (c), (d), (f), (ha), (hb), (hc) and (i).

(L.N. 65 of 2000)

Section:	81	Returning Officer or Presiding Officer to make decisions on questionable ballot papers	L.N. 65 of 2000	05/05/2000
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~~(1) The Returning Officer must separate from the other ballot papers and set aside any ballot paper which appears to that Officer to be a ballot paper described in section 80.~~

~~(2) Subject to subsection (7), a candidate or an election agent, if present at the count, is entitled to inspect a ballot paper set aside by the Returning Officer. The candidate or the agent is entitled to make representations to the Returning Officer concerning the ballot paper.~~

~~(3) After considering the representations, the Returning Officer must make a decision as to whether the ballot paper is a ballot paper which under section 80 should not be counted or whether it should be counted.~~

~~(4) If the Returning Officer decides a ballot paper is not to be counted, that Officer must endorse the words "不獲接納" and "rejected" on the front of it. If a candidate or an election agent objects to the Returning Officer's decision, that Officer must also add the words "反對此選票不獲接納" and "rejection objected to".~~

~~(5) If a candidate or an election agent objects to the decision of the Returning Officer~~

to count a ballot paper, that Officer must endorse the words "反對此選票獲接納" and "acceptance objected to" on that ballot paper.

(6) The Returning Officer is to prepare a statement of the ballot papers which that Officer decides under this section to be ballot papers which are not to be counted. The statement is to be under the following heads-

- (a) writing or mark by which the elector can be identified;
- (b) endorsed with the words "重複" and "TENDERED";
- (c) endorsed with the words "損壞" and "SPOILT";
- (d) endorsed with the words "未用" and "UNUSED"; (L.N. 65 of 2000)
- (e) unmarked;
- (f) not marked in accordance with section 55, 56, 57 or 58 (as may be applicable);
- (g) void for uncertainty; and
- (h) substantially mutilated.

(1) If a ballot paper is forwarded to the Returning Officer under section 76(6)(a) or 77(7)(a), or to the Presiding Officer under section 75(7)(a), as may be appropriate, a candidate, an election agent or a counting agent, if present at the counting zone, may inspect and make representations to that Officer concerning the ballot paper.

(2) After considering the representations (if any) made under subsection (1), the Returning Officer or the Presiding Officer, as may be appropriate, must determine whether the ballot paper -

- (a) is valid and the vote is to be counted; or
- (b) is not to be regarded as valid pursuant to section 80 and the vote is not to be counted for -
 - (i) having on the ballot paper 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 55(2), 56(2) or 57(2) (as may be applicable);
 - (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 55(2), 56(2) or 57(2) (as may be applicable), if the Returning Officer or the Presiding Officer, as may be appropriate, is satisfied that the intention of the elector or authorized representative is clear notwithstanding the deviation from the requirements in section 55(2), 56(2) or 57(2), as the case may be, that Officer may count the vote recorded on that ballot paper.

(4) If the Returning Officer or the Presiding Officer, as may be appropriate, decides a questionable ballot paper the vote recorded on which is not to be counted, that Officer must endorse the words "不獲接納" and "rejected" on the front of it. If a candidate or an election agent or a counting agent objects to that Officer's decision, that Officer must also add the words "反對此選票不獲接納" and "rejection objected to".

(5) If a candidate or an election agent or a counting agent objects to the decision of the Returning Officer or the Presiding Officer, as may be appropriate, to count the vote recorded on a questionable ballot paper, that Officer must endorse the words "反對此選票獲接納" and "acceptance objected to" on that ballot paper.

(6) The Returning Officer or the Presiding Officer, as may be appropriate, is to prepare a statement of the ballot papers which are not to be regarded as valid. The statement is to be under the following heads -

- (a) writing or mark by which the elector can possibly be identified;
- (b) endorsed with the words "重複" and "TENDERED";
- (c) endorsed with the words "損壞" and "SPOILT";

- (d) unused;
- (e) substantially mutilated;
- (f) unmarked;
- (g) not marked in accordance with section 55, 56 or 57 (as may be applicable);
- (h) void for uncertainty; and
- (i) a GC ballot paper on which votes for more than 1 list of candidates have been recorded.

(7) Under this section, on behalf of a multiple candidates list, either any one of the candidates or the election agent of the list may inspect a ballot paper, make representations or object to the decision of the Returning Officer or the Presiding Officer, as may be appropriate. In any other case, either the candidate or the election agent may inspect the ballot paper, make representations concerning it or object to the decision of the Returning Officer that Officer.

Section:	82	Returning Officer's or Presiding Officer's decision on a ballot paper to be final	L.N. 20 of 1998	21/01/1998
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Subject to section 61 of the Legislative Council Ordinance (Cap 542), the decision of the Returning Officer or the Presiding Officer, as may be appropriate, on a ballot paper is final.

Section:	83	Returning Officer to declare election result	L.N. 65 of 2000	05/05/2000
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(1) When the counting of the votes and re-counts, if any, are completed and the result of the election determined, the Returning Officer is to declare as elected the candidates who were successful at the election, as provided in sections 49(13), 50(7), 51(7) and 52(6) and 51(7) of the Legislative Council Ordinance (Cap 542). (L.N. 65 of 2000)

(2) If before declaring a candidate to be elected, it comes to the knowledge proof is given to the satisfaction of the Returning Officer that the candidate has died or is disqualified from being elected, that Officer-

- (a) must not declare that candidate to be elected; and
- (b) must-

- (i) in the case of an election for a geographical constituency-
 - (A) declare the candidate to be returned for the geographical constituency under section 49(15) of the Legislative Council Ordinance (Cap 542) to be elected; or
 - (B) if no candidate can be returned under that section, declare the election to have failed, as provided in section 46A(3)(a) of that Ordinance, or to have failed, as provided in section 46A(3)(b) of that Ordinance, to the extent referred to therein;
- (ii) in the case of an election for a functional constituency or an Election Committee election, declare the election to have failed, as provided in section 46A(3)(a) of that Ordinance, or to have failed, as provided in section 46A(3)(b) of that Ordinance, to the extent referred to therein. (L.N. 65 of 2000)

Section:	84	The form in which Returning Officer is to publish result of election	L.N. 65 of 2000	05/05/2000
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(1) The notice to be published under section 58(1) of the Legislative Council Ordinance (Cap 542) for the geographical constituencies is to be in Form 1 in Schedule 4.

(2) The notice to be published under section 58(2) of the Legislative Council Ordinance (Cap 542) for the functional constituencies is to be in Form 2 in Schedule 4.

~~(3) The notice to be published under section 58(3) of the Legislative Council Ordinance (Cap 542) for the Election Committee election is to be in Form 3 in Schedule 4.~~

(4) A notice under subsection (1), ~~(2) or (3)~~ or (2) must be published in the Gazette within 10 days from the date the relevant result is declared under section 83.

(5) The Returning Officer is to prepare a notice of the result of the election for the ~~geographical constituencies, the functional constituencies and the Election Committee election~~ or the functional constituency under that Officer's charge in the appropriate form under this section and display it prominently in a place outside the counting station for counting the votes for the constituency concerned or the Election Committee election, as may be applicable at which the result was declared under section 83. (L.N. 65 of 2000)

(6) The Returning Officer is to send a copy of each notice prepared under subsection (5) to-

- (a) the Chairman of the Commission;
- (b) the Secretary for Constitutional Affairs;
- (c) the Clerk to the Legislative Council; and
- (d) the Chief Electoral Officer.

PART V

DISPOSAL OF DOCUMENTS: GENERAL ELECTION AND BY-ELECTIONS

Section:	85	Returning Officer or Presiding Officer to seal ballot papers in packets	L.N. 20 of 1998	21/01/1998
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(1) As soon as practicable after the Returning Officer or the Presiding Officer, as may be appropriate, has ascertained the result of the poll, that Officer must, at the counting station, make up into separate sealed packets-

- (a) the counted ballot papers;
- (b) the un-issued ballot papers;
- (c) the unused ballot papers;
- (d) the spoilt ballot papers; and
- (e) the rejected ballot papers.

(2) The Returning Officer or the Presiding Officer, as may be appropriate, must endorse on each sealed packet-

- (a) a description of its contents;
- (b) the date of the relevant election; and
- (c) the name of the constituency; or if applicable, that the ballot papers are EC ballot papers.

(3) A candidate, an election agent or a counting agent may be present when the Returning Officer or the Presiding Officer, as may be appropriate, makes up the sealed packets and endorses them.

(4) Before the Returning Officer or the Presiding Officer, as may be appropriate, makes up the packets, that Officer must inform-

- (a) the candidates who are present at the counting station; and
- (b) either the election agent or counting agent (if present) of a candidate who is not present at the counting station,

that they may be present when that Officer makes up the packets and seals and endorses them.

(5) In this section, "Presiding Officer" (投票站主任) does not include a Presiding Officer of a small polling station.

Section:	86	Returning Officer or Presiding Officer to send ballot papers, accounts, packets, etc. to Chief Electoral Officer	L.N. 20 of 1998	21/01/1998
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(1) As soon as practicable after preparing the Returning Officer prepares the notice of the result of the election, the Returning Officer that Officer or the Presiding Officer, as may be appropriate, must send to the Chief Electoral Officer-

- (a) the ballot paper accounts, verification of the ballot paper accounts and the re-verification of the ballot paper accounts;
- (b) the statement referred to in section 81(6);
- (c) the sealed packets made up under section 85(1);
- (d) a copy of the notice of the result of the election;
- (e) all nomination forms;
- (f) notices of withdrawal of candidature (if any);
- (g) notices of appointment of election agents, polling agents and counting agents and copies of authorizations of election expense agents; and
- (h) any other document relating to the election specified by the Commission.

(2) In this section, "Presiding Officer" (投票站主任) does not include a Presiding Officer of a small polling station.

Section:	87	Ballot paper in custody of Chief Electoral Officer may be inspected only on a court order	L.N. 20 of 1998	21/01/1998
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The Chief Electoral Officer is not to permit any person to inspect any ballot paper in that Officer's custody other than on an order made by a court in proceedings relating to an election petition or criminal proceedings.

Section:	88	Chief Electoral Officer to retain election documents for at least 6 months	L.N. 20 of 1998	21/01/1998
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The Chief Electoral Officer must retain in that Officer's custody the documents sent under section 86 for at least 6 months from the date of the election to which they relate. That Officer must thereafter, unless directed by an order of court in proceedings relating to an election petition or criminal proceedings, destroy them.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS: GENERAL ELECTION AND BY-ELECTIONS

Section:	89	Returning Officers, Presiding Officers, polling officers or counting officers not to act as agent of candidate in the same election	L.N. 20 of 1998	21/01/1998
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(1) A Returning Officer, Presiding Officer, polling officer or counting officer who, in relation to the election for which he or she is appointed, acts as an election agent, a polling agent, a counting agent or an election expense agent commits an offence.

(2) A person who commits an offence under subsection (1) is liable to a fine at level 2 and to imprisonment for 3 months.

Section:	90	Employees of candidates not to act as electoral officers	L.N. 20 of 1998	21/01/1998
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(1) A person who, while in the employment of a candidate, acts as a Returning Officer, Presiding Officer, polling officer or counting officer at an election for which the candidate stands for election, commits an offence.

(2) A person who commits an offence under subsection (1) is liable to a fine at level 2 and to imprisonment for 3 months.

Section:	91	Presiding Officer may perform functions through polling officers	L.N. 20 of 1998	21/01/1998
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(1) A Presiding Officer may perform any act which that Officer is required or authorized to perform under this Regulation through a polling officer.

(2) The power to adjourn a poll under Schedule 2 must be exercised by the Presiding Officer personally.

Section:	92	Returning Officer may perform functions through Assistant Returning Officers, etc.	L.N. 20 of 1998	21/01/1998
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(1) A Returning Officer may perform any act which that Officer is required or authorized to perform under this Regulation through an Assistant Returning Officer appointed for the constituency for which the Returning Officer is appointed.

~~(2) Subsection (1) applies in relation to the Returning Officer appointed for the Election Committee election, subject to necessary modifications.~~

~~(2) A Returning Officer may perform any act which that Officer is required or authorized to perform under section 40(9) and (10) through a Presiding Officer.~~

(3) A Returning Officer may not delegate under subsection (1) or (2)-

- (a) the power to determine the validity or otherwise of a nomination or a nomination form;
- (b) a decision regarding a ballot paper; or
- (c) the declaration of the result of the election.

Section:	93	Chief Electoral Officer to be subject to direction of Commission	L.N. 20 of 1998	21/01/1998
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(1) The Chief Electoral Officer is subject to the directions of the Commission in the performance of that Officer's functions under this Regulation.

(2) The Chief Electoral Officer may delegate that Officer's powers, duties or functions under this Regulation to a member of the staff provided under section 9(3) of the Ordinance.

Section:	94	Acts done in the absence of candidates or agents not to be invalid	L.N. 20 of 1998	21/01/1998
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Where under this Regulation, an act or thing is required or authorized to be done in the presence of a candidate or all the candidates, the election agent, the polling agent or the counting agent of the candidate, that act or thing is not to be invalidated solely for the reason that such person or persons were not present as required or authorized.

Section:	95	Electoral officers, candidates and agents to make declaration of secrecy	L.N. 20 of 1998	21/01/1998
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(1) Every electoral officer within the meaning of section 3(1) of the Legislative Council Ordinance (Cap 542) or person authorized by or under this Regulation to attend at a polling station except as an elector or authorized representative must, before entering the polling station, make a declaration of secrecy on the specified form.

(2) Every candidate, election agent, counting agent or counting officer or other person (except as a member of the public under section 68(5)) authorized by or under this Regulation to attend at the counting of the votes must make a declaration of secrecy on the specified form before entering the counting station.

(3) The Returning Officer is to make the declaration in the presence of a Commissioner for Oaths. Any other person may make the declaration in the presence of the Returning Officer, a Commissioner for Oaths, a member of the Commission, the Chief Electoral Officer or a person whose official designation is that of a deputy to the Chief Electoral Officer.

(4) Every Returning Officer or other officer or any other person attending at a polling station or counting of the votes must maintain and assist in maintaining the secrecy of the ballot.

(5) Subsections (1) and (2) do not apply to a police officer or a member of the Civil Aid Service on duty at a polling station or a counting station.

Section:	96	Enforcement of provisions as to secrecy	L.N. 65 of 2000	05/05/2000
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(1) A person who divulges to any other person, by communicating information as to the name or identity document number in a register of electors, or otherwise, whether a person has or has not applied for a ballot paper or voted, commits an offence.

(2) Subsection (1) does not apply to anything done for a purpose authorized by law or when required to do so by a police officer or an officer of the Independent Commission Against Corruption investigating an offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), sections 3, 4 and 8 of the Prevention of Bribery Ordinance (Cap 201), section 13B of the Independent Commission Against Corruption Ordinance (Cap 204) or the Electoral Affairs Commission Ordinance (Cap 541) or any regulation made under that Ordinance. (10 of 2000 s. 47)

(3) A person who communicates to any person any information obtained at a counting of the votes as to the candidate for whom a vote has been given on any particular ballot paper, commits an offence.

(4) A person who interferes with an elector when that elector is recording the vote, commits an offence.

(5) A person who interferes with or attempts to interfere with any ballot boxes, unissued ballot papers, unused ballot papers, spoiled ballot papers, tendered ballot papers, marked ballot papers or a copy of the final register marked under section 53(7), commits an offence.

(L.N. 65 of 2000)

(6) A person who interferes with or attempts to interfere with any opened ballot boxes, ballot paper accounts, verifications or re-verifications of such accounts or any other relevant election materials referred to in this Regulation commits an offence.

(7) A person who obtains or attempts to obtain in any manner-

(a) within a polling station or a no staying zone; or

(b) within a no canvassing zone, without the express permission of the Presiding Officer or the Commission,

information as to the candidate for whom an elector in that station is about to vote or has voted, commits an offence.

(8) A person who communicates at any time to any person any information obtained in a polling station as to the candidate for whom an elector is about to vote or has voted, commits an offence.

(9) A person who directly or indirectly induces an elector to display the elector's ballot paper after the elector has marked it, so as to make known to any person a candidate for or against whom the elector has voted, commits an offence.

(10) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 3 months.

(11) In this section, references to-

(a) "candidate" are to be construed as including a list of candidates; and

(b) "elector" are to be construed as including an authorized representative.

Section:	97	Procedure after election proceedings are terminated	L.N. 65 of 2000	05/05/2000
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(1) A declaration terminating the proceedings for the election under section 42C or 46A(1) of the Legislative Council Ordinance (Cap 542) is to be made by the Returning Officer by a notice. The notice must be displayed on a prominent place outside each polling station for the constituency concerned. As soon as practicable after the declaration is made, the notice must be published in the Gazette. (L.N. 65 of 2000)

(2) ~~If the death or disqualification of the candidate which was the reason for the termination of the election proceedings comes to the knowledge of the Returning Officer on the date of the election, but before the close of polling for the constituency, if, on the date of the election for the constituency and before the close of polling, proof is given to the satisfaction of the Returning Officer of the death or disqualification of the candidate, which was the reason for the termination of the election proceedings, that Officer must direct that the poll be abandoned.~~ (L.N. 65 of 2000)

(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 delivery to the Returning Officer of the ballot boxes, ballot papers and other election materials at the close of a poll. (L.N. 65 of 2000)

(4) For the purposes of subsection (3), the requirement in section 64 relating to the preparation of a ballot paper account does not apply.

(5) The Returning Officer to whom the ballot papers are delivered, must, without separating or counting them or counting the votes, seal all the ballot papers in packets.

(6)-(7) (Repealed L.N. 65 of 2000)

(8) The provisions in Part V relating to the inspection, retention and destruction of ballot papers and other documents relating to a poll apply to the election documents of a poll abandoned under this section, subject to necessary modifications.

(9) When a poll is abandoned under this section, the Returning Officer must, as far as practicable and in a manner that Officer thinks fit, notify the Chief Electoral Officer and the candidates for the constituency or their respective election agents. (L.N. 65 of 2000)

(9A) A by-election is to be arranged, subject to section 36(2) of the Legislative Council Ordinance (Cap 542), under section 36(1) of that Ordinance. (L.N. 65 of 2000)

(10) This section applies to an Election Committee election as if "Election Committee election" was substituted for "constituency".

Section:	97A	Procedure in case of death or disqualification of candidate after close of poll	L.N. 65 of 2000	05/05/2000
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(1) If the death of a candidate or the disqualification of a candidate from being elected comes to the knowledge ~~is proved to the satisfaction of the Returning Officer after the close of polling for the constituency concerned or the Election Committee election~~ but before the declaration of the result of the election, the Returning Officer must direct that the counting of the votes for the constituency ~~or election~~ is to begin or continue, as the case may be, as if the death or disqualification had not occurred.

(2) If, after the votes are counted, the deceased or disqualified candidate is found to be successful at the election, section 83(2) applies.

(3) If the deceased or disqualified candidate is not successful at the election, the Returning Officer must declare the successful candidate to be elected as provided in section 83(1).

(L.N. 65 of 2000)

Section:	97B	Procedure after election fails	L.N. 65 of 2000	05/05/2000
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(1) A declaration under section 46(2) of the Legislative Council Ordinance (Cap 542) is to be made by the Returning Officer by notice published in the Gazette.

(2) A declaration under section 46A(3) of the Legislative Council Ordinance (Cap 542) is to be made by the Returning Officer by a notice. The notice must be displayed in a prominent place outside the relevant counting station. As soon as practicable after the declaration is made, the notice must be published in the Gazette.

(3) A by-election is to be arranged, subject to section 36(2) of the Legislative Council Ordinance (Cap 542), under section 36(1) of that Ordinance.

(L.N. 65 of 2000)

Section:	98	Publication and display of notices, etc.	L.N. 65 of 2000	05/05/2000
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(1) The Returning Officer ~~or the Presiding Officer~~ may publish or display a notice, determination, or other writing under this Regulation in a manner that Officer thinks fit except where specific provision is made for the publication or display in this Regulation.

(2) The following notices or notifications may be delivered by hand, sent by post or by facsimile transmission-

(aa) notice of the decision of the Returning Officer as to whether a person is validly nominated as a candidate; (L.N. 65 of 2000)

(ab) notice of a declaration that a candidate has died or that the decision of the Returning Officer has been varied to the effect that a candidate is not validly nominated; (L.N. 65 of 2000)

(a) notice of the appointment or notice of revocation of the appointment of an election agent (other than a notice given on polling day);

(b) (Repealed L.N. 65 of 2000)

(c) notice to Returning Officers and to candidates of the determination of a no

- canvassing zone and a no staying zone;
- (d) notice to Returning Officers and to candidates of the variation before the polling day of a no canvassing zone or a no staying zone;
 - (e) notice to candidates of the arrangements for the drawing of lots to determine the order of appearance of the lists of candidates or candidates on the ballot paper;
 - (f) notice of the appointment or notice of revocation of the appointment of a polling agent (other than a notice given on polling day);
 - (g) notice of the appointment or notice of revocation of the appointment of a counting agent (other than a notice given on polling day); and
 - (h) notice to candidates of the time and place for the counting of the votes.
- (3) Notice of variation of a no canvassing zone or a no staying zone on the polling day or notice of the resumption of the counting of the votes after an adjourned poll or count may be given orally if notice by hand, by post or by facsimile transmission is not practicable or is not suitable in the circumstances.

Section:	99	Commission to designate a Chief Returning Officer	L.N. 65 of 2000	05/05/2000
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The Commission may designate-

- (a) a Returning Officer as the Chief Returning Officer; and
- (b) (Repealed L.N. 65 of 2000)

Section:	100	Commission to specify forms	L.N. 65 of 2000	05/05/2000
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- (1) The Commission may specify forms for the purposes of this Regulation.
- (2) The Chief Electoral Officer is to make available during ordinary business hours at that Officer's office and at the office of each Returning Officer, the forms specified under subsection (1).
- (3) The Chief Electoral Officer may make the forms specified under subsection (1) available at any other place that Officer considers appropriate. (L.N. 65 of 2000)
- (4) Forms specified under subsection (1) are to made available free of charge. (L.N. 65 of 2000)
- (5) Subsections (2), (3) and (4) do not apply to the specified forms for the election notices, by-election notices, notice of nominations, notice published under section 22 declaring the candidates who are returned un-contested as Members, notification by the Chief Electoral Officer of the particulars of election agents or the notice of guidance to electors referred to in section 39, ballot papers, the ballot paper account or notice of the election result.
- (6) The Commission may specify forms for notifications by the Returning Officer under the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542 sub. leg.). (L.N. 65 of 2000)

Section:	101	Reporting of irregularities	L.N. 20 of 1998	21/01/1998
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- (1) If the Chief Electoral Officer, the Returning Officer or the Presiding Officer is of the opinion that an irregularity has occurred in relation to an election, a poll or a count, the relevant Officer must make a report in writing to the Commission.
- (2) A report of an irregularity must be made as soon as practicable after the relevant Officer becomes aware of it, but it must in any case be made within 14 days of the polling day

of the election to which it relates.

(3) If it appears to an Officer referred to in subsection (1) that an occurrence which that Officer considers to be a material irregularity has taken place or is likely to take place in relation to an election, that Officer must make a report to the Commission immediately, in a manner that Officer considers expedient in the circumstances.

(4) If a report is made under subsection (3) otherwise than in writing, the Officer concerned must make a report also in writing as soon as practicable, and in any event within 30 days of the polling day of the election to which it relates.

Section:	101A	Letters that may be sent free of postage by candidates	L.N. 65 of 2000	05/05/2000
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(1) A letter that may be sent free of postage by or on behalf of a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap 542), or a candidate under section 43(2) or (3) of that Ordinance, must-

- (a) be posted in Hong Kong;
- (b) contain materials relating only to the candidature of the candidate or candidates on the list, or of the candidate, at the election concerned;
- (c) not exceed 50 grams in weight; and
- (d) be not larger than 175mm x 245 mm and not smaller than 90 mm x 140 mm in size.

(2) If letters are sent, in a bulk mailing, free of postage by or on behalf of-

- (a) a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap 542), any one candidate on that list or any person authorized by that candidate; or
- (b) a candidate under section 43(2) or (3) of that Ordinance, the candidate or any person authorized by that candidate,

must provide the Postmaster General with-

- (i) a specimen of the materials contained in that bulk mailing; and
- (ii) a declaration, in the specified form, signed by that candidate or the person and stating that the materials contained in that bulk mailing are identical with the specimen provided to the Postmaster General.

(3) If, in relation to any letters sent, in a bulk mailing, free of postage by or on behalf of a list of candidates under section 43(1) of the Legislative Council Ordinance (Cap 542), or a candidate under section 43(2) or (3) of that Ordinance-

- (a) any letter in that bulk mailing does not comply with subsection (1); or
- (b) a declaration under subsection (2)(ii) is false in any particular,

the candidate or all the candidates on the list is or are, or the candidate is, liable for payment of postage for all the letters in that bulk mailing.

(L.N. 65 of 2000)

Section:	102	Election advertisements	L.N. 65 of 2000	05/05/2000
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(1) Before a candidate displays, distributes or otherwise uses an election advertisement, he or she must allocate a number to each election advertisement. The number must be a consecutive number in a series beginning with the number "1" and is not to be used more than once for a particular type of election advertisement.

(2) Each type of election advertisement must be numbered as a separate series.

(3) A candidate must make a declaration which complies with subsection (4) in respect of the election advertisements he or she proposes to use at an election.

(4) The declaration must be in the specified form and state the quantity of each type of

election advertisement he or she proposes to display, distribute or otherwise use for the time being for the election. The declaration must contain any other information required to be furnished on the specified form.

(5) The declaration must be submitted to the Returning Officer before the candidate displays, distributes or otherwise uses an election advertisement.

(6) Subject to subsection (7), a candidate must, before he or she displays, distributes or otherwise uses an election advertisement, furnish 2 copies of it to the Returning Officer.

(7) If it is not practicable to make a copy of an election advertisement, the candidate must furnish to the Returning Officer 2 colour photographs in postcard size of that election advertisement.

(8) (Repealed L.N. 65 of 2000)

(9) If an election advertisement is recorded on a videotape or an audio tape or disc, the candidate must, for the purposes of subsection (6), furnish to the Returning Officer 2 copies of the tape or disc.

(10) The candidate must, before he or she displays, distributes or otherwise uses an election advertisement, deposit with the Returning Officer-

- (a) a copy of the permission or other authorization given or obtained for the purposes of section 104A(1) of the Public Health and Municipal Services Ordinance (Cap 132); and
- (b) in case the election advertisement is of a kind referred to in section 27(1) or (2) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), a copy of the consent in writing referred to in section 27(1) or (2), as the case may be, of that Ordinance. (L.N. 65 of 2000)

(11) The Returning Officer must make available for inspection by any person a copy each of any declaration, permission or authorization, consent or election advertisement furnished under this section. They must be made available after the declaration, permission or authorization, consent or election advertisement is furnished to the Returning Officer and until the end of the period for which copies of election returns lodged by candidates are available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554). (10 of 2000 s. 47; L.N. 65 of 2000)

(12) A candidate who fails to comply with any requirement in this section commits an offence.

(13) A person who displays an election advertisement in respect of which a requirement in this section has not been complied with, commits an offence.

(14) A person who commits an offence under subsection (12) or (13) is liable to a fine at level 2 and to imprisonment for 6 months.

(15) The Returning Officer or any person authorized by that Officer may seize and dispose of, or destroy, or obliterate, or cover with such materials as that Officer or the person thinks fit, any election advertisement on display and in respect of which any requirement in this section has not been complied with. (L.N. 65 of 2000)

(15A) Subsections (1) and (2) do not apply to an election advertisement-

- (a) which is a printed material-
 - (i) of or smaller than A4 size, that is, 30 cm x 21 cm;
 - (ii) contained in a single sheet of paper; and
 - (iii) bearing upon it the printer's name and address, number of copies printed and date of printing;
- (b) appearing on a local newspaper (within the meaning of the Registration of Local Newspapers Ordinance (Cap 268)) registered under section 7 of that Ordinance;
- (c) to be sent by facsimile or any other form of electronic transmission; or
- (d) in the form of a balloon, T-shirt, cap, badge or carrier-bag, badge, carrier bag, clothing or head-dress. (L.N. 65 of 2000)

(16) The Commission may exempt by notice published in the Gazette any other class or type of election advertisement from the application of subsections (1) and (2). (L.N. 65 of 2000)

(17) If a Returning Officer has not been appointed for a constituency or the Election Committee election, the references in this section to a Returning Officer are to be construed as a reference to the Chief Electoral Officer.

Section:	103	Offence of false declaration	L.N. 65 of 2000	05/05/2000
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(1) A person who, in an election related document, makes a statement which that person knows to be false in a material particular or recklessly makes a statement which is incorrect in a material particular or knowingly omits a material particular from an election related document commits an offence.

(2) A person who directly or indirectly by himself or herself or by another person on his or her behalf conspires with, incites, compels, induces, coerces, intimidates or persuades another person to make a false statement in an election related document or to provide information which that person knows to be wrong in a material particular in an election related document commits an offence.

(3) A person who commits an offence under this section is liable to a fine at level 2 and to imprisonment for 6 months.

(3A) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap 542). (L.N. 65 of 2000)

(4) In this section "election related document" (與選舉有關的文件) means a form, declaration, application, authorization, notice, statement or a nomination form required or used for the purposes of this Regulation.

Schedule:	1	(Repealed L.N. 210 of 2001)	L.N. 210 of 2001	12/10/2001
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Schedule:	2	POSTPONEMENT AND ADJOURNMENT OF GENERAL ELECTION AND BY-ELECTION	L.N. 210 of 2001	12/10/2001
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[sections 3, 65 & 91]

1. Postponement of a general election and adjournment of poll at all polling stations or count at all counting stations

(1) If, before the holding of a general election, it appears to the Commission that the election is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the holding of the election by making a declaration under section 4.

(2) If, at any time during the polling or the counting of the votes at a general election, it appears to the Commission that the poll or count is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll or count by making a declaration under section 4.

(3) The occurrences for the purposes of subsections (1) and (2) are-

(a) a typhoon or other climatic condition of a serious nature; or

(b) an occurrence which appears to the Commission to be a material irregularity

relating to the election, the poll or count.

2. Postponement of election, adjournment of poll or count
in respect of a constituency or
~~the Election Committee election~~

(1) If, during or before a general election or by-election, it appears to the Commission that the election for a constituency or ~~the Election Committee election~~ is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the election or by-election for the constituency or ~~the Election Committee election~~ by making a declaration under section 4.

(2) If, at any time during a poll or count in respect of a general election or by-election, referred to in subsection (1), it appears to the Commission that the poll at all the polling stations for any constituency or ~~the Election Committee election~~ is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations or the count at all the counting stations for that constituency or ~~the Election Committee election~~ by making a declaration under section 4.

(3) The occurrences for the purposes of subsections (1) and (2) are-

- (a) a typhoon or other climatic condition of a serious nature;
- (b) riot, open violence or other occurrence of public danger; or
- (c) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or count.

3. Adjournment of poll at a particular polling station

(1) If, at any time during polling at a general election or by-election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 4.

(2) The occurrences for the purposes of subsection (1) are-

- (a) a typhoon or other climatic condition of a serious nature;
- (b) riot, open violence or other occurrence of public danger; or
- (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the election, the poll or count.

4. How a declaration for the purposes of sections 1, 2
and 3 is to be made and what it is to contain

(1) A declaration for the purposes of sections 1, 2 and 3 is to be made by a notice published in the Gazette. If publication in the Gazette is not practicable in the circumstances, the notice may be published by other means determined by the Commission.

(2) The declaration must contain the following as may be appropriate in each case-

- (a) a description (by name or otherwise) of the general election or by-election that is being postponed or in respect of which a poll or count is being adjourned or postponed;
- (b) the fact that the general election or by-election is being postponed;
- (c) the fact that polling or the counting of the votes is being postponed or adjourned;
- (d) a statement as to whether the polling or counting of the votes is being postponed or adjourned at all the polling stations or counting stations in respect of a constituency or ~~the Election Committee election~~;
- (e) a statement as to whether the polling or the counting of the votes is being adjourned at a single polling station or counting station referred to in paragraph (d) or certain polling stations or counting stations; and

- (f) a description (by name or otherwise) of the polling stations or counting stations at which a poll or count is being postponed or adjourned.

5. Procedure after adjournment of poll

(1) If a poll is adjourned under this Schedule or section 44 of the Legislative Council Ordinance (Cap 542) or section 18 of Schedule 2 to that Ordinance, the procedure specified in this section is to be complied with. (L.N. 147 of 1998)

(2) The Presiding Officer must, in the presence of any persons present within the polling station, secure the ballot boxes and their contents in a manner that Officer thinks fit. Then, without counting or separating the ballot papers or counting the votes, that Officer must deliver the secured ballot boxes together with any un-issued ballot papers, unused ballot papers or spoilt ballot papers, and the marked copies of the final register to the Returning Officer.

(3) If it is not practicable to make delivery to the Returning Officer, the Presiding Officer must deposit the secured ballot boxes, and the other materials referred to in subsection (2), in a safe place within the polling station. If there is no safe place within the polling station, that Officer must deposit them in a safe place within a police station or a public building close to the polling station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the polling station. If there is no police station, public building or secure building close to the polling station, that Officer must deposit the ballot boxes and materials in a safe place within any other police station or public building or, in the absence of such a station or building, in a safe place in any other building (which may even be a residential building).

(4) If the ballot boxes and other materials are delivered to the Returning Officer, that Officer must take such steps as determined by the Commission (generally or in a particular case) for the purpose of ensuring their safety and security. The Returning Officer must remain in charge of them and be responsible for their safety and security until polling in respect of the adjourned poll commences.

(5) If a poll is adjourned under this Schedule or section 44 of the Legislative Council Ordinance (Cap 542) or section 18 of Schedule 2 to that Ordinance, the polling hours appointed for the resumed poll must be such that the total time allowed for polling (that is the aggregate of the polling hours which had been spent at the time the poll was adjourned and the polling hours appointed for the resumed poll) is not less than the total time that would have been allowed for polling had the poll not been adjourned. (L.N. 147 of 1998)

6. Procedure after adjournment or postponement of a count

(1) If a count is adjourned under this Schedule or section 44 of the Legislative Council Ordinance (Cap 542) or section 18 of Schedule 2 to that Ordinance, or if the count is adjourned due to the postponement of a poll under this Schedule, the Returning Officer or the Presiding Officer, as may be appropriate, must comply with this section. (L.N. 147 of 1998)

(2) The Returning Officer or the Presiding Officer, as may be appropriate, must take steps to cease the count. Then, in the presence of the persons, if any, present within the counting station, deposit the ballot boxes (whether opened or un-opened) and receptacles, if any, together with the ballot papers (whether counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper account, verification of a ballot paper account or re-verification of a ballot paper account, and any other relevant election materials, in a safe place within the counting station. If there is no safe place within the counting station, that Officer must deposit them in a safe place within a police station or a public building close to the counting station. If there is no such police station or public building, that Officer must deposit them in a secure building (which may even be a residential building) close to the counting station. If there is no police station, public building or secure building close to the counting station, that Officer must deposit the election materials in a safe place within any other police station or public building or in the absence of such a station or building, in a safe place in any

other building (which may even be a residential building).

(3) The election materials must remain in the charge of the Returning Officer or the Presiding Officer, as may be appropriate. That Officer is to be responsible for their safety and security until the adjourned or postponed count is resumed under section 65(7) of this Regulation.

(4) In this section "Returning Officer" (選舉主任) means a Returning Officer specified by the Chief Electoral Officer for the purposes of this section.

7. Appointment of a date by Commission for election, polling or counting after a postponement or an adjournment

(1) If a general election, ~~by-election or the Election Committee election~~ or by-election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding a general election, ~~by-election or the Election Committee election~~ or by-election, as may be appropriate.

(2) If a poll or a count is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding a poll or the count.

(3) If the postponement or adjournment is due to a reason referred to in section 2(3)(a) or (b), the appointed date must not be later than 14 days from the date on which the postponed election or the adjourned poll or count would have been held. If the postponement or adjournment is due to the reason referred to in section 2(3)(c), the appointed date must not be later than 2 days from the date on which the postponed election or adjourned poll or count would have been held.

(4) In each case referred to in sections 1, 2 and 3, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant general election, by-election, ~~the Election Committee election~~, the poll or the count, as the case may require.

(5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.

(6) The appointment of a date under this section for holding a by-election is subject to section 36(2) of the Legislative Council Ordinance (Cap 542)

(Schedule 2 amended L.N. 210 of 2001)

Schedule:	3	FORMS OF BALLOT PAPERS FOR A GENERAL ELECTION/BY-ELECTION	L.N. 65 of 2000	05/05/2000
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[section 49]

FORM 1
BALLOT PAPER FOR A GEOGRAPHICAL CONSTITUENCY

中區 CENTRAL POLL	選票 BALLOT PAPER
《選舉管理委員會(選舉程序)(立法會)規例》 ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE (LEGISLATIVE COUNCIL) REGULATION) 立法會 * 直接選舉 / 補選 * (地方選區名稱) LEGISLATIVE COUNCIL * GENERAL ELECTION BY-ELECTION *(NAME OF GEOGRAPHICAL CONSTITUENCY)	# (代號) # (Code)
* (選舉日期) *(date of election)	
# (代號) # (Code)	
A ballot paper for a geographical constituency of a general election is to be used. The law which provides for the printing of ballot papers is contained in the Ordinance mentioned in the list of laws above.	
1	<input type="radio"/>
2	<input type="radio"/>
3	<input type="radio"/>
4	<input type="radio"/>
5	<input type="radio"/>
6	<input type="radio"/>
7	<input type="radio"/>
8	<input type="radio"/>

- # A code will be assigned to each of the geographical constituencies. Only the appropriate code will be printed.
- * Only the appropriate information will be printed.
- † Address of the candidate to be included if required under section 49(13)(ii).
- ⊕ Each candidate on the list will be allotted a letter of the alphabet starting from 'a' and up to 'f', depending on the number of candidates.

FORM 2

BALLOT PAPER FOR A SPECIAL FUNCTIONAL CONSTITUENCY

存根 COUNTERFOIL	(編號) (Serial Number)
(選舉管理委員會(選舉程序)(立法會)條例) ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION	
選舉 BALLOT PAPER	
立法會* 普通選舉/補選 *(功能界別名稱) LEGISLATIVE COUNCIL *GENERAL ELECTION/BY-ELECTION *(NAME OF FUNCTIONAL CONSTITUENCY)	
*(選舉日期) *(date of election)	
你必须填上第一選擇 YOU MUST MARK THE FIRST PREFERENCE	
你必须選擇最少一名候選人，填在作為第一選擇的候選人姓名右邊的圓圈內填上「1」。第二選擇填上「2」。第三選擇填上「3」。如此類推。 You must choose at least one candidate. Mark "1" in the circle opposite the name of candidate of your first preference, "2" opposite the name of candidate of your second preference, "3" opposite the name of candidate of your third preference, and so on.	
@ A @ B @ C @ D @ E @ F	*(候選人姓名公告上顯示的 候選人姓名) *(Name of candidate as shown in Notice of Nominations)
	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

- # A code will be assigned to each of the special functional constituencies. Only the appropriate code will be printed.
- * Only the appropriate information will be printed.
- † Address of the candidate to be included if required under section 49(13)(b).
- @ The code assigned for the relevant special functional constituency will precede the letter of the alphabet allocated to each candidate.

FORM 3(a)
BALLOT PAPER FOR AN ORDINARY FUNCTIONAL CONSTITUENCY

字號 COUNTERFOIL	(號) (Serial Number)
(選舉管理委員會(選舉程序)(立法會)規例) ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL) REGULATION (立法會一般選舉/補選) LEGISLATIVE COUNCIL *GENERAL ELECTION/BY-ELECTION *(功能界別名稱) *(NAME OF FUNCTIONAL CONSTITUENCY) * (選舉日期) *(Date of election)	選票 BALLOT PAPER # (代號) # (Code)
凡投票者須將此紙剪開後將此紙放入投票箱內。此紙在投票箱內須與第 1 至 5 號 This ballot paper should be provided as five separate sheets to be placed in the ballot box opposite the name of candidate of your choice.	
1	<input type="radio"/>
2	<input type="radio"/>
3	<input type="radio"/>
4	<input type="radio"/>
5	<input type="radio"/>

- # A code will be assigned to each of the ordinary functional constituencies. Only the appropriate code will be printed.
- * Only the appropriate information will be printed.
- † Address of the candidate to be included if required under section 49(13)(b).
- ⊗ The code assigned for the relevant ordinary functional constituency will precede the number allocated to each candidate.

FORM 3(b)
BALLOT PAPER FOR AN ORDINARY FUNCTIONAL CONSTITUENCY
(MORE THAN ONE VACANCY)

存根 COUNTERFOIL	(號碼) (Serial Number)
《選舉管理委員會(選舉程序)(立法會)規例》 ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL) REGULATION	選票 BALLOT PAPER
立法會 * 換屆選舉 / 補選 *(功能界別名稱) LEGISLATIVE COUNCIL *GENERAL ELECTION BY-ELECTION *(NAME OF FUNCTIONAL CONSTITUENCY)	(代碼) B(Code)
* 選舉日期 *(date of election)	
<p>請在每個空位內填上你欲選的人的代號。在每個空位內填上代號時，請在代號後填上你欲選的人的代號。請在代號後填上你欲選的人的代號。</p> <p>Use the codes provided in the printing relation to electing "X" in this circle indicate the names of not more than three candidates of your choice.</p>	
1	<input type="checkbox"/>
2	<input type="checkbox"/>
3	<input type="checkbox"/>
4	<input type="checkbox"/>
5	<input type="checkbox"/>

- * A code will be assigned to the ordinary functional constituency concerned. Only the appropriate code will be printed.
- † Only the appropriate information will be printed.
- † Address of the candidate to be included if required under section 49(13)(b).
- Ⓢ The code assigned for the relevant ordinary functional constituency will precede the number allocated to each candidate.

FORM 4
BALLOT PAPER FOR THE ELECTION COMMITTEE

(選舉事務委員會 (選舉程序) (立法會) 規例)
ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION

選票
BALLOT PAPER

立法會 * 換屆選舉 / 補選
選舉委員會
LEGISLATIVE COUNCIL * GENERAL ELECTION BY SELECTION
ELECTION COMMITTEE

* (選舉日期)
*(Date of election)

你必须選出 6 名 (不能多選或少過 6 名) 候選人
YOU MUST MARK YOUR 6 CHOICES, NO MORE AND NO LESS
請在箭頭內標出 6 名 (不能多選或少過 6 名) 候選人的號碼
Please mark in the arrow the names of 6 candidates (no more and no less)

21.	† (候選人姓名及告示上顯示的候選人姓名) * (Name of candidate as shown in Notice of Nomination)	36.
22.		37.
23.		38. . .
24.		39. . .
25.		40. . .
31.		46. . .
32.		47. . .
33.		48. . .
34.		49. . .
35.		50. . .

存根
COUNTERFOIL

(編號) (Serial Number)

* Only the appropriate information will be printed.
† The address of the candidate to be included if required under section 49(13)(b).

SCHEDULE 3
FORMS OF BALLOT PAPERS FOR A GENERAL ELECTION/BY-ELECTION

FORM 1
BALLOT PAPER FOR A GEOGRAPHICAL CONSTITUENCY

存根 COUNTERFOIL		(編號) (Serial Number)
<p>《選舉管理委員會(選舉程序)(立法會)規例》 ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL) REGULATION</p> <p>立法會 * 換屆選舉 / 補選 *(地方選區名稱) LEGISLATIVE COUNCIL *GENERAL ELECTION/BY-ELECTION *(NAME OF GEOGRAPHICAL CONSTITUENCY)</p> <p>*(選舉日期) *(date of election)</p>		<p>選票 BALLOT PAPER</p> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> # (代號) # (code) </div>
<div style="border: 1px solid black; padding: 2px; display: inline-block;"> 請用投票站提供的印章在所選名單內的圓圈蓋上“√”號。 Use the chop provided at the polling station to stamp "√" in the circle of the list of your choice. </div>		
<p style="font-size: 24px; font-weight: bold; text-align: center;">1</p> <p style="font-size: 8px;">* 訂明團體的登記名稱及登記標誌及 訂明人士的登記標誌 * Registered names and registered emblems of prescribed bodies and registered emblems of prescribed persons * 獨立候選人 * Independent Candidates * 無黨派候選人 * Non-affiliated Candidates</p>	<p style="text-align: center; font-size: 8px;">候選人照片 Photographs of candidates</p>	<p style="font-size: 24px; font-weight: bold; text-align: center;">4</p>
<p style="font-size: 12px;">@* (候選人提名公告上顯示的候選人姓名 —— 按候選人名單上的排名次序) @* (Names of candidates as shown in Notice of Nominations in order of priority)</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>
<p style="font-size: 24px; font-weight: bold; text-align: center;">2</p>		<p style="font-size: 24px; font-weight: bold; text-align: center;">5</p>
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>
<p style="font-size: 24px; font-weight: bold; text-align: center;">3</p>		<p style="font-size: 24px; font-weight: bold; text-align: center;">6</p>
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>

A code will be assigned to each of the geographical constituencies. Only the appropriate code will be printed.

* Only the appropriate information will be printed.

+ Address of the candidate to be included if required under section 49(13)(b).

@ Each candidate on the list will be allocated a letter of the alphabet starting from 'a' and up to 'h', depending on the number of candidates.

FORM 2
BALLOT PAPER FOR A SPECIAL FUNCTIONAL CONSTITUENCY

存根
COUNTERFOIL

(編號)
(Serial Number)

《選舉管理委員會(選舉程序)(立法會)規例》

ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE)
(LEGISLATIVE COUNCIL) REGULATION

選票
BALLOT
PAPER

#(代號)
#(code)

立法會 * 換屆選舉 / 補選

*(功能界別名稱)

LEGISLATIVE COUNCIL *GENERAL ELECTION/BY-ELECTION

*(NAME OF FUNCTIONAL CONSTITUENCY)

*(選舉日期)

*(date of election)

除由規例指定最少一名候選人外，選民可為每名第一選擇的候選人姓名左邊的圓圈內填上「1」、第二選擇填上「2」、第三選擇填上「3」、如此類推。
You must choose at least one candidate. Mark "1" in the circle opposite the name of candidate of your first preference, "2" opposite the name of candidate of your second preference, "3" opposite the name of candidate of your third preference, and so on.

<p>@ A</p> <p>* 訂明團體的登記名稱及登記標誌及訂明人士的登記標誌 * Registered names and registered emblems of prescribed bodies and registered emblem of prescribed person * 獨立候選人 * Independent Candidate * 無黨派候選人 * Non-affiliated Candidate</p>	<p>@ D</p>
<p>○</p> <p>* (候選人提名公會上顯示的候選人姓名) * (Name of candidate as shown in Notice of Nominations)</p>	<p>候選人相片 Photograph of candidate</p> <p>□</p>
<p>○</p>	<p>□</p>
<p>@ B</p>	<p>@ E</p>
<p>○</p>	<p>□</p>
<p>○</p>	<p>□</p>
<p>@ C</p>	<p>@ F</p>
<p>○</p>	<p>□</p>
<p>○</p>	<p>□</p>

A code will be assigned to each of the special functional constituencies. Only the appropriate code will be printed.

* Only the appropriate information will be printed.

† Address of the candidate to be included if required under section 49(13)(b).

@ The code assigned for the relevant special functional constituency will precede the letter of the alphabet allocated to each candidate.

FORM 3(a)

BALLOT PAPER FOR AN ORDINARY FUNCTIONAL CONSTITUENCY

存根
COUNTERFOIL

(編號)
(Serial Number)

《選舉管理委員會(選舉程序)(立法會)規例》
ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL) REGULATION

選票
BALLOT
PAPER

#(代號)
#(code)

立法會 * 換屆選舉 / 補選
*(功能界別名稱)
LEGISLATIVE COUNCIL * GENERAL ELECTION / BY-ELECTION
*(NAME OF FUNCTIONAL CONSTITUENCY)
*(選舉日期)
*(date of election)

請用投票站提供的印章在所選擇的候選人姓名左邊的
圓圈內蓋上“√”號
Use the chop provided at the polling station to stamp "√" in
the circle opposite the name of candidate of your choice.

<p>@ 1</p> <p>*訂明團體的登記名稱及登記標誌及 訂明人士的登記標誌 *Registered names and registered emblems of prescribed bodies and registered emblem of prescribed person *獨立候選人 *Independent Candidate *無黨派候選人 *Non-affiliated Candidate</p>	<p>@ 4</p>
<p>○ 種 (候選人提名公告上顯 示的候選人姓名) 种 (Name of candidate as shown in Notice of Nominations)</p> <p>候選人照片 Photograph of candidate</p>	<p>○</p> <p>候選人照片 Photograph of candidate</p>
<p>@ 2</p>	<p>@ 5</p>
<p>○</p> <p>候選人照片 Photograph of candidate</p>	<p>○</p> <p>候選人照片 Photograph of candidate</p>
<p>@ 3</p>	<p>@ 6</p>
<p>○</p> <p>候選人照片 Photograph of candidate</p>	<p>○</p> <p>候選人照片 Photograph of candidate</p>

- # A code will be assigned to each of the ordinary functional constituencies. Only the appropriate code will be printed.
- * Only the appropriate information will be printed.
- † Address of the candidate to be included if required under section 49(13)(b).
- @ The code assigned for the relevant ordinary functional constituency will precede the number allocated to each candidate.

FORM 3(b)
BALLOT PAPER FOR AN ORDINARY FUNCTIONAL CONSTITUENCY
(MORE THAN ONE VACANCY)

<p style="font-size: 1.2em; margin: 0;">存根 COUNTERFOIL</p>		<p style="font-size: 0.8em; margin: 0;">(編號) (Serial Number)</p>
<p style="font-size: 0.8em; margin: 0;">《選舉管理委員會(選舉程序)(立法會)規例》 ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL) REGULATION</p>		<p style="font-size: 0.8em; margin: 0;">選票 BALLOT PAPER</p>
<p style="font-size: 0.8em; margin: 0;">立法會 * 換屆選舉 / 補選 *(功能界別名稱) LEGISLATIVE COUNCIL * GENERAL ELECTION / BY-ELECTION *(NAME OF FUNCTIONAL CONSTITUENCY) *(選舉日期) *(date of election)</p>		<div style="border: 1px solid black; padding: 2px; font-size: 0.8em; margin: 0;"> <p>#(代號) #(code)</p> </div>
<p style="font-size: 0.8em; margin: 0;">請用投票站提供的印章在所選候選人姓名(不可超過三名)左邊的圓圈內蓋上"/"號 Use the chop provided at the polling station to stamp "/" in the circle opposite the name of not more than 3 candidates of your choice.</p>		
<p style="font-size: 1.5em; margin: 0;">@ 1</p> <p style="font-size: 0.8em; margin: 0;">* 訂明團體的登記名稱及登記標誌及 訂明人士的登記標誌 * Registered names and registered emblems of prescribed bodies and registered emblem of prescribed person * 獨立候選人 * Independent Candidate * 無黨派候選人 * Non-affiliated Candidate</p>	<p style="font-size: 1.5em; margin: 0;">@ 4</p>	
<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin-right: 10px;"></div> <div style="font-size: 0.8em; margin: 0;"> <p>† (候選人提名公會上顯 示的候選人姓名) † (Name of candidate as shown in Notice of Nominations)</p> </div> <div style="border: 1px solid black; width: 40px; height: 40px; margin-left: 10px; display: flex; align-items: center; justify-content: center; font-size: 0.8em;"> <p>候選人照片 Photograph of candidate</p> </div> </div>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin-right: 10px;"></div> <div style="border: 1px solid black; width: 40px; height: 40px; margin-left: 10px;"></div> </div>	
<p style="font-size: 1.5em; margin: 0;">@ 2</p>	<p style="font-size: 1.5em; margin: 0;">@ 5</p>	
<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin-right: 10px;"></div> <div style="border: 1px solid black; width: 40px; height: 40px; margin-left: 10px;"></div> </div>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin-right: 10px;"></div> <div style="border: 1px solid black; width: 40px; height: 40px; margin-left: 10px;"></div> </div>	
<p style="font-size: 1.5em; margin: 0;">@ 3</p>	<p style="font-size: 1.5em; margin: 0;">@ 6</p>	
<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin-right: 10px;"></div> <div style="border: 1px solid black; width: 40px; height: 40px; margin-left: 10px;"></div> </div>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin-right: 10px;"></div> <div style="border: 1px solid black; width: 40px; height: 40px; margin-left: 10px;"></div> </div>	

A code will be assigned to the ordinary functional constituency concerned.
Only the appropriate code will be printed.

* Only the appropriate information will be printed.

† Address of the candidate to be included if required under section 49(13)(b).

@ The code assigned for the relevant ordinary functional constituency will precede the number allocated to each candidate.

Schedule:	4	FORMS FOR THE NOTICE OF ELECTION RESULT UNDER SECTION 58 OF THE LEGISLATIVE COUNCIL ORDINANCE (CAP 542)	L.N. 65 of 2000	05/05/2000
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[section 84]

FORM 1

NOTICE OF RESULT OF ELECTION FOR A GEOGRAPHICAL CONSTITUENCY

《選舉管理委員會(選舉程序)(立法會)規例》
ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION

選舉結果公告
NOTICE OF RESULT OF ELECTION

立法會*換屆選舉/補選
*(地方選區名稱)
LEGISLATIVE COUNCIL *GENERAL ELECTION/BY-ELECTION
*(Name of Geographical Constituency)

1. 於*(年 月 日)舉行的上述選舉的結果公布如下—
The following is a statement of the result of the above election held on *(date)-

名單編號 List Number	名單候選人姓名 Name(s) of Candidate(s)	名單所得票數 Number of Votes Given to the List
---------------------	------------------------------------	---

2. 特此公布下列候選人 * 依據以抽籤方式決定的選舉結果而在上述地方選區當選—
It is hereby notified that the following candidate(s) *is/are declared to be elected for the above-mentioned geographical constituency *pursuant to a result determined by drawing lots-

名單編號 List Number	當選的候選人姓名 Name(s) of Candidate(s) Elected
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日期:
Date:

上述地方選區的選舉主任
Returning Officer
for the above-mentioned geographical constituency

* Only the appropriate information will be printed.

(L.N. 65 of 2000)

FORM 2

NOTICE OF RESULT OF ELECTION FOR FUNCTIONAL CONSTITUENCIES

〈選舉管理委員會(選舉程序)(立法會)規例〉
ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION

選舉結果公告
NOTICE OF RESULT OF ELECTION

立法會*換屆選舉/補選
*(功能界別名稱)
LEGISLATIVE COUNCIL *GENERAL ELECTION/BY-ELECTION
*(Name of Functional Constituency)

1. 於*(年 月 日)舉行的上述選舉的結果公布如下—
The following is a statement of the result of the above election held on *(date)-

候選人姓名 Name(s) of Candidate(s)	#所得票數 #Number of Votes Given to the Candidate
----------------------------------	--

2. 特此公布下列候選人 * 依據以抽籤方式決定的選舉結果而在上述功能界別當選—
It is hereby notified that the following candidate(s) *is/are declared to be elected for the above-mentioned functional constituency *pursuant to a result determined by drawing lots-

(當選的候選人姓名)
(Name(s) of Candidate(s) Elected)

日期:
Date:

上述功能界別的選舉主任
Returning Officer
for the above-mentioned functional constituency

- * Only the appropriate information will be printed.
For the special functional constituencies, the column will show the "number of votes received at the final count".

(L.N. 65 of 2000)

FORM 3

NOTICE OF RESULT OF ELECTION FOR THE ELECTION COMMITTEE

~~《選舉管理委員會(選舉程序)(立法會)規例》~~
~~ELECTORAL AFFAIRS COMMISSION~~
~~(ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION~~

選舉結果公告
NOTICE OF RESULT OF ELECTION

立法會*換屆選舉/補選
 選舉委員會
 LEGISLATIVE COUNCIL *GENERAL ELECTION/BY-ELECTION
 ELECTION COMMITTEE

1. 於*(-----年---月---日)舉行的上述選舉的結果公布如下---
 The following is a statement of the result of the above election held on *(date)-

候選人姓名 Name(s) of Candidate(s)	所得票數 Number of Votes Given to the Candidate
----------------------------------	--

2. 特此公布下列候選人 * 依據以抽籤方式決定的選舉結果而在選舉委員會選舉中當選---
 It is hereby notified that the following candidate(s) *is/are declared to be elected by the
 Election Committee *pursuant to a result determined by drawing lots-

(當選的候選人姓名)
 (Name(s) of Candidate(s) Elected)

日期:.....
 Date:.....

選舉委員會的選舉主任
 Returning Officer
 for the Election Committee

*-----Only the appropriate information will be printed.

(L.N. 65 of 2000)

Schedule:	5	(Repealed L.N. 210 of 2001)	L.N. 210 of 2001	12/10/2001
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**ELECTORAL AFFAIRS COMMISSION (REGISTRATION)
(ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL
CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE
SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE)
REGULATION**

Section:	5	Form of the Election Committee register
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(1) An Election Committee register is to be divided into 4 parts so that there is a separate part for each sector. (L.N. 200 of 2001)

(2) The entries for a sector must be arranged with reference to the subsectors of which the sector is composed. The particulars of a member must be recorded under the subsector or sub-subsector for which the member is elected or nominated or of which he or she is an ex-officio member, as the case may be.

(3) (Repealed L.N. 307 of 1999)

(4) Each part of an Election Committee register must contain the following particulars of a member, under the appropriate subsector- (L.N. 200 of 2001)

- (a) the name of the member;
- (b)-(c) (Repealed L.N. 307 of 1999)
- (d) the principal residential address of the member; (L.N. 307 of 1999)
- (da) if a member has resigned, or is deemed to have resigned, from the Election Committee under section 3 of the Schedule to the Chief Executive Election Ordinance (Cap 569), a note or other indication to that effect against the entry relating to that member; and (L.N. 200 of 2001)
- (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, a note or other indication to that effect against the entry relating

to that member,; and (L.N. 307 of 1999)

~~(f) if a 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 at an election 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. (L.N. 307 of 1999; L.N. 200 of 2001)~~

(5) The order in which the names of members 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). (L.N. 307 of 1999)

ELECTORAL AFFAIRS COMMISSION (NOMINATIONS ADVISORY COMMITTEES (LEGISLATIVE COUNCIL)) REGULATION

Section:	1	Interpretation
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(1) In this Regulation, unless the context otherwise requires-

"by-election" (補選) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

"candidate" (候選人) means-

- (a) in relation to a particular geographical constituency, a person who is nominated to be returned as a Member for that geographical constituency at a general election or by-election, including a person whose name is included as a candidate on a nomination list within the meaning of section 3(1) of the Legislative Council Ordinance (Cap 542); and
- (b) in relation to a particular functional constituency, a person who is nominated to be returned as a Member for that functional constituency at a general election or by-election; and
- ~~(c) in relation to the Election Committee, a person who is nominated to be returned as a Member by the Election Committee at a by-election;—(L.N. 209 of 2001)~~
- (d) (Repealed L.N. 209 of 2001)

"Committee" (顧問委員會) means a Nominations Advisory Committee (Legislative Council) which for the time being stands appointed under section 2 and, where appropriate, includes a person appointed as the Committee under section 4(1); (L.N. 115 of 1999)

"functional constituency" (功能界別) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

"general election" (換屆選舉) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

"geographical constituency" (地方選區) means an area declared to be a geographical constituency under section 18(2)(a) of the Legislative Council Ordinance (Cap 542);

"Member" (議員) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

"nomination form" (提名表格) means a form specified by the Commission under section 7(1)(i) of the Ordinance submitted for the purposes of-

- (a) in relation to a geographical constituency, nominating a candidate or candidates by a nomination list within the meaning

of section 3(1) of the Legislative Council Ordinance (Cap 542) to be returned as a Member for the geographical constituency;

(b) in relation to a functional constituency, nominating a candidate to be returned as a Member for the functional constituency;

~~(c) in relation to the Election Committee, nominating a candidate to be returned as a Member by the Election Committee;~~

(d)-(e) (Repealed L.N. 209 of 2001)

"nomination period" (提名期), in relation to a particular general election or by-election, means the period specified under any regulation providing for the procedure therefore as the period for submitting to the Returning Officer nomination forms relating to that general election or by-election, as the case may be; (L.N. 209 of 2001)

"Returning Officer" (選舉主任) means, subject to section 6(6), the Returning Officer within the meaning of the Legislative Council Ordinance (Cap 542).

(L.N. 209 of 2001)

(2) In this Regulation-

(a) a reference to being eligible to be or disqualified from being nominated is to be construed, in relation to a general election or by-election held under the Legislative Council Ordinance (Cap 542), with reference to that Ordinance, but nothing in this Regulation is to be construed as empowering or requiring a Committee to advise on any matter relating to any requirements under section 40 of that Ordinance. (L.N. 209 of 2001)

(b) (Repealed L.N. 209 of 2001)

Section:	3	Functions
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(1) Subject to subsection (2), the functions of a Committee are-

(a) to advise, subject to section 5(14)-

(i) any prospective candidate for a general election as to whether he or she is eligible to be, or disqualified from being, nominated as a candidate in respect of a geographical constituency or a functional constituency, as the case may be; and

(ii)-(iii) (Repealed L.N. 209 of 2001)

(b) to advise any Returning Officer as to whether-

(i) a particular candidate for a general election or by-election is eligible to be, or disqualified from being, nominated as a candidate in respect of a geographical constituency, ~~a functional constituency or the Election Committee, as the~~

~~case may be or a functional constituency.~~

(ii) (Repealed L.N. 209 of 2001)

(2) A Committee must perform its functions under subsection (1) in respect of the general election or general elections, or by-election or by-elections, specified under section 2(5) in relation to its appointment.

(3) The Commission must specify by notice published in the Gazette the date by which a Committee must complete the performance of its functions under subsection (1)(a) as regards a general election in relation to which it is appointed, and where more than one Committee is appointed in relation to the same general election, the Commission must, for the purposes of this subsection, specify the same date in respect of each such Committee.

(4) As regards a particular general election or by-election, the Committee must perform its functions under subsection (1)(b) during the period specified by the Commission by notice published in the Gazette for the purpose of this subsection.

(L.N. 209 of 2001)

Section:	6	Procedure relating to applications by Returning Officers
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(1) A Returning Officer may, as regards a general election or by-election in relation to which a Committee is appointed, apply in accordance with subsection (3) to that Committee for advice as to whether a candidate who has submitted a nomination form to that Officer under any relevant regulation made under the Ordinance—(L.N. 209 of 2001)

~~(a) in respect of a geographical constituency, a functional constituency or the Election Committee,~~

~~(b)-(c) (Repealed L.N. 209 of 2001)~~

~~is eligible to be, or disqualified from being, nominated as a candidate in respect of a geographical constituency, that functional constituency or the Election Committee, as the case may be. (L.N. 209 of 2001) in respect of a geographical constituency or a functional constituency is eligible to be, or disqualified from being, nominated as a candidate in respect of that geographical constituency or functional constituency.~~

(2) (Repealed L.N. 209 of 2001)

(3) An application under subsection (1) must be in writing and made so as to be received by the Chief Electoral Officer on or before a date specified by the Commission by notice published in the Gazette for the purpose of this subsection. (L.N. 209 of 2001)

(4) A Committee to which an application is made under subsection (1) must consider the application and advise the Returning Officer concerned as

soon as reasonably practicable but before the expiry of the relevant period, as to whether, in the opinion of that Committee-

~~(a) the candidate concerned is eligible to be, or disqualified from being, nominated as a candidate in respect of a geographical constituency, that functional constituency or the Election Committee, as the case may be. (L.N. 209 of 2001)~~

~~(b) (Repealed L.N. 209 of 2001) the candidate concerned is eligible to be, or disqualified from being, nominated as a candidate in respect of that geographical constituency or functional constituency.~~

(5) In making a decision under the relevant regulations made under the Ordinance as to whether-

~~(a) a particular candidate is validly nominated in respect of a geographical constituency, a functional constituency or the Election Committee, as the case may be,~~

~~(b) (Repealed L.N. 209 of 2001) a particular candidate is validly nominated in respect of a geographical constituency or a functional constituency,~~

the Returning Officer must have regard to any advice given under section 5 or 8 or subsection (4) as regards that candidate. (L.N. 209 of 2001)

(6) In this section, references to Returning Officer are to be construed as references to the Returning Officer appointed for the geographical constituency, ~~the functional constituency or the Election Committee, as the case may be, or the functional constituency~~ in respect of which the candidate concerned has submitted a nomination form. (L.N. 209 of 2001)

(7) Any advice given under this section must be in writing.

(8) In this section, "relevant period" (有關限期) means the period specified in section 3(4) as the period during which a Committee must perform its functions under section 3(1)(b).