

L.N. 209 of 2006**ELECTORAL PROCEDURE (CHIEF EXECUTIVE ELECTION)
(AMENDMENT) REGULATION 2006****CONTENTS**

Section	Page
PART 1	
COMMENCEMENT	
1. Commencement	B2397
PART 2	
AMENDMENTS CONCERNING INTERPRETATION	
2. Interpretation.....	B2397
PART 3	
AMENDMENTS CONCERNING NOMINATION	
3. Notice relating to submission of nomination forms	B2399
4. Nomination forms to be available for inspection	B2399
5. Notice that the only candidate is returned.....	B2399
6. Notice of termination of election proceedings	B2399
PART 4	
AMENDMENTS CONCERNING ELECTION AGENTS AND ELECTION EXPENSE AGENTS	
7. Appointment of election agent	B2400
8. Appointment of election expense agent	B2400
9. Other candidates to be notified of particulars of election agent.....	B2400

Section

Page

PART 5

AMENDMENTS CONCERNING POLLING ARRANGEMENT

10.	Appointment of polling hours	B2401
11.	Appointment of Presiding Officer and polling officers.....	B2401
12.	Determination of no canvassing zone and no staying zone.....	B2403
13.	Order in no canvassing zone and no staying zone.....	B2403
14.	Polling agents.....	B2403
15.	Admission to polling station.....	B2403
16.	Order in the polling station	B2403

PART 6

AMENDMENTS CONCERNING BALLOT PAPERS AND
VOTING PROCEDURE

17.	Form of ballot papers.....	B2405
18.	Order of names of candidates on ballot papers.....	B2405
19.	Question to person applying for a ballot paper.....	B2407
20.	Elector who has not cast vote may return to cast vote with permission	B2407
21.	Voting procedure	B2407

PART 7

AMENDMENTS CONCERNING COUNTING OF VOTES

22.	Determination and notice of time of counting of votes.....	B2409
23.	Appointment of counting agent.....	B2409
24.	Appointment of counting officers.....	B2409
25.	Admission to counting station.....	B2409
26.	Counting of votes	B2411
27.	Ballot papers not to be counted.....	B2411

Section	Page
28. Determination of validity of questionable ballot papers	B2413
29. Verification of ballot paper account	B2413
30. Result of counting and re-count	B2415
31. Notice of further round of voting	B2415
32. Notice of election result	B2415

PART 8

AMENDMENTS CONCERNING DISPOSAL OF DOCUMENTS

33. Ballot papers to be sealed	B2415
34. Retention of election documents	B2415

PART 9

MISCELLANEOUS AMENDMENTS

35. Procedure after termination of election proceedings	B2417
36. Postponement or adjournment of polling or counting of votes	B2417
37. Declaration of secrecy	B2417
38. Secrecy	B2417
39. Elector need not disclose vote	B2419
40. Election advertisement	B2421
41. Offence	B2421
42. Application of Parts 4 to 9	B2421
43. Ballot Paper	B2421

**ELECTORAL PROCEDURE (CHIEF EXECUTIVE ELECTION)
(AMENDMENT) REGULATION 2006**

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

PART 1

COMMENCEMENT

1. Commencement

This Regulation shall come into operation on 8 December 2006.

PART 2

AMENDMENTS CONCERNING INTERPRETATION

2. Interpretation

(1) Section 2(1) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J) is amended, in the definition of “final register”, by repealing “compiled and published under section 40” and substituting “published under section 40(2), (3), (3A) or (4)”.

(2) Section 2(1) is amended, in the definition of “polling hours”, by adding “, (1A)” after “section 17(1)”.

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

““contested election” (有競逐選舉) means an election in which there are 2 or more candidates;

“head-dress” (頭飾) means anything which is worn on a person’s head;

“uncontested election” (無競逐選舉) means an election in which at the close of nominations only one candidate is validly nominated;”.

PART 3

AMENDMENTS CONCERNING NOMINATION

3. Notice relating to submission of nomination forms

Section 3(*d*) is amended by repealing everything after “will be” and substituting “conducted on the polling date if any candidate is validly nominated.”.

4. Nomination forms to be available for inspection

(1) Section 8 is amended by renumbering it as section 8(1).

(2) Section 8(1) is amended by repealing everything after “until” and substituting “the publication of the relevant result or until the termination of the proceedings for the election under section 22(1AA) or (1) of the Election Ordinance.”.

(3) Section 8 is amended by adding—

“(2) In subsection (1), “publication of the relevant result” (刊登有關結果) means—

(*a*) publication of the result of the poll in the Gazette under section 22 of the Election Ordinance; or

(*b*) publication of the result of the election in the Gazette under section 28 of the Election Ordinance,

as may be appropriate.”.

5. Notice that the only candidate is returned

Section 10 is repealed.

6. Notice of termination of election proceedings

Section 11(1) is amended by repealing “section 22” and substituting “section 22(1AA), (1AB)(*e*) or (1)”.

PART 4**AMENDMENTS CONCERNING ELECTION AGENTS AND
ELECTION EXPENSE AGENTS****7. Appointment of election agent**

Section 12(1) is amended by repealing “Each candidate” and substituting “A candidate”.

8. Appointment of election expense agent

Section 13(1) is amended by repealing “Each candidate” and substituting “A candidate”.

**9. Other candidates to be notified of
particulars of election agent**

Section 15(2)(a) is amended by repealing “, identity card number”.

PART 5**AMENDMENTS CONCERNING POLLING ARRANGEMENT****10. Appointment of polling hours**

(1) Section 17(1) is amended by adding “in a contested election” after “polling date”.

(2) Section 17 is amended by adding—

“(1A) The hours during which electors can vote on the polling date in an uncontested election shall be appointed by the Chief Electoral Officer.”.

(3) Section 17(2) is amended by adding “or (1A)” after “subsection (1)”.

(4) Section 17(3) is amended by adding “in a contested election” after “If”.

**11. Appointment of Presiding Officer and
polling officers**

Section 20 is amended by adding—

“(1A) The Chief Electoral Officer may, with reasonable cause, revoke at any time any appointment made under subsection (1).”.

12. Determination of no canvassing zone and no staying zone

(1) Section 23(2) is amended by repealing “2 days” and substituting “7 days”.

(2) Section 23 is amended by adding—

“(5A) The Returning Officer may perform any act which he is required or authorized to perform under subsections (3), (4) and (5) through the Presiding Officer.”.

13. Order in no canvassing zone and no staying zone

(1) Section 24(2) is amended by adding—

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

(2) Section 24(3) is repealed and the following substituted—

“(3) For the purposes of subsection (2), the following acts shall fall within “canvassing for votes”—

(a) in the case of a contested election, suggesting not to vote for any candidate; and

(b) in the case of an uncontested election, suggesting not to vote in support of the candidate.”.

14. Polling agents

Section 25(1) is amended by repealing “Each candidate” and substituting “A candidate”.

15. Admission to polling station

(1) Section 26(1)(l) is amended, in the Chinese text, by repealing “當值” and substituting “執勤”.

(2) Section 26(1) is amended by adding—

“(la) a police officer on duty at the polling station;

(lb) a person authorized in writing by the Returning Officer to act as a liaison officer;”.

16. Order in the polling station

(1) Section 27(2) is amended by repealing “Presiding Officer” and substituting “Returning Officer, Assistant Returning Officer, Presiding Officer or any polling officer”.

- (2) Section 27(3)(h) is amended by repealing “or”.
- (3) Section 27(3)(h) is amended, in the Chinese text, by repealing “當值” and substituting “執勤”.
- (4) Section 27(3) is amended by adding—
 - (ha) a police officer on duty at the polling station;
 - (hb) a person authorized in writing by the Returning Officer to act as a liaison officer; or”.
- (5) Section 27(6) is repealed and the following substituted—
 - “(6) For the purposes of subsection (5), the following acts shall fall within “canvassing for votes”—
 - (a) in the case of a contested election, suggesting not to vote for any candidate; and
 - (b) in the case of an uncontested election, suggesting not to vote in support of the candidate.”.

PART 6

AMENDMENTS CONCERNING BALLOT PAPERS AND VOTING PROCEDURE

17. Form of ballot papers

- (1) Section 30(1) is amended by repealing “for an election shall be in the form set out” and substituting “in a contested election shall be in Form 1”.
- (2) Section 30 is amended by adding—
 - “(1A) A ballot paper to be used in an uncontested election shall be in Form 2 in the Schedule.”.

18. Order of names of candidates on ballot papers

- (1) Section 31 is amended, in the heading, by adding “**in contested election**” after “**candidates**”.
- (2) Section 31 is amended by adding before subsection (1)—
 - “(1A) This section applies to a contested election.”.

19. Question to person applying for a ballot paper

(1) Section 32(1) is amended by adding “any paragraph of” after “set out in”.

(2) Section 32(2)(a) and (b) is repealed and the following substituted—

“(a) in relation to any election—

(i) “你是否已登記在選舉委員會正式委員登記冊上，而有關登記記項一如以下所述 (the Presiding Officer to read the Chinese version of the whole entry as it is recorded in the final register) ?”; or

(ii) “Are you the person registered in the Election Committee final register as follows (the Presiding Officer to read the English version of the whole entry as it is recorded in the final register) ?”;

(b) in relation to a contested election—

(i) “你是否已在這一輪投票中投了票 ?”; or

(ii) “Have you already cast a vote in this round of voting?”;

(c) in relation to an uncontested election—

(i) “你是否已投了票 ?”; or

(ii) “Have you already cast a vote?”.”.

20. Elector who has not cast vote may return to cast vote with permission

Section 35 is amended by adding—

“(8) For the purposes of this section, the poll in an uncontested election shall be regarded as a round of voting.”.

21. Voting procedure

Section 36(1)(b) is amended by repealing everything after “section 34(1)” and substituting—

“to—

(i) in the case of a contested election, give a single “✓” in the circle opposite the name of the candidate of his choice on the ballot paper; or

(ii) in the case of an uncontested election, give a single “✓” in the circle opposite the word “SUPPORT” or “NOT SUPPORT” on the ballot paper;”.

PART 7

AMENDMENTS CONCERNING COUNTING OF VOTES

22. Determination and notice of time of counting of votes

(1) Section 43(2) is amended by repealing everything after “shall” and substituting—

“be—

- (a) in the case of a contested election, a time after the close of the relevant round of voting; or
- (b) in the case of an uncontested election, a time after the close of voting.”.

(2) Section 43(3) is amended by adding “or the election agent” after “candidate”.

(3) Section 43(4)(c) is amended by repealing “24 hours” and substituting “one clear working day”.

23. Appointment of counting agent

(1) Section 44(1) is amended by repealing “Each candidate” and substituting “A candidate”.

(2) Section 44(9) is amended by repealing “3 days” and substituting “7 days”.

24. Appointment of counting officers

Section 45 is amended by adding—

“(1A) The Chief Electoral Officer may, with reasonable cause, revoke at any time any appointment made under subsection (1).”.

25. Admission to counting station

(1) Section 46(1)(k) is amended by repealing “or”.

(2) Section 46(1)(k) is amended, in the Chinese text, by repealing “當值” and substituting “執勤”.

(3) Section 46(1) is amended by adding—

“(ka) a police officer on duty at the counting station; or”.

26. Counting of votes

Section 49(2) is amended by repealing everything after “accordance with” and substituting—

“subsection (1)—

- (a) any ballot paper which—
 - (i) appears to have on it any writing or mark by which the elector can possibly be identified;
 - (ii) appears to be substantially mutilated;
 - (iii) appears to be not marked in accordance with section 36(1)(b); or
 - (iv) appears to be void for uncertainty, shall be separated and forwarded to the Returning Officer; and
- (b) any ballot paper described in section 50(1)(b), (c), (d) or (f) shall be separated.”.

27. Ballot papers not to be counted

(1) Section 50 is amended by repealing the heading and substituting—

“**Some ballot papers invalid**”.

(2) Section 50 is amended by renumbering it as section 50(1).

(3) Section 50(1) is amended by repealing “When counting the votes, any ballot paper” and substituting “Upon counting of votes, a ballot paper of any of the following descriptions shall not be valid and the vote recorded on the ballot paper shall not be counted”.

(4) Section 50(1)(a) is amended by adding “possibly” after “can”.

(5) Section 50(1)(h) is amended, in the English text, by repealing the comma and substituting a full stop.

(6) Section 50(1) is amended, in the English text, by repealing “shall not be counted.”.

(7) Section 50 is amended by adding—

- “(2) A candidate, an election agent or a counting agent—
 - (a) may inspect a ballot paper described in subsection (1)(b), (c), (d) or (f); but
 - (b) is not entitled to make representations to the Returning Officer concerning the ballot paper.”.

28. Determination of validity of questionable ballot papers

(1) Section 51(1) is amended by repealing “49(2), a candidate or his election” and substituting “49(2)(a), a candidate or his election agent or counting”.

(2) Section 51(2)(b) is amended by repealing “counted pursuant to section 50” and substituting “valid under section 50(1)”.

(3) Section 51(3) is amended by repealing “section 50(g)” and substituting “section 50(1)(g)”.

(4) Section 51(3) is amended by repealing “section 50,” and substituting “section 50(1),”.

(5) Section 51(4) is amended by repealing “counted” and substituting “valid”.

(6) Section 51(4)(a) is amended by repealing “不予接納” and substituting “不獲接納”.

(7) Section 51(4)(b) is amended by repealing “a candidate or an election agent” and substituting “any candidate, election agent or counting agent”.

(8) Section 51(4)(b) is amended by repealing “不予接納的決定遭反對” and substituting “反對此選票不獲接納”.

(9) Section 51(5)(b) is amended by repealing “a candidate or an election agent” and substituting “any candidate, election agent or counting agent”.

(10) Section 51(5) is amended by repealing “予以接納的決定遭反對” and substituting “反對此選票獲接納”.

(11) Section 51(6) is amended by repealing “counted” and substituting “valid”.

(12) Section 51(7)(a) is amended by adding “possibly” after “can”.

29. Verification of ballot paper account

(1) Section 52(1)(a) is amended by repealing everything after “number” and substituting—

“of—

(i) in the case of a contested election, valid votes obtained by each candidate; or

(ii) in the case of an uncontested election, valid “SUPPORT” and “NOT SUPPORT” votes obtained by the candidate;”.

(2) Section 52(1)(b) is amended by repealing “counted pursuant to section 50” and substituting “valid under section 50(1)”.

30. Result of counting and re-count

Section 53(1)(a)(i) is repealed and the following substituted—

- “(i) (in the case of a contested election) the candidates who are present or (in the case of an uncontested election) the candidate (if present); and”.

31. Notice of further round of voting

Section 54(1) is amended by adding “cast in a contested election” after “the votes”.

32. Notice of election result

Section 55 is amended by repealing “section 28(a)” and substituting “section 28(1)(a) or (2)(a)”.

PART 8**AMENDMENTS CONCERNING DISPOSAL OF DOCUMENTS****33. Ballot papers to be sealed**

(1) Section 56(1) is amended by adding “terminating the proceedings for the election under section 22(1AB)(e) of the Election Ordinance or” before “declaring”.

(2) Section 56(1) is amended by repealing “section 28(a) of the Election” and substituting “section 28(1)(a) or (2)(a) of that”.

(3) Section 56(1)(d) is amended by repealing “counted pursuant to section 50” and substituting “valid under section 50(1)”.

(4) Section 56(2)(c) is amended by adding “in the case of a contested election,” before “the number”.

34. Retention of election documents

Section 59(a) is amended by repealing everything after “6 months” and substituting—

“from—

- (i) the declaration of the termination of the proceedings for the election to which they relate under section 22 of the Election Ordinance; or
- (ii) the declaration of the result of the election to which they relate under section 28(1)(a) or (2)(a) of the Election Ordinance, as may be applicable; and”.

PART 9

MISCELLANEOUS AMENDMENTS

35. Procedure after termination of election proceedings

(1) Section 60(1) is amended by repealing “section 22(1)” and substituting “section 22(1AA), (1AB)(e) or (1)”.

(2) Section 60(2) is amended by repealing “section 22(1)” and substituting “section 22(1AA) or (1)”.

(3) Section 60(2)(b) is amended by repealing “a round of voting” and substituting “voting or a round of voting (as may be appropriate)”.

(4) Section 60 is amended by adding—

“(2A) If a declaration of termination of the proceedings for the election is made under section 22(1AB)(e) of the Election Ordinance, the Returning Officer shall display a notice of the declaration at a prominent place immediately outside the counting station as soon as practicable.”.

(5) Section 60(3) is amended by adding “or (c)(ii)” before “as if”.

36. Postponement or adjournment of polling or counting of votes

Section 61(4) is amended by adding “, in the case of a contested election,” after “apply”.

37. Declaration of secrecy

(1) Section 69(2)(c) is amended, in the Chinese text, by repealing “當值” and substituting “執勤”.

(2) Section 69(2)(d) is amended, in the Chinese text, by repealing “當值” and substituting “執勤”.

38. Secrecy

(1) Section 70(1)(b) is amended by repealing everything after “votes as” and substituting—

“to—

(i) in the case of a contested election, the candidate for whom a vote has been given on any particular ballot paper; or

(ii) in the case of an uncontested election, the choice as to whether to support the candidate on any particular ballot paper;”.

(2) Section 70(1)(d) is amended by repealing “has not been counted pursuant to section 50” and substituting “is not valid under section 50(1)”.

(3) Section 70(1)(e) is amended by repealing everything after “information as” and substituting—

“to—

(i) in the case of a contested election, the candidate for whom an elector is about to vote or has voted; or

(ii) in the case of an uncontested election, the choice as to whether to support the candidate which an elector is about to make or has made;”.

(4) Section 70(1)(f) is amended by repealing everything after “station as” and substituting—

“to—

(i) in the case of a contested election, the candidate for whom an elector is about to vote or has voted; or

(ii) in the case of an uncontested election, the choice as to whether to support the candidate which an elector is about to make or has made; or”.

(5) Section 70(1)(g) is amended by repealing everything after “information as” and substituting—

“to—

(i) in the case of a contested election, the candidate for whom the elector has voted; or

(ii) in the case of an uncontested election, the choice as to whether to support the candidate which the elector has made.”.

39. Elector need not disclose vote

(1) Section 78(1) is amended by repealing everything after “asked to” and substituting—

“disclose—

(a) in the case of a contested election, the name of, or any particulars relating to, the candidate for whom the elector has voted; or

(b) in the case of an uncontested election, whether the elector has cast a “SUPPORT” or “NOT SUPPORT” vote for the candidate,

is not required to answer the question.”.

(2) Section 78(2) is amended by repealing everything after “lawful” and substituting—

“authority—

- (a) an elector in a contested election to disclose the name of, or any particulars relating to, the candidate for whom the elector has voted; or
- (b) an elector in an uncontested election to disclose whether the elector has cast a “SUPPORT” or “NOT SUPPORT” vote for the candidate.”.

40. Election advertisement

(1) Section 81(3) is amended by adding “or any person authorized by him” after “Returning Officer”.

(2) Section 81(3)(a) is amended by repealing “or”.

(3) Section 81(3) is amended by adding—

“(aa) destroy or obliterate the advertisement in such manner as he thinks fit; or”.

(4) Section 81(5)(d) is amended by repealing “T-shirt, cap, badge or carrier bag” and substituting “badge, carrier bag, clothing or head-dress”.

41. Offence

(1) Section 82(1) is amended by repealing “27(2), (4),” and substituting “27(2),”.

(2) Section 82(1) is amended by repealing “66, 67, 70(1) or 78(2),” and substituting “66 or 67”.

(3) Section 82(2) is amended by adding “27(4), 70(1), 78(2) or” after “section”.

42. Application of Parts 4 to 9

Section 85 is amended by repealing “The” and substituting “In relation to the poll in a contested election, the”.

43. Ballot Paper

(1) The Schedule is amended, in the English text, in the heading, by repealing “PAPER” and substituting “PAPERS”.

(2) The Schedule is amended by adding immediately after the heading—

“FORM 1

BALLOT PAPER FOR CONTESTED ELECTION”.

(3) The Schedule is amended by adding—

“FORM 2

BALLOT PAPER FOR UNCONTESTED ELECTION

《選舉程序(行政長官選舉)規例》
ELECTORAL PROCEDURE
(CHIEF EXECUTIVE ELECTION) REGULATION
行政長官選舉
CHIEF EXECUTIVE ELECTION

選票
BALLOT
PAPER

*(選舉日期)
*(date of election)

投“支持”票 **CAST EITHER A “SUPPORT” VOTE**
或“不支持”票 **OR A “NOT SUPPORT” VOTE**

請用投票站提供的印章，在所選擇的圓圈內蓋上 ✓ 號。
Please use the chop provided at the polling station to stamp a ✓ in the circle
opposite your choice.

*(候選人提名公告上顯示的候選人姓名)
*(Name of candidate as shown in
Notice of Nominations)

支持
SUPPORT

不支持
NOT SUPPORT

* Only the appropriate information will be printed.”.

Made this 9th day of October 2006.

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

The Chief Executive Election and Legislative Council Election (Miscellaneous Amendments) Ordinance 2006 (10 of 2006) introduced a number of amendments to the Chief Executive Election Ordinance (Cap. 569) (“the CEEO”). One of the purposes of the amendments is to provide for the conduct of a poll where there is only one validly nominated candidate in a Chief Executive election (“uncontested election”). This Regulation amends the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J) (“the principal Regulation”) to—

- (a) introduce necessary consequential amendments to the principal Regulation; and
- (b) introduce miscellaneous amendments to the principal Regulation to align the provisions, where appropriate, with those for other elections.

This Regulation is divided into 9 parts.

Part 1

2. Section 1 provides for the commencement of this Regulation.

Part 2

3. Section 2—

- (a) amends the existing definition of “final register” in section 2(1) of the principal Regulation to reflect the provision in the CEEO that an interim register of members of the Election Committee is to be published under section 40(1) of the Schedule to the CEEO;
- (b) extends the existing definition of “polling hours” to cover the polling hours appointed for an uncontested election by virtue of the newly added section 17(1A) of the principal Regulation;
- (c) adds the new definitions of “contested election” and “uncontested election” to differentiate, when the terms are used in the principal Regulation, between an election in which there are 2 or more candidates and an election in which at the close of nominations only one candidate is validly nominated; and
- (d) adds the new definition of “head-dress” for it to be exempted, by virtue of the newly amended section 81(5)(d) of the principal Regulation, from the requirement to be marked with a serial number.

Part 3

4. Sections 3, 4, 5 and 6 amend Part 2 of the principal Regulation to accommodate the new arrangement that a poll will be conducted where only one candidate is validly nominated (“new arrangement”). The particulars of the amendments are set out below.

- (a) Section 3 amends section 3 of the principal Regulation so that the Gazette notice relating to submission of nomination forms and published by the Chief Electoral Officer will state that a poll will be conducted on the polling date if any candidate is validly nominated.
- (b) Section 4 amends section 8 of the principal Regulation to extend the requirement for the nomination forms to be available for inspection until the publication of the relevant election result or poll result to cover an uncontested election.
- (c) Section 5 repeals section 10 of the principal Regulation which is no longer applicable as a poll is also required to be conducted for an uncontested election.
- (d) Section 6 amends section 11 of the principal Regulation to extend the requirement for the Returning Officer to publish a notice of the termination of proceedings to cover the termination of proceedings for an uncontested election.

Part 4

5. Sections 7 and 8 amend sections 12 and 13 of the principal Regulation respectively so that the text of the provisions on the appointment of election agent and election expense agent can better cater for the scenario of an uncontested election.

6. Section 9 amends section 15 of the principal Regulation to require that only the name and address (but not the identity card number) of the election agent of a candidate shall be included in the notice provided to other candidates.

Part 5

7. Section 10 amends section 17 of the principal Regulation to provide that, similar to a contested election, the polling hours for an uncontested election are appointed by the Chief Electoral Officer, and that provisions regarding an election with possibly more than one round of voting apply to a contested election only.

8. Section 11 amends section 20 of the principal Regulation to provide that the Chief Electoral Officer may, with reasonable cause, revoke at any time the appointment of the Presiding Officer or any polling officer.

9. Section 12 amends section 23 of the principal Regulation to—

- (a) lengthen the notice period concerning determination of no canvassing zone and no staying zone outside the polling station from at least 2 days to at least 7 days before the polling date; and
- (b) provide that the Returning Officer may perform his functions concerning such zones through the Presiding Officer.

10. Section 13 amends section 24 of the principal Regulation to prohibit any person from conducting any activity on the polling date for canvassing for votes so that the sound of the activity can be heard in the no canvassing zone. The amendment also makes it clear that suggesting not to vote in support of the candidate shall fall within “canvassing for votes” for the purposes of an uncontested election.

11. Section 14 amends section 25 of the principal Regulation so that the text of the provisions on the appointment of polling agent can better cater for the scenario of an uncontested election.

12. Section 15—

- (a) introduces a minor amendment to the Chinese text of section 26 of the principal Regulation; and

- (b) amends section 26 of the principal Regulation to include police officers and liaison officers among the categories of persons who may enter or stay in the polling station.

13. Section 16 amends section 27 of the principal Regulation to—

- (a) provide that, in addition to the Presiding Officer, the Returning Officer, the Assistant Returning Officer and any polling officer may also direct a person not to communicate with any elector or not to use any device for electronic communication in the polling station during the polling hours, and exempt police officers and liaison officers from such prohibition; and
- (b) make it clear that suggesting not to vote in support of the candidate shall fall within “canvassing for votes” for the purposes of an uncontested election.

Part 6

14. Section 17 amends section 30 of the principal Regulation to provide for the prescribed form of ballot papers for use in an uncontested election.

15. Sections 18, 19, 20 and 21 introduce amendments consequential upon the new arrangement concerning voting. The particulars of the amendments are set out below.

- (a) Section 18 amends section 31 of the principal Regulation to make it clear that the latter section only applies to a contested election.
- (b) Section 19 amends section 32 of the principal Regulation to provide for the questions a Presiding Officer may ask, in case of doubt and at the time a person applies for a ballot paper, in an uncontested election.
- (c) Section 20 amends section 35 of the principal Regulation to extend the latter section to cover an uncontested election.
- (d) Section 21 amends section 36 of the principal Regulation to provide that, in the case of an uncontested election, an elector shall mark the ballot paper by affixing the chop issued by the polling staff to give a single “✓” in the circle opposite the word “SUPPORT” or “NOT SUPPORT” on the ballot paper.

Part 7

16. Section 22 amends section 43 of the principal Regulation to—

- (a) provide that the time at which the counting of the votes is to begin shall be, in the case of an uncontested election, a time after the close of voting;

- (b) require that the notice of the counting time and the address of the counting station shall be given to each candidate or the election agent or any counting agent appointed by him; and
- (c) make clear that the above notice shall be given at least one clear working day before the time determined under section 43(1) of the principal Regulation.

17. Section 23 amends section 44 of the principal Regulation so that the text of the provision concerning the appointment of counting agents can better cater for the scenario of an uncontested election. The section as amended also provides that if a notice of appointment of a counting agent is not given before the 7 days preceding the polling date, it shall be delivered on the polling date to the Returning Officer.

18. Section 24 amends section 45 of the principal Regulation to provide that the Chief Electoral Officer may, with reasonable cause, revoke at any time the appointment of any counting officer.

19. Section 25—

- (a) introduces a minor amendment to the Chinese text of section 46 of the principal Regulation; and
- (b) amends section 46 of the principal Regulation to include police officers among the categories of persons who may enter or stay in the counting station.

20. Section 26 amends section 49 of the principal Regulation to provide that, in the course of counting, which types of ballot papers shall be forwarded to the Returning Officer to determine whether the votes are to be counted under section 51 of the principal Regulation, and which types of ballot papers shall be separated and the votes shall not be counted under section 50 of the principal Regulation.

21. Section 27 amends section 50 of the principal Regulation to—

- (a) refine the wording of the leading clause to make the whole provision clearer;
- (b) make clear that a ballot paper on which there is any writing or mark by which the elector can possibly be identified shall not be valid and the vote recorded on the ballot paper shall not be counted; and
- (c) provide that a candidate, an election agent or a counting agent may inspect ballot papers separated in the counting of votes but is not entitled to make representations concerning those ballot papers.

22. Section 28 amends section 51 of the principal Regulation to—

- (a) tie in with the amendment to section 50 of the principal Regulation;
- (b) provide that, in addition to a candidate and an election agent, a counting agent may also inspect questionable ballot papers and make representations to the Returning Officer; and
- (c) align the Chinese text of words to be marked by the Returning Officer on questionable ballot papers with the provisions for other elections.

23. Sections 29, 30, 31 and 32 introduce technical amendments and amendments consequential upon the new arrangement. The particulars of the amendments are set out below.

- (a) Section 29 amends section 52 of the principal Regulation to require the Returning Officer to record the number of valid “SUPPORT” and “NOT SUPPORT” votes obtained by the sole candidate in the case of an uncontested election.
- (b) Section 30 amends section 53 of the principal Regulation to extend the arrangement for the Returning Officer to make known the counting result to the candidates or their agents to cover an uncontested election.
- (c) Section 31 amends section 54 of the principal Regulation (which governs the notice of further round of voting) to make it clear that the latter section only applies to a contested election.
- (d) Section 32 amends section 55 of the principal Regulation to provide that the requirement for the Returning Officer to display and send out a notice of the election result also applies to an uncontested election in which the sole candidate is elected.

Part 8

24. Sections 33 and 34 amend sections 56 and 59 of the principal Regulation respectively to extend the arrangements for the sealing of ballot papers and the retention of election documents to cover an uncontested election. The amendment to section 56 of the principal Regulation also makes it clear that the requirement for the Returning Officer to endorse on each sealed packet the number of the relevant round of voting applies in relation to a contested election.

Part 9

25. Section 35 amends section 60 of the principal Regulation to—

- (a) extend the procedure for publishing and displaying the declaration of termination of the election proceedings to cover an uncontested election; and

- (b) extend the applicability of sections 58 and 59 of the principal Regulation to cover the ballot papers and other materials delivered to the Returning Officer under section 60(2)(c)(ii) of the principal Regulation.

26. Section 36 amends section 61 of the principal Regulation to make clear that subsection (4) of the latter section applies in relation to a contested election.

27. Section 37 makes two minor amendments to the Chinese text of section 69(2) of the principal Regulation.

28. Sections 38 and 39 amends sections 70 and 78 of the principal Regulation respectively to extend the provisions on the secrecy of votes and the provisions stipulating that an elector needs not disclose the vote he has cast to cover an uncontested election.

29. Section 40 amends section 81 of the principal Regulation to provide that—

- (a) in respect of an election advertisement not complying with the legal requirement, the Returning Officer may, in addition to covering it or seizing and disposing of it, also destroy or obliterate it in such manner as he thinks fit;
- (b) in addition to the Returning Officer, other persons authorized by the Returning Officer may also exercise such statutory powers in respect of an election advertisement not complying with the legal requirement; and
- (c) the requirement for an election advertisement to be marked with a serial number does not apply to an election advertisement in the form of a balloon, badge, carrier bag, clothing or head-dress, to be in line with the provisions for other elections.

30. Section 41 amends section 82 of the principal Regulation to increase the penalty for imprisonment from 3 months to 6 months for—

- (a) unauthorized filming, photographing, audio or video recording on the polling date in a polling station; and
- (b) violation of secrecy of votes.

31. Section 42 amends section 85 of the principal Regulation to make it clear that the latter section (which states that the provisions of Parts 4 to 9 of the principal Regulation apply to and in relation to every round of voting in a poll) applies to a contested election only.

32. Section 43 amends the Schedule to the principal Regulation to add the statutory form of ballot papers for use in an uncontested election.