

LEGISLATIVE COUNCIL BRIEF

Electoral Affairs Commission Ordinance (Cap. 541) Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2004

INTRODUCTION

On 11 May 2004, the Electoral Affairs Commission (“EAC”) made the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2004 (“the Amendment Regulation”). In the main, the purposes of the Amendment Regulation are to -

- (a) delete all references relating to the Election Committee in view of the change in the overall composition of the Legislative Council (“LegCo”) as from the third term;
- (b) provide for the counting of votes for geographical constituencies (“GCs”) at polling stations after the close of poll;
- (c) improve the existing procedures for the handling of questionable ballot papers;
- (d) make other necessary amendments to the electoral arrangements; and
- (e) make consequential amendments to the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation and the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation.

This brief informs Members of the main provisions of the Amendment Regulation.

BACKGROUND

2. The Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (“the existing Regulation”) is made by the EAC to provide for the detailed procedural arrangements for the LegCo elections. In preparation for the LegCo election in September 2004, the EAC has reviewed the Regulation, having regard to the Legislative Council Ordinance, Cap. 542, and the experience of past elections.

Deletion of References to the Election Committee

3. According to the Basic Law and the Legislative Council Ordinance, the Election Committee will not return any LegCo Members as from the third term LegCo. Accordingly, all references to the Election Committee in the existing Regulation and other relevant regulations made by the EAC should be deleted.

Practical Electoral Arrangements

4. From the experience gained since the 2000 LegCo election, the EAC considers that a number of improvements can be made to the electoral arrangements. Among other things, the EAC considers that the counting process can be sped up by –

- (a) conducting the counting of votes at individual polling stations after the close of poll; and
- (b) improving the existing procedures so that ballot papers that are clearly invalid will be treated as such and will not need to go through the procedures which apply to questionable ballot papers, as is required under the existing Regulation.

5. The above measures were implemented in 2003 District Council (“DC”) election. Having reviewed the experience of the last DC election, the EAC considers that similar arrangements could be adopted for the 2004 LegCo election. Detailed justifications and counting procedures are set out below.

Proposed Counting Arrangement for GCs

Counting of Votes at Individual Polling Stations

6. Counting of votes for elections was traditionally conducted in a centralized manner. In the 1999 DC election, counting was conducted at 18 district counting stations. In the 2000 LegCo election, one regional counting station was set up for each of the five GCs.

7. In the 2003 DC election, counting of votes was for the first time conducted at individual polling stations. The EAC considers that the decentralized counting arrangements introduced in the 2003 DC election were on the whole satisfactory and proposes that they be adopted in the 2004 LegCo election. Under the new arrangement, ballot boxes no longer have to be transported after the close of poll from polling stations to counting stations for the purpose of vote counting. The arrangement has the following advantages -

- (a) the efficiency of the vote counting process could be enhanced, and election results could be announced earlier; and
- (b) security risks arising from the need to transport ballot boxes from polling stations to counting stations could be eliminated.

8. Further, in the 2004 LegCo election, candidates will be allowed to print specified particulars relating to candidates on ballot papers. To cater for this new measure, new ballot papers of larger size will be introduced. The new form of ballot papers will be much more heavy and bulky to handle than the traditional form of ballot papers, and a larger number of new ballot boxes will be required. Therefore, if vote counting were to be conducted in a centralized manner as in previous LegCo elections, it would take more time and effort to transport the ballot boxes from the polling stations to the counting station, and the counting process would be delayed. Decentralized counting could avoid the problem.

Counting Arrangement for Small Polling Stations

9. When the decentralized counting arrangement was proposed for the 2003 DC election, some Members of the LegCo Subcommittee which was set up to scrutinize the then proposed Regulation expressed concern about the protection of the secrecy of votes in the case of polling stations which serve only a very small number of electors. To address the concern, during the 2003 DC election, arrangements were made so that the ballot papers of a small polling station, i.e. one with less than 200 registered electors, were delivered to a polling station which has been designated as a main counting station. The ballot papers cast at the small polling station and the main counting station were mixed before the votes were counted to protect the secrecy of votes cast.

10. The EAC proposes that similar arrangements be adopted in the coming LegCo election. At the close of poll, the votes cast at a small polling station will be delivered to a main counting station for counting. The Presiding Officer (“PrO”) of a main counting station shall mix the ballot papers of the polling station designated as the main counting station together with the ballot papers which have been delivered from one or more small polling stations to the main counting station before counting the votes at the main counting station. (Please also refer to paragraph 35.)

Converting a polling station for a GC to a counting station

11. Immediately after the close of poll, a polling station other than a small polling station for a GC will be converted into a counting station and the count will be performed by the polling staff. During the conversion, the candidates and their agents will be allowed to be present to observe the conversion. The PrO, who is also the official in charge of the operation of the polling station during the day, will take up the role of supervising the counting of votes.

Counting of votes and re-count

12. To uphold the principle of fair, open and honest elections, the existing re-counting mechanism will be maintained, and members of the public will continue to be allowed to observe the counting process. Details of the counting arrangement are set out below.

- (a) a Returning Officer (“RO”) will be designated for each of the five GCs. The five ROs will be stationed at the central counting station (“CCS”). Each RO will be assisted by a number of Assistant Returning Officers (“AROs”) to compile the final election results of the respective GCs, by adding up counting results from polling stations under the charge of each ARO;
- (b) upon completion of vote counting at individual counting stations, the PrO of each counting station will make known the counting result to the candidates, their election agents and counting agents if they are present at the counting station. They may request a re-count. The PrO shall comply with the request unless he considers it unreasonable;
- (c) the PrO of each counting station will report to an ARO of that GC the final counting result of his counting station;
- (d) after the ARO has been notified of the counting results or re-count results of all the counting stations under his charge, he will report the results to the RO;
- (e) any misplaced GC ballot papers found in functional constituency (“FC”) ballot boxes at the CCS will be delivered to the relevant RO for the GC and be dealt with by the RO;
- (f) upon obtaining the confirmed counting results from all the counting stations for the GC, the RO will add up these figures together with the results in respect of any

misplaced GC ballot papers to produce the aggregate total;

- (g) the RO will then make known the aggregate total to the candidates, their election agents and counting agents who are present at the CCS. Candidates or their election agents may request to re-count all the votes for the GC. The RO shall comply with the request unless he considers it unreasonable;
- (h) the RO will inform all the AROs to instruct the PrOs under their respective charge to conduct a re-count at their respective counting stations forthwith. The RO will also conduct a re-count of any misplaced GC ballot papers found in FC ballot boxes at the CCS;
- (i) upon completion of re-counting, the PrO of each of the counting stations will make known the re-count result at his counting station to the candidates and their agents present at that counting station and to the ARO for the GC;
- (j) after the ARO has been notified of the re-count results of all the counting stations under his charge, he will report the results to the RO;
- (k) upon obtaining the confirmed re-count results from all the counting stations, the RO will add up these re-count figures together with the re-count result in respect of any misplaced GC ballot papers to produce the final aggregate total;
- (l) the RO will make known the final aggregate total to the candidates and their agents; and
- (m) the RO will sign and display a notice declaring the final result of the election at the CCS, and inform the PrOs under his charge that the declaration has been made. He will also arrange for the publication of the notice in the Gazette.

Questionable and Invalid Ballot Papers

13. As the existing Regulation for LegCo elections now stands, a ballot paper is set aside as a questionable ballot paper if -

- (a) it is endorsed on the front with the word “TENDERED”;
- (b) it is endorsed on the front with the word “SPOILT”;
- (c) it is unused;
- (d) it is unmarked;
- (e) it is not marked with the chop provided;
- (f) votes are given for more than one list of candidates ;
- (g) the chop is not affixed to give a single “✓ ” in the circle opposite the list of candidates of the elector’s choice;
- (h) there is writing or a mark by which the elector can be identified;
- (i) it is substantially mutilated; or
- (j) the elector’s intention is uncertain.

The RO will decide whether a questionable ballot paper should be counted. Candidates, their election agents or counting agents may raise objection to the admission or rejection of a questionable ballot paper, but the final decision rests with the RO. Although all ten categories of ballot papers mentioned above are treated as questionable ballot papers, those in categories (a) to (f) are by their nature clearly invalid.

14. The relevant regulation for DC elections used to contain similar provisions as elaborated in paragraph 13. Amendments have been introduced for the 2003 DC election so that -

- (a) the PrOs assume the responsibility of supervising the

counting of votes and determining questionable ballot papers at polling stations; and

- (b) ballot papers referred to in paragraph 13 (a) to (f) above are no longer treated as questionable ballot papers, but are regarded as invalid right away. They will not be subject to the objection of candidates or their agents. Other ballot papers not falling within these categories will be treated as questionable ballot papers. The PrOs will decide whether they should be counted. Candidates or their agents may raise objection to the admission or rejection of questionable ballot papers but the final decision rests with the PrOs.

15. In the light of the consideration mentioned in paragraph 13 and the experience of the 2003 DC election, the EAC considers it desirable to introduce similar legislative amendments for the 2004 LegCo election.

Proposed Polling and Vote Counting Arrangements for FCs

16. The EAC considers that it will not be efficient for individual polling stations to handle the counting of votes for 28 FCs. It is therefore proposed that vote counting for FCs be conducted at the CCS, as in previous LegCo elections. However, some operational changes to the polling and counting arrangements are proposed; these are outlined in paragraphs 17 to 21 below.

Dispensing with Envelopes for containing FC ballot papers

17. In previous elections, as a measure to protect the secrecy of votes, envelopes were provided to all FC electors so that after marking the ballot papers, electors could put their marked ballot papers into the envelopes before putting them into the ballot box.

18. Having reviewed the arrangements, the EAC proposes that the use of envelopes be dispensed with. Electors will be reminded to turn the marked FC ballot paper face down against the cardboard (given to the electors when they are issued with the ballot paper) before leaving the voting compartment and then insert the marked ballot paper face down into the ballot box. The tailor-made ballot box will ensure that the ballot papers will fall into a neat pile face

down, and voter secrecy will be protected.

Delivery of FC Ballot Papers to the CCS

19. At the commencement of the count for GC ballot papers at the polling station, the PrO will open the GC ballot boxes and identify any misplaced FC ballot papers. The PrOs will seal the misplaced FC ballot papers and then arrange them to be delivered together with the ballot boxes and ballot paper accounts for FCs to the CCS.

Questionable and Invalid FC Ballot Papers

20. For the same reasons mentioned in paragraphs 13 to 15 above, the EAC considers that the existing Regulation should be amended to specify clearly that a FC ballot paper is invalid if -

A ballot paper for an ordinary FC or a special FC*

- (a) it is endorsed on the front with the word “TENDERED”;
- (b) it is endorsed on the front with the word “SPOILT”;
- (c) it is unused;
- (d) it is unmarked;

A ballot paper for an ordinary FC

- (e) it is not marked with the chop provided;
- (f) votes are given for more than the number of members to be returned for that ordinary FC;

* *In accordance with section 2 of the Regulation. “special FCs” means the FCs specified in section 20(1)(a) to (d) of the LegCo Ordinance, ie, (a) the Heung Yee Kuk FC; (b) the agriculture and fisheries FC; (c) the insurance FC; and (d) the transport FC.*

A ballot paper for a special FC

- (g) it is not marked by Arabic numerals;
- (h) it is marked with a first preference for 2 or more candidates (whether or not the elector has marked preferences for any other candidate); and
- (i) it is not marked with a first preference (whether or not the elector has marked any other preference).

21. Ballot papers falling within the above categories will be treated as invalid. They will not be subject to the objection of candidates or their agents. As for other types of questionable ballot papers, they will continue to be regarded as such. The ROs for the FCs will decide whether the questionable ballot papers should be counted. Candidates, their election agents or counting agents may raise objection to the admission or rejection of questionable ballot papers, but the final decision rests with the ROs.

AMENDMENT REGULATION

22. The Amendment Regulation is at the **Annex**. The major amendments are to achieve the purposes as elaborated in the following paragraphs.

Deletion of References to the Election Committee

(sections 2 to 4, 7 to 19, 21, 22, 24 to 28, 30, 34, 37-39, 43 to 45, 50-53, 55, 61, 62, 64, 65, 67 to 69, 71, 73, 74, 76, 78 to 84 of the Amendment Regulation)

23. All references to the Election Committee in the existing Regulation will be deleted. Consequential amendments are also made to the EAC (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation and the EAC (Nominations Advisory Committees (Legislative Council)) Regulation.

Counting of Votes at Polling Stations for GCs

Converting a polling station for a GC to a counting station (sections 41, 56 and 58 of the Amendment Regulation)

24. These sections provide for the procedures for converting a polling station for a GC to a counting station, as set out in paragraph 11 above.

Handling of ballot papers cast at a small polling station (sections 42 and 56 of the Amendment Regulation)

25. These sections provide for how the votes cast at a small polling station should be handled, as set out in paragraph 10 above.

Counting of votes and re-count (sections 56 to 58 and 63 of the Amendment Regulation)

26. These sections provide for procedures for counting and re-counting of votes, as set out in paragraph 12 above.

Invalid and Questionable GC Ballot Papers (sections 64 to 66 of the Amendment Regulation)

27. These sections provide for the revised procedures for the handling of invalid and questionable GC ballot papers, as set out in paragraphs 13 to 15 above.

Polling and Counting Arrangements for FCs

Dispensing with Envelopes for containing FC Ballot Papers (sections 37, 53 and 55 to 60 of the Amendment Regulation)

28. These sections provide that the use of envelopes for containing FC ballot papers will be dispensed with, as explained in paragraphs 17 and 18 above. The provisions require candidates to put the FC ballot paper, unfolded, into the relevant ballot box with the marked side facing down.

Delivery of FC ballot papers to the CCS
(*section 50 of the Amendment Regulation*)

29. This section provides for the arrangements for the delivery of ballot boxes for FC ballot papers to the CCS, as set out in paragraph 19 above.

Invalid and Questionable FC Ballot Papers
(*sections 64 to 66 of the Amendment Regulation*)

30. These sections provide for the revised procedures for handling invalid and questionable FC ballot papers, as set out in paragraphs 20 and 21 above.

Other revised electoral arrangements

31. The following changes to the electoral arrangements will also be introduced -

- (a) candidates will not be required to provide the registered residential address of their subscribers on the nomination forms, since subscribers' identity card numbers are already sufficient in helping the RO determine the eligibility of the subscribers and the validity of the subscriptions (*sections 5 and 6 of the Amendment Regulation*);
- (b) an elector who has been issued with a ballot paper but who has to leave the polling station before casting his vote may, on reasonable grounds and with the permission of the PrO, return to the polling station before the close of poll to cast his vote. Before leaving the polling station, the elector must return his ballot paper, unmarked, to the PrO. Similar arrangements were introduced in the 2003 DC election (*section 36 of the Amendment Regulation*); and
- (c) a PrO may be authorized by the RO to vary the no canvassing zone and the no staying zone on polling day by displaying a notice at or near the polling station (*section 71 of the Amendment Regulation*).

PUBLIC CONSULTATION

32. On 16 February and 15 March 2004, the Administration consulted the LegCo Panel on Constitutional Affairs on the proposed polling and counting arrangements for the 2004 LegCo election. In general, Members were in support of the proposed arrangements.

33. On the proposal to decentralize counting of GC votes in individual polling stations, Members generally had no objection. However, a few Members have expressed concern that candidates might find it difficult to recruit and deploy a sufficient number of agents to monitor the counting process at each and every station within a GC.

34. According to the experience of past elections, candidates will usually deploy polling agents to monitor the polling process at polling stations. Candidates may consider appointing their polling agents to be counting agents to monitor the counting process as well. Further, as in the past, the counting process will be conducted in an open and transparent manner. Apart from the candidates themselves and their agents, members of the public and the media can also observe the entire counting process. Having considered Members' comments, arrangements will be made in the coming LegCo election for the public to observe the counting process at a shorter distance from the counting zone in order to enhance the transparency of the process. A seating area for the public will also be provided outside the counting zone.

35. A Member has expressed the view that the practice of mixing ballot papers from polling stations belonging to the same GC before counting should be maintained. He is concerned that the revealing of the extent of support for different candidates in a locality as a result of conducting counting of votes in individual polling stations may undermine the integrity of the electoral process. The EAC has noted such concern but takes the view that the most important consideration is the protection of voter secrecy, and that the proposed decentralized counting arrangement will not undermine voter secrecy. If, as a result of decentralized counting arrangement, people would come to have a clearer

idea of the level of support for different candidates in a locality, this in itself should not undermine the fairness and openness of an election.

36. The EAC issued the "Proposed Guidelines on Election-related Activities in respect of the Legislative Council Elections ("Proposed Guidelines") on 22 March 2004 for a one month public consultation. The Proposed Guidelines covers, amongst others, the proposed arrangements for decentralized counting and the handling of questionable ballot papers, as well as the other revised electoral arrangements outlined in this paper. No political organizations have indicated objection to the proposed arrangements in their representations. One of them has specifically expressed support for the decentralized counting arrangement.

IMPLICATIONS OF THE AMENDMENT REGULATION

37. The financial implications of the proposed arrangement of counting votes at polling stations will be absorbed in the planned expenditure for LegCo elections. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It has no staffing, productivity, environmental or sustainability implications.

LEGISLATIVE TIMETABLE

38. The Amendment Regulation will be published in the Gazette on 14 May 2004 and tabled in the Council on 19 May 2004.

PUBLICITY

39. A press release will be issued to announce the publication of the Amendment Regulation in the Gazette. A spokesman will be available for answering media enquiries.

Registration and Electoral Office
May 2004

**ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE
COUNCIL)(AMENDMENT) REGULATION 2004**

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ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL)(AMENDMENT) REGULATION 2004

(Made by the Electoral Affairs Commission under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541))

1. Commencement

This Regulation shall come into operation on 16 July 2004.

2. Interpretation

Section 2 of the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation (Cap. 541 sub. leg. D) is amended -

(a) in subsection (1) -

(i) in the definition of "candidate" -

(A) in paragraph (a), by adding "and" at the end;

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

(C) by repealing paragraph (c);

(ii) in the definition of "central counting station", by repealing "and the Election Committee election";

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

(A) by repealing "Chief Electoral Officer" and substituting "Chief Returning Officer, the Returning Officer or the Presiding Officer, as

- may be appropriate,";
- (B) by repealing "or for the Election Committee election";
- (iv) by repealing the definition of "EC ballot paper";
- (v) by repealing the definition of "EC polling station";
- (vi) by repealing the definition of "Election Committee election";
- (vii) by repealing the definition of "Election Committee final register";
- (viii) in the definition of "election notice" -
 - (A) in paragraph (a), by adding "and" at the end;
 - (B) in paragraph (b), by repealing "and" at the end;
 - (C) by repealing paragraph (c);
- (ix) in the definition of "final register" -
 - (A) in paragraph (a), by adding "or" at the end;
 - (B) in paragraph (b), by repealing "or" at the end;
 - (C) by repealing paragraph (c);
- (x) in the definition of "GC polling station", by repealing "(a)";
- (xi) by repealing the definition of "geographical constituency" and

substituting -

"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);";

(xii) in the definition of "nomination form" -

(A) in paragraph (a), by adding "and" at the end;

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

(C) by repealing paragraph (c);

(xiii) in the definition of "nomination period" -

(A) in paragraph (b), by adding "and" at the end;

(B) by repealing paragraph (c);

(C) in paragraph (d), by repealing "or for the Election Committee";

(xiv) in the definition of "notice appointing the election day" -

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

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

- (C) by repealing paragraph (c);
- (xv) in the definition of "notice of nominations" -
 - (A) by repealing ", (5) or (6)" and substituting "or (5)";
 - (B) by repealing "or by the Election Committee";
- (xvi) by repealing the definition of "political body";
- (xvii) in the definition of "specified address" -
 - (A) by repealing "geographical constituency," and substituting "geographical constituency or a";
 - (B) by repealing "or the Election Committee election,";
- (xviii) in the definition of "verification of the ballot paper account", by repealing "or (2)(e), 74A(1)(c) or 74B(1)(c)" and substituting ", 74A(1)(a) or (b)(ii) or 74B(1)(c) or (1A) or (1B)(b)";
- (xix) by adding -
 - "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);

"head-dress" (頭飾) means anything

which is worn on a person's head;

"main counting station" (大點票站)

means a place designated as a

main counting 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);

"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);

"small polling station" (小投票站)

means a place designated as a
small polling station under
section 28;"

(b) in subsection (3) -

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

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

(iii) by repealing paragraph (c);

(c) by repealing subsection (6) and substituting -

"(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."

3. **Chief Electoral Officer to publish a notice specifying a period and place for submitting nomination forms for Election Committee election**

Section 6 is repealed.

4. **Chief Electoral Officer to publish by-election notice if a by-election is to be held under section 36 of the Legislative Council Ordinance**

Section 8 is amended -

- (a) by repealing subsection (4);
- (b) in subsection (5), by repealing ", (3) and (4)" and substituting "and (3)";
- (c) in subsection (6) -
 - (i) by repealing ", functional constituency or for election by the Election Committee, as the case may be," and substituting "or functional constituency";
 - (ii) by repealing ", functional constituency or by the Election Committee" and substituting "or functional constituency".

5. **How to nominate a candidate for a geographical constituency**

Section 10(8) is amended by repealing ", identity document number and registered residential address" and substituting "and identity document number".

6. How to nominate a candidate for a functional constituency

Section 11(8) is amended by repealing ", identity document number and registered residential address" and substituting "and identity document number".

7. How to nominate a candidate for the Election Committee election

Section 12 is repealed.

8. Returning Officer not to accept nomination form without deposit and to issue receipt for deposit

Section 15(3) is amended by repealing ", functional constituency or the Election Committee election" and substituting "or a functional constituency".

9. Returning Officer to decide whether candidates are validly nominated

Section 16 is amended -

(a) in subsection (2), by repealing ", 11 or 12" and substituting "or 11";

(b) in subsection (3)(d), by repealing everything after "to" and substituting "a constituency, the candidate has been nominated for another constituency (whether a geographical constituency or a functional constituency) in the same election and the Returning Officer is satisfied that the other candidature has not been withdrawn;" ;

- (c) in subsection (4), by repealing ", functional constituency or the Election Committee election" and substituting "or a functional constituency".

10. Returning Officer to endorse invalid nomination forms

Section 19(3) is amended by repealing "or the Election Committee election, as may be applicable".

11. Returning Officer to publish a notice of particulars of validly nominated candidates

Section 21 is amended -

- (a) in subsection (2), by repealing ", functional constituencies and the Election Committee election" and substituting "and functional constituencies";
- (b) in subsection (3), by repealing "A separate notice must be published for the Election Committee election.";
- (c) by repealing subsection (6).

12. Returning Officer to publish a notice for the purposes of section 46(1) of the Legislative Council Ordinance

Section 22 is amended -

- (a) by repealing subsection (3);
- (b) in subsection (4), by repealing ", (2) or (3)" and substituting "or (2)".

13. Returning Officer to notify or declare if a validly nominated candidate for a GC is proved to have died

Section 22A is amended -

- (a) in subsection (1) -
 - (i) by repealing "comes to the knowledge" and substituting "is proved to the satisfaction";
 - (ii) in paragraph (b), by repealing "or by the Election Committee, as the case may be,";
- (b) in subsection (2)(b), by repealing "or for the Election Committee election, as the case may be";
- (c) in subsection (3), by repealing "comes to the knowledge" and substituting "is proved to the satisfaction";
- (d) in subsection (4) -
 - (i) by repealing paragraph (b) and substituting -
 - "(b) the name of the geographical constituency for which the deceased candidate was nominated; and";
 - (ii) in paragraph (c), by repealing "or by the Election Committee, as the case may be";
- (e) in subsection (5) -
 - (i) by repealing paragraph (b) and substituting -

"(b) the name of the geographical constituency for which the deceased candidate was nominated; and";

(ii) in paragraph (c), by repealing "or by the Election Committee, as the case may be".

14. Returning Officer to notify or declare if a validly nominated candidate for a GC is proved to be disqualified

Section 22B is amended -

(a) in subsection (1) -

(i) by repealing "comes to the knowledge" and substituting "is proved to the satisfaction";

(ii) in paragraph (b), by repealing "or by the Election Committee, as the case may be";

(b) in subsection (2)(b), by repealing "or for the Election Committee election, as the case may be";

(c) in subsection (3), by repealing "comes to the knowledge" and substituting "is proved to the satisfaction";

(d) in subsection (4) -

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

"(b) the name of the geographical constituency for which the disqualified candidate was

nominated;"

(ii) in paragraph (d), by repealing "or by the Election Committee, as the case may be";

(e) in subsection (5) -

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

"(b) the name of the geographical constituency for which the disqualified candidate was nominated; and";

(ii) in paragraph (c), by repealing "or by the Election Committee, as the case may be".

15. No poll upon death or disqualification of candidate for a GC under certain circumstances

Section 22C(1) is amended -

(a) in paragraph (a) -

(i) by repealing "or by the Election Committee" where it first appears;

(ii) by repealing "or by the Election Committee, as the case may be";

(b) in paragraph (b), by repealing "or by the Election Committee, as the case may be";

(c) in paragraph (c) -

(i) by repealing "or by the Election Committee" where it first appears;

(ii) by repealing "or by the Election
Committee, as the case may be";

(d) by repealing "or the Election Committee election,
as the case may be" at the end.

**16. A candidate or a list of candidates
may appoint election agent**

Section 23 is amended -

- (a) by repealing subsection (4);
- (b) in subsection (18)(a), by repealing ", 11 or 12"
and substituting "or 11".

**17. Returning Officer to send to other
candidates a notice of particulars
of election agent**

Section 24 is amended -

- (a) by repealing subsection (3);
- (b) in subsection (4), by repealing ", (2) and (3)" and
substituting "and (2)";
- (c) in subsection (5), by repealing ", (2) or (3)" and
substituting "or (2)";
- (d) in subsection (9), by repealing ", (2) or (3)" and
substituting "or (2)".

**18. Chief Electoral Officer to appoint
polling hours and to give notice
in the Gazette**

Section 27 is amended -

- (a) in subsection (2), by repealing "or the Election Committee election";
- (b) in subsection (4), by repealing ", Election Committee election".

19. Chief Electoral Officer to designate polling stations and counting stations

Section 28 is amended -

- (a) by adding -

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

(1B) 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.";

(b) in subsection (9) -

(i) in paragraph (a)(i), by repealing "counting station" and substituting "or more counting stations";

(ii) in paragraph (a)(ii), by repealing "and the Election Committee election";

(iii) in paragraph (b) -

(A) by repealing "or the Election Committee";

(B) by repealing "one counting station" and substituting "one or more counting stations".

20. Chief Electoral Officer to designate some polling stations as special polling stations

Section 29 is amended -

(a) by adding -

"(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.";

(b) in subsection (4), by repealing everything after "stations" where it first appears and substituting "the constituency or constituencies for which a particular special polling station is designated.".

21. Chief Electoral Officer to assign polling stations for constituencies and to allocate polling stations to electors and authorized representatives

Section 30 is amended -

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

"(1) The Chief Electoral Officer may assign one or more polling stations for conducting the poll for each constituency.";

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

"(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.";

(c) in subsection (4) -

(i) in paragraph (a), by repealing ", subject to paragraphs (ca), (cb) and (d),";

(ii) in paragraph (ca), by repealing "an EC" and substituting "a GC";

(iii) in paragraph (cb) -

(A) by repealing "an EC" and substituting "a GC";

(B) by repealing the semicolon at the end and substituting a full stop;

(iv) by repealing paragraph (d).

22. Chief Electoral Officer may allocate special polling stations

Section 33 is amended -

- (a) in subsection (1), by repealing everything after "to vote.";
- (b) in subsection (7), by repealing everything after "to vote."

23. Chief Electoral Officer to appoint or remove Presiding Officer for each polling station

Section 34 is amended by adding -

"(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)."

24. Chief Electoral Officer to supply candidates with copy of final register

Section 35(3) is repealed.

25. Chief Electoral Officer to supply Returning Officer with copy of final register

Section 36(2) is repealed.

26. Chief Electoral Officer to carry out other duties relating to polling stations

Section 37(2) is amended by repealing "or the Election Committee election, as may be applicable,".

27. Chief Electoral Officer to supply list of polling officers to assist Presiding Officer

Section 38(2) is amended by repealing everything after "take place." where it first appears.

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

Section 40 is amended -

(a) in subsection (1) -

(i) by repealing "or the Election Committee election";

(ii) by repealing "or election";

(b) in subsection (2), by repealing everything before "the determination" and substituting -

"(2) If a polling station is to be used for polling for more than one constituency,";

(c) by repealing subsection (5);

(d) by repealing subsection (6) and substituting -

"(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.";

(e) in subsection (7), by repealing ", (5)";

- (f) in subsection (8), by repealing "or to the candidates for the Election Committee election, as may be applicable,";
- (g) in subsection (9), by repealing "(5),";
- (h) in subsection (16) -
 - (i) in paragraph (a), by repealing "(17)(a)" and substituting "(17)";
 - (ii) by adding immediately after paragraph (a) -
 - (aa) conduct any activity for canvassing for votes, so that the sound of the activity can be heard in the no canvassing zone;"
 - (iii) in paragraph (ca) -
 - (A) by repealing "(17)(b)" and substituting "(18)";
 - (B) by adding "or wear" after "display";
 - (C) by repealing "or clothing" and substituting ", clothing or head-dress";
 - (D) by repealing subparagraph (ii) and substituting -
 - (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";

(i) by repealing subsection (17) and substituting -

"(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.";

(j) by adding -

"(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).".

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

Section 41 is amended -

- (a) in subsection (1), by repealing everything after "polling day" and substituting ", perform any act as described in section 40(16).";
- (b) in subsection (4), by repealing "area" and substituting "zone".

30. Candidates may appoint polling agents

Section 42 is amended -

- (a) in subsection (2), by repealing everything after "for election" where it first appears and substituting a full stop;
- (b) by repealing subsection (6);
- (c) in subsection (13), by repealing ", the Election Committee election".

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

Section 44(4) is amended -

- (a) by repealing paragraph (c);
- (b) in paragraph (g), by repealing "or" at the end;
- (c) in paragraph (h), by repealing the full stop and substituting a semicolon;
- (d) by adding -

- "(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."

32. What constitutes an offence at a polling station

Section 45 is amended -

- (a) in subsection (1), by repealing "Presiding Officer" and substituting "Returning Officer, Assistant Returning Officer, Presiding Officer, Deputy Presiding Officer or Assistant Presiding Officer";
- (b) by repealing subsection (2)(b) and substituting -
 - "(b) the express permission, in writing, of the Returning Officer for the constituency or constituencies for which the polling station is used for polling,";
- (c) in subsection (5) -
 - (i) by adding "or wears" after "displays";
 - (ii) by repealing "or clothing" and substituting ", clothing or head-dress";
 - (iii) in paragraph (b), by repealing "political body in Hong Kong" and substituting "prescribed body the registered name or registered emblem of which has been

printed on any ballot paper for the
election";

- (d) in subsection (6)(a), by adding "or an Assistant
Returning Officer" after "Returning Officer".

**33. Form of ballot papers and order of
appearance of lists or names of
candidates on ballot papers**

Section 49 is amended -

- (a) by repealing subsection (4) and substituting -

"(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).";

- (b) by repealing subsection (10);

- (c) in subsection (13), by adding -

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

- (d) in subsection (13B), by repealing "or for the
Election Committee election, as the case may be,".

34. Questions to be asked from persons applying for a ballot paper

Section 51 is amended -

- (a) in subsection (2), by repealing ", an FC ballot paper or an EC ballot paper" and substituting "or an FC ballot paper";
- (b) in subsection (3) -
 - (i) by repealing paragraph (c);
 - (ii) in paragraph (e), by repealing the semicolon and substituting a full stop;
 - (iii) by repealing paragraph (f).

35. Presiding Officer to issue one or more ballot papers depending on the entitlement to vote

Section 53 is amended -

- (a) by repealing subsection (3);
- (b) in subsection (4) -
 - (i) by repealing "ordinary" where it first appears;
 - (ii) in paragraph (b), by repealing "an ordinary" and substituting "a";
 - (iii) in paragraph (c) -
 - (A) by repealing "an ordinary" and substituting "a";
 - (B) by repealing "ordinary";
- (c) by repealing subsection (5).

36. Section added

The following is added -

**"53A. Elector who has not cast vote
may return to cast vote with
permission**

(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)."

37. Procedure for voting

Section 54 is amended -

- (a) in subsection (1), by repealing "(2) or";
- (b) by repealing subsection (2);
- (c) in subsection (3), by repealing everything after "constituency" and substituting -

"must -

- (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.";

(d) in subsection (5), by repealing "subsections (2) and" and substituting "subsection".

38. How EC ballot papers are to be marked

Section 58 is repealed.

39. Marking of ballot papers for or by incapacitated person

Section 59(2) is amended by repealing ", 57 or 58" and substituting "or 57".

40. When a person is to be issued with a ballot paper marked "重複" and "TENDERED"

Section 60 is amended -

(a) in subsection (1), by repealing "If" and substituting "Subject to subsection (2) and section 53A, if";

(b) in subsection (2), by repealing everything after "only" and substituting -

"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.".

41. Steps to be taken at the close of the poll: a polling station which is not a small polling station

Section 63 is amended -

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

"(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.";

(b) in subsection (3) -

- (i) by repealing "or which is used for polling for a constituency and the Election Committee election";
- (ii) by repealing "and the Election Committee election" before the full stop.

42. Section added

The following is added -

"63A. Steps to be taken at the close of the poll: a small polling station

(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."

43. Presiding Officer to prepare ballot paper account

Section 64 is amended -

- (a) in subsection (1), by repealing everything after "constituency," and substituting "the Presiding Officer must make a separate statement for each constituency.";
- (b) in subsection (2), by repealing "or the Election Committee election, as the case may be,".

44. Returning Officer and Presiding Officer to give notice of time and place of counting of votes to candidates

Section 65 is amended -

- (a) in subsection (1) -
 - (i) by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";
 - (ii) by repealing "or the Election Committee election";
- (b) by repealing subsection (2) and substituting -
 - "(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.";

(c) in subsection (3) -

(i) by repealing "constituency of the time determined for the counting of the votes for that constituency to begin and" and substituting "functional constituency of";

(ii) by adding "for the functional constituency contested by the candidate" before the full stop;

(d) by repealing subsection (4);

(e) in subsection (5) -

(i) by repealing "or (4)";

(ii) by repealing everything after "at least" and substituting "1 working day before the polling day.";

(f) by adding -

"(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.";

(g) in subsection (6), by repealing "or the Election Committee election" where it twice appears;

(h) in subsection (7), by repealing "or the Election Committee election, as the case may be,";

(i) by adding -

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

45. Candidates may appoint counting agents

Section 66 is amended -

- (a) in subsection (1), by repealing everything after "section." where it first appears;
- (b) in subsection (5), by repealing "3 working days" and substituting "1 week";
- (c) in subsection (6), by adding "or the Presiding Officer, as may be appropriate" after "Returning Officer";
- (d) in subsection (8), by adding "or the Presiding Officer, as may be appropriate" after "Returning Officer";
- (e) in subsection (9), by adding "or the Presiding Officer, as may be appropriate" after "Returning Officer";
- (f) in subsection (10), by repealing ", the Election Committee election";
- (g) in subsection (12), by adding "or the Presiding Officer, as may be appropriate" after "Returning Officer".

46. Chief Electoral Officer to appoint or revoke counting officers

Section 67 is amended -

- (a) in subsection (1), by adding "or a Presiding Officer" after "Returning Officer";
- (b) in subsection (2) -
 - (i) by adding "or the Presiding Officer" after "Returning Officer" where it first appears;
 - (ii) by repealing "the Returning Officer" where it secondly appears and substituting "that Officer";
- (c) by adding -
 - "(4) The Chief Electoral Officer may at any time revoke the appointment of a counting officer made under subsection (1).".

47. Who may be present at the counting of the votes

Section 68 is amended -

- (a) in subsection (1), by repealing "Assistant Returning Officer" and substituting "Assistant Returning Officers, Presiding Officer, Deputy Presiding Officer and Assistant Presiding Officers";
- (b) in subsection (2)(b), by repealing "Returning Officer" and substituting "Presiding Officer";
- (c) in subsection (3A), by repealing "Returning Officer" and substituting "Presiding Officer";

- (d) in subsection (4), by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";
- (e) in subsection (5), by repealing "the Returning Officer" and substituting "the Presiding Officer".

48. What constitutes an offence at a counting station

Section 68A is amended -

- (a) in subsection (1)(a)(ii), by repealing "Returning Officer" and substituting "Presiding Officer";
- (b) in subsection (3)(b), by repealing "Returning Officer" and substituting "Presiding Officer".

49. Returning Officers or Presiding Officers to keep order at the counting station

Section 69 is amended -

- (a) in subsection (1A) -
 - (i) by repealing "Returning Officer" and substituting "Presiding Officer";
 - (ii) by repealing "並非中央點票站的";
- (b) by repealing subsection (2) and substituting -
 - "(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.";

(c) by adding -

"(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.";

(d) in subsection (3) -

(i) by adding "or (2A)" after "(2)";

(ii) by repealing "or the Returning Officer" and substituting ", the Returning Officer or the Presiding Officer".

50. Ballot boxes for FC ballot papers to be delivered to the counting station

Section 70 is amended -

(a) in subsection (1), by repealing everything after "28(9)(a)" and substituting -

", 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.";

(b) in subsection (2), by repealing "constituency or the Election Committee" and substituting "functional constituency".

51. Arrangements for the supervision of counting station and counting zone

Section 71 is amended -

(a) in subsection (1) -

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

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

(iii) by repealing paragraph (c);

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

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

(c) by repealing subsection (3);

(d) by adding -

"(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."

52. Delivered ballot boxes to be given into charge of relevant Returning Officer

Section 72 is amended -

- (a) in subsection (1), by repealing everything after "counting station," and substituting "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.";
- (b) by repealing subsection (3).

53. Returning Officer at the central counting station to open ballot box

Section 73 is amended -

- (a) in subsection (1) -
 - (i) by repealing "for a constituency or the Election Committee election";
 - (ii) by repealing "must, at the counting zone for that constituency or election," and substituting "at the central counting station must";
- (b) in subsection (2) -
 - (i) by adding ", other than a ballot paper," after "any paper";
 - (ii) by repealing "or an envelope which contains or which appears to the Returning Officer to contain a ballot paper".

54. Section added

The following is added -

"73A. Presiding Officer at a counting station to open ballot box for the receipt of GC ballot papers

(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."

55. Arrangements for separating ballot papers and verifying ballot paper account at central counting station

Section 74 is amended -

(a) in subsection (1) -

(i) in paragraph (f), by repealing "一網紮"
and substituting "一份已網紮的選票及選票結算核
實書";

(ii) in paragraph (g) -

(A) by repealing "or EC ballot papers";

(B) in subparagraph (ii), by repealing everything after "record" and substituting "the number of GC ballot papers for each geographical constituency";

(C) in subparagraph (iii), by repealing everything after "as to" and substituting "the number of GC ballot papers recorded for each geographical constituency under subparagraph (ii)";

(D) in subparagraph (iv) -

(I) by repealing "and EC ballot papers";

(II) by repealing "一網紮" and substituting "一份已網紮的選票及報表";

(b) by repealing subsection (2);

(c) in subsection (8) -

(i) by repealing "or (2)(f) or (g)(iii)";

(ii) in paragraph (a), by repealing "特別功能界別選票網紮" and substituting "已網紮的特別功能界別選票";

(iii) in paragraph (b), by repealing "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" and substituting "to the Returning Officer for the relevant functional constituency";

- (iv) in paragraph (c), by repealing everything after "must" and substituting "hand over the receptacle containing the bundle of GC ballot papers to the Returning Officer for the relevant geographical constituency.";

- (d) by repealing subsection (9).

56. Arrangements for verification of ballot paper account at GC counting station

Section 74A is amended -

- (a) in subsection (1) -

- (i) by repealing everything after ", the" and before paragraph (a) and substituting "Presiding Officer who supervises -";
- (ii) by repealing paragraphs (a), (b) and (c) and substituting -

"(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;";

(iii) in paragraph (d) -

- (A) by repealing "delivered to the counting station";
 - (B) in subparagraph (iv), by repealing "一網紮" and substituting "一份已網紮的選票及報表";
- (b) in subsection (2), by repealing "Returning Officer" and substituting "Presiding Officer";
- (c) in subsection (3) -
- (i) by repealing "A Returning Officer" and substituting "A Presiding Officer";
 - (ii) by repealing "Assistant Returning Officer" and substituting "Assistant Presiding Officer" where it twice appears;
 - (iii) by repealing "功能界別選票網紮" and substituting "已網紮的功能界別選票";
- (d) by repealing subsection (4).

57. Arrangements for verification of ballot paper account at counting station at a by-election

Section 74B is amended -

- (a) in subsection (1) -
 - (i) by repealing "by-election, the Returning Officer who supervises it" and substituting "by-election for a functional constituency, the Returning Officer";

(ii) by repealing "under section 72";

(b) by adding -

"(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.";

(c) in subsection (2), by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";

(d) by repealing subsection (3).

58. Counting of votes for geographical constituencies

Section 75 is amended -

(a) in subsection (1) -

(i) in paragraph (a), by repealing "74A(1)(a) and those handed over under section 74(8)" and substituting "74A(1)";

(ii) in paragraph (b), by repealing "74B(1)(a)" and substituting "74B(1A) and (1B)(a)";

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

(b) by repealing subsections (2), (3) and (4);

(c) by adding -

"(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.";

(d) in subsection (6), by adding ", including those recorded on the GC ballot papers handed over to a Returning Officer under section 74(8)(c)," before "are to";

(e) by adding -

"(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."

59. Counting of votes for special functional constituencies

Section 76 is amended -

- (a) by repealing subsection (2);
- (b) in subsection (3), by repealing "(not contained in envelopes)";
- (c) by repealing subsection (4);
- (d) by adding -

"(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."

60. Counting of votes for ordinary functional constituencies

Section 77 is amended -

(a) by repealing subsection (2);

(b) in subsection (3), by repealing "(not contained in envelopes)";

(c) by repealing subsection (4);

(d) by adding -

"(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."

61. Counting of votes for Election Committee election

Section 78 is repealed.

62. Result of the counting of votes and re-count for functional constituencies

Section 79(1) is amended by repealing "75, 76, 77 or 78, in each case" and substituting "76 or 77".

63. Section added

The following is added -

"79A. Result of the counting of votes and re-count for geographical constituencies

(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."

64. Ballot papers which are not to be regarded as valid when counting the votes

Section 80 is amended -

(a) in subsection (1) -

(i) by repealing "any ballot paper" and substituting "the following ballot papers are not to be regarded as valid";

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

(iii) in paragraph (g) -

(A) in subparagraph (i), by adding "(2)" after "55";

- (B) in subparagraph (ii), by adding
"(2)" after "57";
- (iv) in paragraph (h) -
 - (A) by adding "subject to subsection
(2)," before "an";
 - (B) by adding "(2)" after "56";
- (v) by adding -
 - (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);";
- (vi) by repealing paragraph (i) and
substituting -
 - (i) a GC ballot paper on which
votes for more than 1 list of
candidates have been recorded;
or";

(vii) in paragraph (j) -

(A) by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";

(B) by repealing the comma at the end and substituting a full stop;

(viii) by repealing "is not to be counted.";

(b) in subsection (2) -

(i) by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";

(ii) by adding "the vote recorded on" before "that ballot paper";

(c) in subsection (3) -

(i) by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";

(ii) by adding "the vote recorded on" before "a ballot paper";

(d) by adding -

"(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).".

65. Returning Officer or Presiding Officer to make decisions on questionable ballot papers

Section 81 is amended -

- (a) by repealing subsections (1), (2), (3), (4), (5) and (6) and substituting -

"(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.";

(b) in subsection (7) -

- (i) by adding "or the Presiding Officer, as may be appropriate" after "Returning Officer" where it first appears;
- (ii) by repealing "the Returning Officer" where it secondly appears and substituting "that Officer".

66. Returning Officer's or Presiding Officer's decision on a ballot paper to be final

Section 82 is amended by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer".

67. Returning Officer to declare election result

Section 83 is amended -

- (a) in subsection (1), by repealing ", 51(7) and 52(6)" and substituting "and 51(7)";
- (b) in subsection (2) -
 - (i) by repealing "it comes to the knowledge" and substituting "proof is given to the satisfaction";
 - (ii) in paragraph (b)(ii), by repealing "or an Election Committee election".

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

Section 84 is amended -

- (a) by repealing subsection (3);
- (b) in subsection (4), by repealing ", (2) or (3)" and substituting "or (2)";
- (c) in subsection (5) -
 - (i) by repealing "constituencies, the functional constituencies and the Election Committee election" and substituting "constituency or the functional constituency under that Officer's charge";
 - (ii) by repealing "for counting the votes for the constituency concerned or the

Election Committee election, as may be applicable" and substituting "at which the result was declared under section 83".

69. Returning Officer or Presiding Officer to seal ballot papers in packets

Section 85 is amended -

- (a) in subsection (1), by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";
- (b) in subsection (2) -
 - (i) by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";
 - (ii) in paragraph (c), by repealing ", or if applicable, that the ballot papers are EC ballot papers";
- (c) in subsection (3), by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";
- (d) in subsection (4) -
 - (i) by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";
 - (ii) repeal "選舉主任" where it secondly appears and substituting "該主任";

(e) by adding -

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

**70. Returning Officer or Presiding Officer
to send ballot papers, accounts,
packets, etc. to Chief Electoral
Officer**

Section 86 is amended -

(a) by renumbering it as section 86(1);

(b) in subsection (1) -

(i) by repealing "preparing" and substituting
"the Returning Officer prepares";

(ii) by repealing "the Returning Officer" and
substituting "that Officer or the
Presiding Officer, as may be
appropriate,";

(c) by adding -

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

**71. Returning Officer may perform
functions through Assistant
Returning Officers, etc.**

Section 92 is amended -

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

"(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.";

(b) in subsection (3), by repealing "or (2)".

72. Electoral officers, candidates and agents to make declaration of secrecy

Section 95(2) is amended by adding "election agent," after "candidate,".

73. Procedure after election proceedings are terminated

Section 97 is amended -

(a) in subsection (2), by repealing everything before "that Officer" and substituting -

"(2) 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,";

(b) by repealing subsection (10).

74. Procedure in case of death or disqualification of candidate after close of poll

Section 97A(1) is amended -

- (a) by repealing "comes to the knowledge" and substituting "is proved to the satisfaction";
- (b) by repealing "or the Election Committee election";
- (c) by repealing "or election".

75. Publication and display of notices, etc.

Section 98 is amended -

- (a) in subsection (1), by adding "or the Presiding Officer" after "Returning Officer";
- (b) in subsection (2)(h), by repealing "time and".

76. Letters that may be sent free of postage by candidates

Section 101A(1), (2)(b) and (3) is amended by repealing "or (3)".

77. Election advertisements

Section 102 is amended -

- (a) in subsection (15) -
 - (i) by adding "or any person authorized by that Officer" after "Returning Officer";
 - (ii) by adding "or obliterate," after "destroy,";

- (iii) by adding "or the person" after "that Officer";
- (b) in subsection (15A)(d), by repealing "T-shirt, cap, badge or carrier bag" and substituting "badge, carrier bag, clothing or head-dress";
- (c) in subsection (17), by repealing "or the Election Committee election".

78. Postponement and adjournment of general election and by-election

Schedule 2 is amended -

- (a) in section 2 -
 - (i) in the heading, by repealing "**or the Election Committee election**";
 - (ii) in subsections (1) and (2), by repealing "or the Election Committee election" wherever it appears;
- (b) in section 4(2)(d), by repealing "or the Election Committee election";
- (c) in section 6 -
 - (i) in subsection (1), by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";
 - (ii) in subsection (2) -
 - (A) by adding "or the Presiding Officer, as may be appropriate," after "Returning Officer";

- (B) by repealing "選舉主任須" and substituting "該主任須";
- (C) by repealing "該選舉主任" wherever it appears and substituting "該主任";
- (iii) in subsection (3) -
 - (A) by adding "or the Presiding Officer, as may be appropriate" after "Returning Officer";
 - (B) by repealing "該選舉主任" and substituting "該主任";
- (d) in section 7 -
 - (i) in subsection (1), by repealing ", by-election or the Election Committee election" where it twice appears and substituting "or by-election";
 - (ii) in subsection (4), by repealing "the Election Committee election,".

79. Forms of ballot papers for a general election/by-election

Schedule 3 is amended -

- (a) by repealing Form 1 and substituting the form in Schedule 1;
- (b) by repealing Form 2 and substituting the form in Schedule 2;

- (c) by repealing Form 3(a) and substituting the form in Schedule 3;
- (d) by repealing Form 3(b) and substituting the form in Schedule 4;
- (e) by repealing Form 4.

80. Forms for the notice of election result under section 58 of the Legislative Council Ordinance (Cap. 542)

Schedule 4 is amended by repealing Form 3.

Consequential Amendments

Electoral Affairs Commission (Registration)(Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors)(Members of Election Committee) Regulation

81. Form of the Election Committee register

Section 5(4) of 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. B) is amended -

- (a) in paragraph (da), by adding "and" at the end;
- (b) in paragraph (e), by repealing "; and" and substituting a full stop;
- (c) by repealing paragraph (f).

**Electoral Affairs Commission (Nominations Advisory Committees
(Legislative Council)) Regulation**

82. Interpretation

Section 1(1) of the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541 sub. leg. C) is amended -

- (a) in the definition of "candidate" -
 - (i) in paragraph (a), by adding "and" at the end;
 - (ii) in paragraph (b), by repealing "and" at the end;
 - (iii) by repealing paragraph (c);
- (b) in the definition of "nomination form", by repealing paragraph (c).

83. Functions

Section 3(1)(b) is amended by repealing ", a functional constituency or the Election Committee, as the case may be" and substituting "or a functional constituency".

**84. Procedure relating to applications
by Returning Officers**

Section 6 is amended -

- (a) in subsection (1), by repealing everything after "Ordinance" and substituting "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.";

- (b) in subsection (4), by repealing everything after "that Committee" and substituting "the candidate concerned is eligible to be, or disqualified from being, nominated as a candidate in respect of that geographical constituency or functional constituency.";
- (c) in subsection (5), by repealing everything after "whether" and before "the Returning Officer" and substituting "a particular candidate is validly nominated in respect of a geographical constituency or a functional constituency,";
- (d) in subsection (6), by repealing ", the functional constituency or the Election Committee, as the case may be," and substituting "or the functional constituency".

SCHEDULE 1

[s. 79(a)]

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>立法會地區選舉 / 補選 立法會地區選舉名稱 LEGISLATIVE COUNCIL GENERAL ELECTION BY ELECTION (NAME OF GEOGRAPHICAL CONSTITUENCY)</p> <p>選票日期 (Date of election)</p>		<p>選票 BALLOT PAPER</p> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> <p>副代號 #(code)</p> </div>
<p>只可投選票一名單。 VOTE FOR ONE LIST ONLY. 請用投票站提供的印章在所選名單內的號碼上“✓”號。 Use the chop provided at the polling station to stamp “✓” in the circle of the list of your choice.</p>		
<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 emblems of prescribed persons * 獨立候選人 * Independent Candidates * 無黨派候選人 * Non-affiliated Candidates</p> <hr/> <p>◎# (候選人姓名公佈表格上的候選人地址 ——按候選人名單上的排名次序) ◎# (Name of candidate 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>		<p>4</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>
<p>2</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>		<p>5</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>
<p>3</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 10px auto; border-radius: 50%;"></div>		<p>6</p> <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 “Z”, depending on the number of candidates.

SCHEDULE 2

[s. 79(b)]

FORM 2

BALLOT PAPER FOR A SPECIAL FUNCTIONAL CONSTITUENCY

<p>存根 COUNTERFOIL</p>		<p>(編號) (Serial Number)</p>
<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>選 票 BALLOT PAPER</p>
<p>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)</p>		<p>#(代號) #(code)</p>
<p>* (選舉日期) *(date of election)</p>		<p>於此填寫第一選擇 YOU MUST MARK THE FIRST PREFERENCE</p> <p><small>必須填選最少一名候選人。請在行內填選一名或多名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」、以此類推。 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.</small></p>
<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 emblems of prescribed persons * 獨立候選人 * Independent Candidates * 無黨派候選人 * Non-affiliated Candidates</p>	<p>*D</p>	
<p style="text-align: center;">○</p> <p style="text-align: center;">* (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)</p>	<p style="text-align: center;">○</p>	
<p style="text-align: center;">○</p>	<p style="text-align: center;">○</p>	
<p style="text-align: center;">○</p>	<p style="text-align: center;">○</p>	
<p style="text-align: center;">○</p>	<p style="text-align: center;">○</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.

SCHEDULE 3

[s. 79(c)]

FORM 3(a)

BALLOT PAPER FOR AN ORDINARY FUNCTIONAL 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 *(功能界別名稱) LEGISLATIVE COUNCIL *GENERAL ELECTION/HY-ELECTION *(NAME OF FUNCTIONAL CONSTITUENCY)</p> <p>*(選舉日期) *(date of election)</p>		<p>選票 BALLOT PAPER</p> <p style="background-color: red; color: white; padding: 2px;">(代號) #(code)</p>
<p>只可選擇一名候選人。 USE FOR ONE CANDIDATE ONLY.</p> <p>請將投票站提供的印章在所選擇的候選人姓名旁邊的圓圈內蓋上「✓」號。 Use the stamp provided at the polling station to stamp '✓' in the circle opposite the name of candidate of your choice.</p>		
<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 emblems of prescribed persons</p> <p>‡ 獨立候選人 ‡ Independent Candidate</p> <p>§ 無黨派候選人 § Non-affiliated Candidate</p>	<p>④</p>	
<p>○</p> <p>† (候選人姓名公布上開 † (Name of candidate as † shows in Notice of † Nominations)</p> <p>‡ 候選人照片 ‡ (Photograph of ‡ candidate)</p>	<p>○</p>	
<p>②</p>	<p>⑤</p>	
<p>○</p>	<p>○</p>	
<p>③</p>	<p>⑥</p>	
<p>○</p>	<p>○</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).

② The code assigned for the relevant ordinary functional constituency will precede the number allocated to each candidate.

SCHEDULE 4

[s. 79(d)]

FORM 3(b)

BALLOT PAPER FOR AN ORDINARY FUNCTIONAL CONSTITUENCY
(MORE THAN ONE VACANCY)

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
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)		(代號) (code)
(選舉日期) (date of election)		(代號) (code)
只可投票選舉最多三名候選人。USE THE CHOP PROVIDED FOR THIS CONSTITUENCY ONLY. 請用投票站提供的印章在所選候選人姓名(不可超過三名)左邊的前圓圈蓋上“√”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.		
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 1 (註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 Candidate) (無黨派候選人) (Non-affiliated Candidate) </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> (候選人姓名或公司名稱 印於候選人姓名) (Name of candidate as shown in Notice of Nominations) </div> <div style="border: 1px solid black; padding: 5px; width: 50px; float: right;"> (候選人照片) (Photograph of candidate) </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 4 </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> (投票用圓圈) </div> <div style="border: 1px solid black; padding: 5px; width: 50px; float: right;"> (投票用方格) </div>	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 2 </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> (投票用圓圈) </div> <div style="border: 1px solid black; padding: 5px; width: 50px; float: right;"> (投票用方格) </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 5 </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> (投票用圓圈) </div> <div style="border: 1px solid black; padding: 5px; width: 50px; float: right;"> (投票用方格) </div>	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 3 </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> (投票用圓圈) </div> <div style="border: 1px solid black; padding: 5px; width: 50px; float: right;"> (投票用方格) </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> 6 </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> (投票用圓圈) </div> <div style="border: 1px solid black; padding: 5px; width: 50px; float: right;"> (投票用方格) </div>	

- 1 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).
- ② The code assigned for the relevant ordinary functional constituency will precede the number allocated to each candidate.

Made this day of 2004.

WOO Kwok-hing, VP
Chairman,
Electoral Affairs Commission

Norman LEUNG Nai-pang
Member,
Electoral Affairs Commission

Elizabeth S.C. SHING
Member,
Electoral Affairs Commission

Explanatory Note

This Regulation amends the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation (Cap. 541 sub. leg. D) to -

- (a) delete all references relating to the Election Committee in view of the change of the composition of members to be returned to the Legislative Council in 2004; and

- (b) revise the arrangements for counting the votes for geographical constituencies.

2. In order to give effect to the proposed counting arrangements for geographical constituencies, the Regulation seeks to -

- (a) decentralize the counting responsibility of the Returning Officers at regional counting stations to the Presiding Officers of individual polling stations;
- (b) require the Chief Electoral Officer to designate main counting stations and small polling stations (section 19);
- (c) empower the Chief Electoral Officer to designate the same place as a polling station and a counting station (section 19);
- (d) empower the Chief Electoral Officer to designate the same place as a special polling station and a polling station (section 20);
- (e) empower the Chief Electoral Officer to revoke the appointment of a Presiding Officer (section 23);
- (f) make the failure to comply with a direction of a Returning Officer, an Assistant Returning Officer, a Deputy Presiding Officer or an Assistant Presiding Officer on polling day at a polling station an offence (section 32);
- (g) give the Presiding Officer a discretion to issue to an elector a ballot paper marked "TENDERED" if that Officer is not certain that the elector is the

- person who has been issued with a ballot paper earlier (section 40);
- (h) require the Presiding Officer of a counting station to display, after the close of the poll, a notice informing the public that the counting station will be opened when it is ready for use for the counting of votes (section 41);
 - (i) provide for the steps to be taken by the Presiding Officer of a small polling station at the close of the poll (section 42);
 - (j) allow the Presiding Officers, Deputy Presiding Officers and Assistant Presiding Officers to be present at the counting of votes (section 47);
 - (k) specify that the Presiding Officer is also responsible for the counting station and the counting of votes (sections 47, 48, 49, 50, 51, 54, 56, 58 and 63);
 - (l) remove all references to envelopes which are provided for concealing the marks on a ballot paper (sections 37, 53, 55, 56, 57, 58, 59 and 60)
 - (m) provide for the procedure for the re-count of votes (section 63);
 - (n) provide that a candidate, an election agent or a counting agent is not entitled to inspect and make representations to the Presiding Officer concerning certain ballot papers which are not to be regarded as valid (section 64);

- (o) provide that the decision of the Presiding Officer on a ballot paper is final (section 66);
- (p) authorize a Presiding Officer to perform acts which a Returning Officer is required or authorized to perform under certain provisions (section 71).

3. Some amendments relate to electoral matters in general. In particular, the amendments seek to -

- (a) remove the requirement that a nomination form must contain the registered residential address of a subscriber (sections 5 and 6);
- (b) prohibit, on polling day, any activity for canvassing votes for which the sound of the activity can be heard in the no canvassing zone (sections 28 and 29);
- (c) allow police officers, members of the Civil Aid Service and liaison officers to enter and be present at a polling station (section 31);
- (d) enable the Chief Electoral Officer to incorporate new particulars relating to candidates to be printed on a ballot paper (section 33);
- (e) allow an elector to postpone the casting of votes on reasonable grounds (section 36).

4. The Regulation also makes consequential amendments to other subsidiary legislation made by the Electoral Affairs Commission under the Electoral Affairs Commission Ordinance (Cap. 541).