

INTERPRETATION AND GENERAL CLAUSES
ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General Clauses
Ordinance (Cap. 1))

ELECTORAL AFFAIRS COMMISSION (ELECTORAL
PROCEDURE) (LEGISLATIVE COUNCIL)
(AMENDMENT) REGULATION 2009

ELECTORAL AFFAIRS COMMISSION (ELECTORAL
PROCEDURE) (DISTRICT COUNCILS) (AMENDMENT)
REGULATION 2009

ELECTORAL AFFAIRS COMMISSION (ELECTORAL
PROCEDURE) (ELECTION COMMITTEE)
(AMENDMENT) REGULATION 2009

ELECTORAL PROCEDURE (CHIEF EXECUTIVE
ELECTION) (AMENDMENT) REGULATION 2009

ELECTORAL PROCEDURE (VILLAGE
REPRESENTATIVE ELECTION) (AMENDMENT)
REGULATION 2009

RESOLVED that –

- (a) the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2009, published in the Gazette as Legal Notice No. 130 of 2009 and laid on the table of the Legislative Council on 24 June 2009, be amended –

- (i) in section 5(2), in the new section 28(1)(c), by repealing “election.” and substituting “election or, where the Chief Electoral Officer considers appropriate, a by-election.”;
- (ii) in section 10(1), in the Chinese text, in the new section 42(8A)(a), by repealing “一個” and substituting “每個”;
- (iii) by repealing section 13 and substituting –

“13. What constitutes an offence at a polling station

(1) Section 45(6)(h) is amended by repealing “or”.

(2) Section 45(6)(i) is amended by repealing “the polling station.” and substituting “a polling station;”.

(3) Section 45(6) is amended by adding –

“(j) an officer of the Correctional Services Department on duty at a dedicated polling station;
or

(k) an officer of any law enforcement agency on duty at a dedicated polling station.”;

- (iv) in section 18(4), in the new section 63A(4), by repealing everything after “prepared by that” and substituting –

“Officer to –

- (a) the Presiding Officer of the ballot paper sorting station or the main counting station concerned; or
 - (b) the Returning Officer of the counting station,
- as advised by the Chief Electoral Officer.”;
- (v) in section 24, in the Chinese text, in the new section 74AA(h), by repealing “預以” and substituting “予以”;
 - (vi) in section 25, in the new section 75(4A)(b), by repealing everything after “to the main counting station” and substituting “from one or more ballot paper sorting stations, or one or more dedicated polling stations, as may be appropriate.”;
- (b) the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2009, published in the Gazette as Legal Notice No. 131 of 2009 and laid on the table of the Legislative Council on 24 June 2009, be amended –
- (i) in section 5(2), in the new section 31(1)(c), by repealing “election.” and substituting “election or, where the Chief Electoral Officer considers appropriate, a by-election.”;
 - (ii) in section 11(1), in the Chinese text, in the new section 45(5A)(a), by repealing “一個” and substituting “每個”;

(iii) by repealing section 14 and substituting –

“14. What constitutes an offence at a polling station

(1) Section 48(6)(h) is amended by repealing “or”.

(2) Section 48(6)(i) is amended by repealing “the polling station.” and substituting “a polling station;”.

(3) Section 48(6) is amended by adding –

“(j) an officer of the Correctional Services Department on duty at a dedicated polling station;
or

(k) an officer of any law enforcement agency on duty at a dedicated polling station.”;

(iv) in section 18(3), in the new section 57(2A), by adding “or, where the Chief Electoral Officer considers appropriate, a by-election,” after “ordinary election”;

(v) in section 20(4), in the new section 63A(4), by repealing everything after “prepared by that” and substituting “Officer to the Presiding Officer of the ballot paper sorting station or the main counting station concerned, as advised by the Chief Electoral Officer.”;

- (vi) in section 25, in the new section 75A, by repealing “In an ordinary election, the” and substituting “The”;
 - (vii) in section 26, in the new section 76(2)(b), by repealing everything after “to the main counting station” and substituting “from one or more ballot paper sorting stations, or one or more dedicated polling stations, as may be appropriate,”;
- (c) the Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2009, published in the Gazette as Legal Notice No. 132 of 2009 and laid on the table of the Legislative Council on 24 June 2009, be amended –
- (i) in section 10(1), in the Chinese text, in the new section 42(5A)(a), by repealing “一個” and substituting “每個”;
 - (ii) by repealing section 13 and substituting –

“13. What constitutes offence at polling station

(1) Section 45(6)(h) is amended by repealing “or”.

(2) Section 45(6)(i) is amended by repealing “the polling station.” and substituting “a polling station;”.

(3) Section 45(6) is amended by adding –

“(j) an officer of the Correctional Services Department on duty at a

dedicated polling station;
or

(k) an officer of any law enforcement agency on duty at a dedicated polling station.”.”;

- (d) the Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2009, published in the Gazette as Legal Notice No. 133 of 2009 and laid on the table of the Legislative Council on 24 June 2009, be amended –
- (i) in section 3(3), in the English text, in the new section 12(3)(i), by repealing “be” and substituting “being”;
 - (ii) in section 7(1), in the Chinese text, in the new section 19(2)(aa)(ii), by repealing the full stop and substituting a semicolon;
- (e) the Electoral Procedure (Village Representative Election) (Amendment) Regulation 2009, published in the Gazette as Legal Notice No. 134 of 2009 and laid on the table of the Legislative Council on 24 June 2009, be amended –
- (i) in section 2(4), in the Chinese text, by repealing “或 60A(c)” and substituting “60A(c)”;
 - (ii) in section 5(2), in the new section 28(1)(c), by adding “in a village ordinary election or, where the Director of Home Affairs considers appropriate, a village by-election” after “Village”;
 - (iii) in section 5, by adding –
 - “(3A) Section 28(4) is repealed and the following substituted –

“(4) The Director of Home Affairs shall, in the case of a polling station or a counting station which is not a Government building –

(a) make good any damage caused; and

(b) defray any expenses incurred by any person having control over the structure, place or premises,

due to its having been used as a polling station or a counting station.”.”;

(iv) by repealing section 11(1) and substituting –

“(1) Section 37(1)(j) is amended by repealing “and (8)” and substituting “, (6A), (6B) and (8) and section 22(3)”.”;

(v) in section 15(2), in the new section 47(1A)(a)(ii), by repealing “or more”;

(vi) in section 15(2), in the Chinese text, in the new section 47(1A)(b), by repealing everything after “是提述” and substituting “載於一個或多於一個

封套內的一張或多於一張選票(視屬何情況而定)。”;

- (vii) in section 16(2), in the new section 53(4), by repealing everything after “must be” and substituting “delivered to the Assistant Returning Officer of the ballot paper sorting station or the Returning Officer of the relevant counting station, as advised by the Director of Home Affairs.”;
- (viii) by repealing section 25 and substituting –

“25. Section 79A added

The following is added –

“79A. Certain visitors of electors in custody not to canvass for votes

- (1) If –
 - (a) a person (“visitor”) visits in a certain capacity an elector in custody for a business or official purpose; and
 - (b) another person who is not acting in that capacity is not allowed to

visit the elector
for that purpose,
the visitor commits an offence if he,
during the visit, canvasses for votes for
the purpose of an election.

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

(ix) by repealing section 28.