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**PARTICULARS RELATING TO CANDIDATES ON BALLOT
PAPERS (LEGISLATIVE COUNCIL) (AMENDMENT)
REGULATION 2007**

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**PARTICULARS RELATING TO CANDIDATES ON
BALLOT PAPERS (LEGISLATIVE COUNCIL)
(AMENDMENT) REGULATION 2007**

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

1. Commencement

(1) Except as provided by subsection (2), this Regulation shall come into operation on 18 May 2007.

(2) Sections 4, 5 and 6 shall come into operation on 1 September 2007.

2. Title amended

The title to the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (Cap. 541 sub. leg. M) is amended by adding “AND DISTRICT COUNCILS” after “LEGISLATIVE COUNCIL”.

3. Interpretation

(1) Section 2(1) is amended by repealing the definition of “by-election” and substituting—

““by-election” (補選)—

(a) in relation to an LC election, means a by-election as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542); or

(b) in relation to a DC election, means a by-election as defined in section 2 of the District Councils Ordinance (Cap. 547);”.

(2) Section 2(1) is amended, in the English text, in the definition of “candidate”, by repealing “Member” and substituting “member”.

(3) Section 2(1) is amended, in the definition of “election”, by repealing “a general election or a by-election” and substituting “an LC election or a DC election”.

(4) Section 2(1) is amended by repealing the definition of “functional constituency” and substituting—

““LC functional constituency” (立法會功能界別) means a functional constituency as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542);”.

(5) Section 2(1) is amended by repealing the definition of “Member” and substituting—

““LC member” (立法會議員) means a Member as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542);”.

(6) Section 2(1) is amended by repealing the definition of “nomination list” and substituting—

““LC nomination list” (立法會提名名單) means a nomination list as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542);”.

(7) Section 2(1) is amended, in the English text, in the definition of “prescribed political body”, in paragraph (c), by repealing “Member” and substituting “member”.

(8) Section 2(1) is amended by repealing the definition of “relevant nomination period” and substituting—

““relevant nomination period” (有關提名期)—

(a) in relation to a candidate in an LC election—

(i) in the case of an LC geographical constituency, means the period specified under section 4(2)(b) or 8(7)(a) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) for nominations for the constituency; or

(ii) in the case of an LC functional constituency, means the period specified under section 5(2)(b) or 8(7)(a) of that Regulation for nominations for the constituency; or

(b) in relation to a candidate for a DC constituency in a DC election, means the period specified under section 8(2)(b) or 10(5)(a) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) for nominations for the constituency;”.

(9) Section 2(1) is amended by adding—

““DC constituency” (區議會選區) means a constituency as defined in section 2 of the District Councils Ordinance (Cap. 547);

“DC elected member” (區議會民選議員) means an elected member as defined in section 2 of the District Councils Ordinance (Cap. 547);

“DC election” (區議會選舉) means an ordinary election or a by-election held for the purpose of electing DC elected members;

“LC election” (立法會選舉) means a general election or a by-election held for the purpose of electing LC members;

“LC geographical constituency” (立法會地方選區) means a geographical constituency as defined in section 3(1) of the Legislative Council Ordinance (Cap. 542);

“member” (議員) means an LC member or a DC elected member;”.

4. Request by candidate for functional constituency or sole candidate on nomination list

(1) The heading of section 3 is amended by repealing “**functional constituency or sole candidate on nomination list**” and substituting “**LC functional constituency or sole candidate on LC nomination list or by candidate for DC constituency**”.

(2) Section 3(1) is repealed and the following substituted—

“(1) This section applies—

(a) in relation to an LC election—

(i) to a candidate for an LC functional constituency;
or

(ii) to a candidate who is the sole candidate on an LC nomination list; or

(b) in relation to a DC election, to a candidate for a DC constituency.”.

5. Request by candidate on nomination list with more than one candidate

(1) The heading of section 4 is amended by adding “LC” before “**nomination list**”.

(2) Section 4(1) is amended by repealing “on a” and substituting “on an LC”.

6. Consent of prescribed body in relation to request

Section 5(1)(c)(ii) is amended by adding “LC” before “nomination list”.

7. Commission may de-register name and emblem

Section 21(1)(a) and (2)(a) is amended by repealing everything after “ballot” and substituting—

“papers—

- (i) in 2 consecutive general elections;
- (ii) in 2 consecutive ordinary elections, one of which is held between such general elections; and
- (iii) in any by-election (whether in relation to an LC election or a DC election) held between such general elections or ordinary elections; or”.

8. Signature of document

Section 32(2) is amended by adding “LC” before “nomination list”.

9. Decision of Commission final

Section 34 is amended by adding “and section 49 of the District Councils Ordinance (Cap. 547)” after “(Cap. 542)”.

10. Section added

The following is added—

“36. Transitional provision

(1) If an application is made under section 8(1), 9(1), 24(1) or 25(1) at any time during the period that begins on 16 April 2007 and ends on 18 June 2007, the relevant cut-off date of the annual registration cycle ending on 31 December 2007 is, notwithstanding the definition of “relevant cut-off date” in section 2(1), deemed to be 18 June 2007.

(2) If an objection is made under section 22(1) at any time during the period that begins on 16 April 2007 and ends on 18 June 2007, the relevant cut-off date of the annual registration cycle ending on 31 December 2007 is, notwithstanding the definition of “relevant cut-off date” in section 2(1), deemed to be 18 June 2007.”.

Consequential amendments

Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation

11. Interpretation

(1) Section 2(1) of the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation (Cap. 541 sub. leg. D) is amended, in the definition of “emblem”, by adding “and District Councils” after “Legislative Council”.

(2) Section 2(1) is amended, in the definition of “prescribed body”, by adding “and District Councils” after “Legislative Council”.

(3) Section 2(1) is amended, in the definition of “prescribed person”, by adding “and District Councils” after “Legislative Council”.

(4) Section 2(1) is amended, in the definition of “registered”, by adding “and District Councils” after “Legislative Council”.

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

(1) Section 49(4) is amended by adding “and District Councils” after “Legislative Council”.

(2) Section 49(13)(aa) is amended by adding “and District Councils” after “Legislative Council”.

Made this 20th day of March 2007.

The Hon. Mr. Justice PANG Kin-kee
Chairman,
Electoral Affairs Commission

Lawrence LOK Ying-kam
Member,
Electoral Affairs Commission

Andrew CHAN Chi-fai
Member,
Electoral Affairs Commission

Explanatory Note

This Regulation amends the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation (Cap. 541 sub. leg. M) (“the existing Regulation”) to—

- (a) extend the arrangement of printing certain particulars relating to candidates on ballot papers for Legislative Council elections to apply also to District Council elections (“new arrangement”); and
- (b) introduce necessary technical and consequential amendments.

2. Section 1 provides for 2 different commencement dates for this Regulation.

3. Section 2 amends the title to the existing Regulation to take into account the new arrangement.

Amendments to Part 1 of the existing Regulation

4. The existing Regulation only caters for Legislative Council elections. In order to give effect to the new arrangement and to differentiate between a Legislative Council election and a District Council election, amendments are made to section 2(1) of the existing Regulation by section 3 of this Regulation to—

- (a) expand the existing definitions of “by-election”, “candidate”, “election”, “prescribed political body” and “relevant nomination period”;
- (b) amend the existing definitions of “functional constituency” as “LC functional constituency”, “Member” as “LC member”, “nomination list” as “LC nomination list” respectively;
- (c) add the new definitions of “DC constituency”, “DC elected member”, “DC election”, “LC election”, “LC geographical constituency” and “member”.

Amendments to Part 2 of the existing Regulation

5. Section 4(2) amends section 3(1) of the existing Regulation to cover a candidate for a District Council constituency.

6. Sections 5(2) and 6 amend sections 4(1) and 5(1)(c)(ii) of the existing Regulation respectively to make it clear that the provisions relate to a Legislative Council election.

Amendments to Part 5 of the existing Regulation

7. Section 7 amends section 21(1)(a) and (2)(a) of the existing Regulation to make provisions for a District Council election.

Amendments to Part 6 of the existing Regulation

8. Section 8 amends section 32(2) of the existing Regulation to make it clear that the provision relates to a Legislative Council election.

9. Section 9 amends section 34 of the existing Regulation as a result of the new arrangement.

10. Section 10 introduces a transitional provision to substitute 18 June 2007 for 15 April 2007 as the relevant cut-off date for the purposes of the existing Regulation as amended by this Regulation. The effect of the provision is to cover certain applications and objections made within the period from 16 April 2007 to 18 June 2007 (“extended period”). In view of the new arrangement, the applications and objections made within the extended period are also processed within the annual registration cycle ending on 31 December 2007 so that the relevant procedures are completed in time for the 2007 District Council ordinary election.

Consequential amendments

11. Sections 11 and 12 amend sections 2 and 49 of the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation (Cap. 541 sub. leg. D) respectively consequent upon the amendment of title to the existing Regulation.