

**立法會**  
**Legislative Council**

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**Paper for the House Committee meeting  
on 24 June 2011**

**Report of the Subcommittee on Nine Amendment Regulations  
made under the Electoral Affairs Commission Ordinance**

**Purpose**

This paper reports on the deliberations of the Subcommittee on Nine Amendment Regulations made under the Electoral Affairs Commission ("EAC") Ordinance (Cap. 541) ("the nine Amendment Regulations").

**Background**

Aligning or improving electoral procedures

2. According to the Administration, the Registration and Electoral Office ("REO") has reviewed the relevant subsidiary legislation which provide for the detailed electoral arrangements for the purpose of preparing for the 2011 District Council ("DC") Election, 2011 Election Committee ("EC") Subsector Elections, 2012 Chief Executive ("CE") Election and 2012 Legislative Council ("LegCo") Election to be held during the period from November 2011 to September 2012. The review has identified areas where amendments to the relevant regulations would be required to align the electoral procedures of these elections and to fine-tune certain procedures in the light of the experience in previous elections.

Voting by electors in custody

3. The Voting by Imprisoned Persons Bill which sought to remove restrictions on registration of the following three types of persons as electors and voting by those persons at elections of CE, LegCo Members, DC members, members of EC and VRs was enacted on 24 June 2009 -

- (a) persons who have been sentenced to death or imprisonment in Hong Kong or any other place and have not served the sentence or undergone any substituted punishment or received a free pardon;

- (b) persons who are serving a sentence of imprisonment; and
- (c) persons who are or have been convicted of certain election-related or bribery offences and election is to be held within three years after the conviction.

4. In June 2009, five Amendment Regulations on electoral procedure were made by EAC under section 7 of the EAC Ordinance to make provisions for voting at the elections of CE, LegCo Members, DC members, members of EC and village representatives ("VRs") by electors -

- (a) who are serving sentence of imprisonment;
- (b) detained by the Correctional Services Department ("CSD") on remand; and
- (c) otherwise detained by any law enforcement agency under any lawful authority

("electors in custody").

#### The CE Election (Amendment) Ordinance 2011

5. The CE Election (Amendment) Bill 2010 which sought to increase the number of seats for each EC sector to 300, allocate the additional seats among the EC subsectors and make changes in relation to DCs and Chinese medicine subsectors and other related matters was passed by LegCo on 3 March 2011.

#### The LegCo (Amendment) Ordinance 2011

6. The LegCo (Amendment) Bill 2010 which sought to enlarge LegCo by adding five geographical constituency ("GC") seats and creating a new DC Functional Constituency ("FC") (i.e. the DC (second) FC) of five seats and to make other changes related to LegCo elections was passed on 5 March 2011.

### **The nine Amendment Regulations**

7. Legislative amendments are made to the following EAC Regulations -

#### Voter Registration

- (a) the EAC (Registration) (Electors for LegCo FCs) (Voters for EC Subsectors)(Members of EC) Regulation (Cap. 541B);

### Electoral Procedure

- (b) the EAC (Electoral Procedure) (LegCo) Regulation (Cap. 541D);
- (c) the EAC (Electoral Procedure) (DCs) Regulation (Cap. 541F);
- (d) the EAC (Electoral Procedure) (EC) Regulation (Cap. 541I);
- (e) the Electoral Procedure (CE Election) Regulation (Cap. 541J);
- (f) the Electoral Procedure (VR Election) Regulation (Cap. 541L);

### Electoral Arrangements

- (g) the EAC (Nominations Advisory Committees (LegCo)) Regulation (Cap. 541C);
- (h) the Particulars Relating to Candidates on Ballot Papers (LegCo and DCs) Regulation (Cap. 541M); and
- (i) the EAC (Financial Assistance for LegCo Elections and DC Elections)(Application and Payment Procedure) Regulation (Cap. 541N).

## **The Subcommittee**

8. At the House Committee meeting on 20 May 2011, Members agreed that a subcommittee should be formed to study the nine Amendment Regulations. The membership list of the Subcommittee is in **Appendix I**. Under the chairmanship of Mr IP Kwok-him, the Subcommittee has held four meetings with the Administration.

## **Deliberations of the Subcommittee**

### Aligning or improving electoral procedures

9. The main amendments are to –
- (a) achieve consistency in the relevant provisions for the service by a candidate of an election to the Returning Officer ("RO") of a copy of authorization of an election expense agent or a notice revoking such authorization;

- (b) align the provisions for EC subsector election with those of DC, CE and LegCo elections by allowing the RO in EC subsector elections to display a revised notice of the no canvassing zone and/or no staying zone at or near the polling station if the zone has been varied;
- (c) align the provisions for DC, EC subsector and CE elections with those of the LegCo election to empower EAC to specify the form for a candidate of an election to lodge the election expense return;
- (d) make provisions for candidates in DC, EC subsector, CE and LegCo elections to use electronic election advertisements ("eEAs"); and
- (e) empower a Presiding Officer ("PRO") of a polling station to adjourn counting of votes if it appears to the PRO that the counting is likely to be obstructed, disrupted, undermined or seriously affected by certain specified occurrence.

10. According to section 2 of Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO"), EA in relation to an election means –

- (a) a publicly exhibited notice; or
- (b) a notice delivered by hand or electronic transmission; or
- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication, published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.

Strictly speaking, all notices, announcements or publications displayed or distributed by candidates on the Internet would fall within the definition of EA and are, therefore, subject to the prior declaration/submission requirement. Under section 34(4) of ECICO, a person must, not later than seven days after publishing a printed EA, furnish two copies of the advertisement to the appropriate RO. Under respective electoral procedures regulations made by EAC under the EAC Ordinance, before display, distribution or otherwise use of any EA, a candidate must submit a declaration and two copies each of the declared EAs to the RO. To satisfy the current statutory declaration requirement, a candidate is required to print out the eEA and submit two

hardcopies of it to the RO before displaying, distributing or otherwise using it on the Internet.

11. The Administration has explained to the Subcommittee that in order to address the concerns raised by LegCo Members and political parties in complying with the existing statutory declaration requirement, EAC has proposed to relax the electoral procedures set out under the EAC Regulations to achieve the following improvement -

- (a) candidates are allowed to submit eEAs and the required declaration to ROs electronically, in the manner and format as specified by EAC; and
- (b) where it is not practicable to submit the eEAs to RO before they are displayed, distributed or otherwise used (such as messages displayed or sent interactively and spontaneously through social networking or communication websites on the Internet like Twitter, Facebook, blogs etc.), candidates are allowed to make ex post facto declaration. Under the proposed arrangement, candidates are only required to deposit with the RO a declaration and the declared eEAs by the end of the first working day following the day on which the advertisements are sent or displayed.

12. Members supported the proposed improvements, although they expressed disappointment that the Administration has proposed to allow the candidates of DC, EC subsector, CE and LegCo elections to submit, in the manner and format specified by EAC, a declaration and a copy of only eEAs, but not printed EAs, to ROs by electronic means. They consider it very inconvenient and time-consuming for candidates to submit hard copies of printed EAs, authorization letters, election returns, etc. to ROs. Members are of the view that the Administration should facilitate candidates by accepting printed election materials transmitted electronically. They have called on the Administration to develop an information technology system to cater for the electronic transmission of all types of election materials as soon as possible.

13. The Administration has explained that it is the long-term objective to allow submission of all EAs by electronic means and the Registration and Electoral Office ("REO") has actively pursued the use of electronic means for the submission of election materials. However, it is considered that a cautious approach must be adopted in order to ensure that all elections are conducted in an open, fair and transparent manner. As the number of candidates for the coming DC, EC Subsector and LegCo elections would increase substantially, it is advisable to allow candidates, as a first step, to submit eEAs by electronic

means. For EAs of large sizes such as posters and exhibits, candidates could also send the photos of these EAs to ROs by email. REO would capitalize on the experience in the 2011 DC and EC Subsector elections and explore the feasibility of accepting more types of election materials by electronic means.

14. While members welcome the proposed improvement in arrangements for submission of eEAs by electronic means, they have expressed concern about the difficulties encountered by candidates in fulfilling the existing statutory declaration requirement to submit to ROs copies of eEAs distributed, sent or used on social networking or communication websites on the Internet. Members have pointed out that messages posted on these websites could change quite rapidly and frequently within a short period of time. Furthermore, as some websites are not hosted by candidates themselves, messages could be removed or deleted by the relevant website administrators without prior notification to candidates who post the messages. As such, there are practical difficulties for candidates to capture every eEA posted on these websites for submission to ROs.

15. The Administration has reiterated that the proposed improvement measures would greatly facilitate candidates in making declarations on eEAs and ease their workload. Under the proposed arrangement, candidates would no longer be required to print out the eEAs and deposit two hard copies with ROs. They may use an email to forward the eEAs and the accompanying declaration to ROs. For eEAs sent or displayed through social networking and communication websites and which are of an interactive and spontaneous nature, candidates would also be allowed one whole working day for submission. Furthermore, candidates may make one single declaration for all such eEAs sent or displayed on the same day. This would save candidates a lot of time as under the existing requirement, normally each and every such eEA has to be declared individually before it is sent or displayed. The proposed arrangement would save candidates a lot of work when a series of eEAs are sent or displayed on the same day and each of them is an add-on version to the previous one.

16. Some members have, however, expressed concern over the practical problems in keeping full and complete records of eEAs for submission in certain circumstances, owing to the nature of exchanges conducted on the social networking and communication websites. They have raised the issue of practicability of treating such eEAs in the same way as physical-form EAs under the current statutory declaration requirement. In view of the advance in information technology ("IT") and the prevalence of these websites, these members have queried the feasibility of applying the current statutory control regime under ECICO to eEAs transmitted through these means.

17. The Administration has explained that in accordance with section 2 of the ECICO, notices, announcements or other form of publication displayed or distributed on the Internet are EAs if they meet the definition stipulated in that section. Candidates have to submit copies of such EAs to ROs under section 34(4) of ECICO and relevant provisions in respective EAC Regulations. In addition to the monitoring of election expenses, the submission of EAs in advance is to facilitate public inspection and a transparent regulatory mechanism for the handling of election-related complaints or disputes. Members note the receipt of 6 187 complaints for the 2007 DC Election, of which about 31% were related to EAs. Among the 3 480 complaints for the 2008 LegCo Election, about 24% were related to EAs.

18. Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong are of the view that it is necessary to regulate the dissemination of EAs on Internet. In response to members' enquiries, the Administration has confirmed that it would depend on the circumstances of each case as to whether written consent would be required from those who have indicated their support to a candidate in a message posted on a social networking website if that candidate subsequently disseminates that message on the website.

19. The Administration has advised that to address members' concern, it is necessary to review whether eEAs should be treated in a manner different from physical-form EAs and, if so, whether amendments should be made to the relevant provisions of ECICO and EAC Regulations. This goes beyond the scope of the current legislative exercise. The Administration has undertaken to study the issue separately and revert to the Panel on Constitutional Affairs in due course.

20. Members have urged the Administration to consult IT experts and make reference to relevant overseas experience in the future review. They have also stressed that before the 2011 DC Election, clear guidelines should be drawn up for candidates and appropriate publicity work on the relevant statutory requirements should be carried out.

21. According to the Particulars Relating to Candidates on Ballot Papers (LegCo and DC) Regulation (Cap. 541M), after registering the following particulars with EAC, candidates may request to have such particular(s) printed on the ballot papers -

- (a) the names, the abbreviations of the names and the emblems of prescribed bodies<sup>1</sup>;
- (b) the personal emblems and the photographs of candidates; and
- (c) the words “Independent Candidate” or “Non-affiliated Candidate”.

22. According to section 11 of the Regulation, if an application for registering such particulars is made on or before the relevant cut-off date (i.e. 15 April) of an annual registration cycle (which coincides with a calendar year), EAC will process it within that annual registration cycle. An application made after the relevant cut-off date will be processed by EAC in the next following annual registration cycle. According to the Administration, the annual cut-off date was set at 15 April because of the need to go through the following procedures:

- (a) processing the applications received;
- (b) considering whether to refuse the applications and, if so, allowing time for applicants to vary the applications or make representations;
- (c) providing a period for the public to inspect and raise objections; and
- (d) conducting hearing for and adjudicating the objections received.

The whole process will take about three months to complete before the start of the nomination period of the LegCo election. The ballot papers will be sent to print, as soon as the nomination period closes.

23. When the above scheme which was introduced since the 2004 LegCo Election was extended to the DC elections in 2007, the same features including the annual cut-off date for registration (i.e. 15 April) have been extended to the DC elections. At present, there is only one annual cut-off date for submitting the application for registering the particulars or for replacing the registered particulars.

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<sup>1</sup> A “prescribed body” means

- (a) a prescribed political body, i.e. a body or organization operating in Hong Kong that is a political party, purports to be a political party, or the principal function or main object of which is to promote or prepare a candidate for election as a LegCo or DC member; or
- (b) a prescribed non-political body, i.e. a body or organization operating in Hong Kong other than a prescribed political body as described in (a) above.



24. Ms Miriam LAU, a non-Subcommittee Member, has pointed out that the existing annual cut-off date was made on the basis that a LegCo election is usually held in September of a year. Given that a DC election is usually held in November of a year, political parties or other candidates may need more time to prepare for making arrangements, including the adoption of emblems and other particulars, in the run-up to the election. She has suggested that for the DC election years, a later deadline should be provided for political parties and potential candidates to apply for registering their particulars on ballot papers. Members generally support her suggestion.

25. After consideration of members' view, the Administration has agreed to amend the annual cut-off date for filing applications for registering the particulars relating to candidates on ballot papers to 15 June for the DC election years. The Administration has further advised that as the Amendment Regulations are scheduled to come into operation on 8 July 2011, by that time, it would have passed the amended annual cut-off date for the 2011 registration cycle, i.e. 15 June 2011. A transitional arrangement is therefore required to facilitate the consideration of new applications by EAC, so that a prescribed person and a prescribed body as defined under the Regulation may file such applications in time for the relevant particulars to be used in ballot papers for the coming DC elections on 6 November 2011. The Administration would add a transitional clause in the Regulation, so that the extended deadline this year would be one week after the commencement of the relevant Amendment Regulation, i.e. 15 July 2011, and any applications received between 16 April and 15 July would be processed within the 2011 registration cycle. REO would arrange as appropriate publicity to inform relevant parties of the arrangement.

#### Refining the voting arrangements for electors in custody

26. The main amendments are to –

- (a) empower the Chief Electoral Officer or the Director of Home Affairs (for VR elections) to obtain the prisoner registration number allocated by the Commissioner of Correctional Services to a voter in the custody of CSD to facilitate the making of voting arrangements for DC, LegCo, EC subsector, CE and VR elections;
- (b) empower an officer of CSD to use a sound amplifying system or device for the performance of his or her duty in the no canvassing zone of a dedicated polling station ("DPS") situated in a prison;
- (c) make provisions for the display of a declaration by RO as to the death or disqualification of a candidate inside a DPS; and

- (d) enable an election candidate to revoke the appointment of a person who has been appointed as a polling agent at a DPS situated in a prison by serving the notice of revocation to RO, instead of the PRO of DPS.

27. According to the Administration, these amendments are made to refine the voting arrangements for electors in custody. Members note the Administration's advice that arrangements for electors in custody to vote had been conducted smoothly in the past.

Amendments consequential to the CE Election (Amendment) Ordinance (Ordinance 1 of 2011)

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28. According to the CE Election (Amendment) Ordinance 2011, when the new term of EC commences from February 2012, 10 special member seats will be created temporarily in the fourth sector of EC to make up the difference of 10 seats until the number of LegCo seats increases from 60 to 70 in October 2012. Four special member seats will be allocated to members of the Chinese People's Political Consultative Conference, two to Heung Yee Kuk, two to Hong Kong and Kowloon DCs and two to New Territories DCs.

29. Members note that amendments to the EAC (Registration) (Electors for LegCo FCs) (Voters for EC Subsectors) (Members of EC) Regulation (Cap. 541B) have been made to provide for the recording of the particulars of these special members and their removal at the expiry of their membership, and to provide a new notice of results of EC subsector election.

30. Members also note that the CE Election (Amendment) Ordinance 2011 has empowered the Electoral Registration Officer to amend the final registers of EC subsector voters and to arrange for the automatic registration of the newly elected DC members. Amendments to the EAC (Registration) (Electors for LegCo FCs) (Voters for EC Subsectors) (Members of EC) Regulation to enable the compilation and publication of the amended EC subsector final registers, and amendments to the Electoral Procedure (CE Election) Regulation (Cap. 541J) to reflect changes in the voting arrangements for CE elections have therefore been made.

31. The Administration has informed the Subcommittee that the Electoral Procedure (CE Election) (Amendment) Regulation 2011 includes adding new provisions (i.e. (1A) to (1H)) to section 81 of the existing Regulation (i.e. Cap 541J), in order to allow a candidate to submit the relevant declaration and copy of an EA by electronic means if the EA is to be displayed, distributed or otherwise used by electronic means. It is further proposed to amend section

82 of Cap 541J (the offence provision) so that it would also cover the newly added section 81(1B), (1D), (1E), (1F), (1G) and (1H). According to the Administration, there is no need to add section 81(1A) and (1C) to section 82. Section 81(1A) provides an alternative way of submission of declaration to the ROs by electronic means in the manner and format specified by EAC. Section 81(1B) is a requirement that a candidate must comply with unless the declaration is to be submitted by electronic means and in such case, section 81(1C) has to be observed. If a candidate fails to observe section 81(1A) (i.e. submission of the declaration in the manner and format specified by EAC) or section 81 (1C) (i.e. subsequent submission within the timeframe permitted by EAC), the candidate would be regarded as if no declaration had been submitted, and he/she would then have committed an offence under section 81(1) or (1B).

Amendments consequential to the LegCo (Amendment) Ordinance (Ordinance 2 of 2011)

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32. Registered electors for GCs will be registered as electors for the DC (second) FC. They can however choose not to be so registered. Registered electors for any FCs (other than HYK FC, agriculture and fisheries FC, insurance FC, transport FC and the existing DC FC) will be allowed to choose whether they would like to register in the new DC FC or remain in their respective FCs. According to the Administration, REO would send letters to these persons informing them that they may switch to the new DC FC by submitting written applications by a specified date. As a one-off transitional arrangement, REO would prepare the first register of electors for the DC (second) FC by using the 2011 GC final register as the basis, and deleting from it the electors of the existing FCs and those who elect not to be registered in the DC (second) FC. For any person who, according to the voter registration procedures, elects to be registered in the DC (second) FC during the 2012 voter registration cycle, and any elector of the existing FCs (other than HYK FC, agriculture and fisheries FC, insurance FC, transport FC and the existing DC FC) who elects to be registered in the DC (second) FC, they would be included in the first register of electors for the DC (second) FC. REO would put in place appropriate measures to tie in with the voter registration arrangements for the DC (second) FC.

33. The five new DC (second) FC seats will be returned from the whole of Hong Kong as a single constituency in accordance with the proportional representation list system. Members note that as the proportional representation list system under the current legislative framework only applies to GCs, amendments to the EAC (Nominations Advisory Committees (LegCo)) Regulation (Cap. 541C), EAC (Electoral Procedure) (LegCo) Regulation (Cap. 541D), Particulars Relating to Candidates on Ballot Papers (LegCo and DCs)

Regulation (Cap. 541M) and EAC (Financial Assistance for LegCo Elections and DC Elections) (Application and Payment Procedure) Regulation (Cap. 541N) have therefore been made so that the system could also apply to FCs.

34. The Administration has informed the Subcommittee that two technical amendments have to be made to the EAC (Electoral Procedure) (LegCo) (Amendment) Regulation 2011 in order to improve its clarity.

35. Some members have pointed out that some electors are only aware of the removal of their names from the final register on the polling day. Indeed, by the time an elector realizes that he/she has not received a polling card and reports to REO, it would be too late to reinstate his/her voting right in the upcoming election because the deadline for registration has already lapsed. Members have called on REO to be more careful in preparing the registers for the upcoming elections. Members have suggested that the Administration should devise user-friendly measures for electors to update their particulars with REO and to check their status in the electoral register such as enabling an elector to check on-line his status in the electoral register by way of using the Hong Kong Post personal e-certificate.

36. The Administration has advised that a rigorous process would need to be gone through before an elector's name is put on the omission list in accordance with the electoral law. When assisting electors to update their principal addresses, REO would contact the electors by various means. Only when the person could not be contacted to update his principal address after many attempts would REO undertake a formal inquiry in accordance with the relevant statutory provisions to ascertain whether or not the address recorded in the existing register was still the principal address of the person. The inquiry letter would be sent to the person by registered post and if the person still failed to update his principal address within a statutory timeframe, his name would then be put on an omissions list. As required by law, the omissions list would be published for public inspection together with the provisional register. Any person whose name is included in the omissions list but considers that he/she is entitled to be registered in the final register may make a claim. If such claim is accepted, the name would be reinstated in the final register.

37. Members have further pointed out many cases where the electors who are residing in the same addresses for years have their names being removed from the final register without receiving any notification from REO. They are of the view that REO should have conducted an in-depth study into these past cases in order to address the problem.

38. Members note that, regarding persons who request to cast votes on the

polling day but are refused on the ground that they are not registered electors on the final register, REO at present does not keep statistics on such cases. In accordance with the established procedures, investigation is conducted on each and every case and, in general, the majority of them can be dealt with speedily on the polling day. REO has undertaken that in future elections, it will consider compiling and maintaining statistics on these cases for future study. In any case, a person can call the Election Hotline 2891 1001 any time throughout the year to ascertain his elector status or request assistance in relation to his application for registration.

### **Recommendation**

39. The Subcommittee raises no objection to the nine Amendment Regulations. The amendments to be proposed by the Administration are in **Appendix II**. The Subcommittee also raises no objection to these amendments.

### **Advice sought**

40. Members are invited to note the deliberations of the Subcommittee.

**Subcommittee on Nine Amendment Regulations made  
under the Electoral Affairs Commission Ordinance**

**Membership list**

<b>Chairman</b>	Hon IP Kwok-him, GBS, JP
<b>Members</b>	Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP Hon WONG Yung-kan, SBS, JP Hon LAU Kong-wah, JP Hon Emily LAU Wai-hing, JP Hon TAM Yiu-chung, GBS, JP Hon WONG Kwok-hing, MH Hon CHEUNG Hok-ming, GBS, JP Hon WONG Ting-kwong, BBS, JP Hon Cyd HO Sau-lan Dr Hon Priscilla LEUNG Mei-fun Hon WONG Kwok-kin, BBS Hon Paul TSE Wai-chun Hon Alan LEONG Kah-kit, SC Hon Tanya CHAN Hon WONG Yuk-man  Total: 16 Members
<b>Clerk</b>	Miss Flora TAI
<b>Legal Adviser</b>	Mr Kelvin LEE
<b>Date</b>	2 June 2011

## **Interpretation and General Clauses Ordinance**

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### **Resolution**

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

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### **Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011**

**Resolved** that the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 73 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## Schedule

### Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011

1. **Section 5 amended (Section 102 amended (Election advertisements))**

(1) Section 5(1), new section 102(4A)(a), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(2) Section 5(2), new section 102(5A), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(3) Section 5(3)—

**Repeal new section 102(6)**

**Substitute**

“(6) A candidate must furnish to the Returning Officer—

(a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—

(i) in the manner and format specified by the Commission, an electronic copy of the advertisement—



- (A) before so displaying, distributing or using it; or
- (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
- (ii) 2 hard copies of the advertisement—
  - (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
- (b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it.”.

**2. Section 30 amended (Section 35 amended (Chief Electoral Officer to supply candidates with copy of final register))**

Section 30(2), Chinese text, after “在“—

**Add**

“某”.

**3. Section 42 amended (Schedule 3 amended (Forms of ballot papers for a general election/by-election))**

Section 42, English text—

**Repeal subsection (1)**

**Substitute**

“(1) Schedule 3, Form 1, note @—

**Repeal**

“‘a’ and up to ‘h’”

**Substitute**

““a” and up to “i””.”.

## **Interpretation and General Clauses Ordinance**

### **Resolution of the Legislative Council**

#### **Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on June 2011.

**Resolved** that the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 73 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## Schedule

### Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011

1. **Section 5 amended (Section 102 amended (Election advertisements))**

(1) Section 5(1), new section 102(4A)(a), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(2) Section 5(2), new section 102(5A), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(3) Section 5(3)—

**Repeal new section 102(6)**

**Substitute**

“(6) A candidate must furnish to the Returning Officer—

(a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—

(i) in the manner and format specified by the Commission, an electronic copy of the advertisement—

- (A) before so displaying, distributing or using it; or
- (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
- (ii) 2 hard copies of the advertisement—
  - (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
- (b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it.”.

**2. Section 30 amended (Section 35 amended (Chief Electoral Officer to supply candidates with copy of final register))**

Section 30(2), Chinese text, after “在“—

**Add**

“某”.

**3. Section 42 amended (Schedule 3 amended (Forms of ballot papers for a general election/by-election))**

Section 42, English text—

**Repeal subsection (1)**

**Substitute**

“(1) Schedule 3, Form 1, note @—

**Repeal**

“‘a’ and up to ‘h’”

**Substitute**

Resolution of the Legislative Council

Schedule

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““a” and up to “i””.”.

Clerk to the Legislative Council

June 2011

## **Interpretation and General Clauses Ordinance**

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### **Resolution**

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

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### **Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2011**

**Resolved** that the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 74 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## Schedule

### Amendments to Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2011

1. **Section 22 amended (Section 103 amended (Election advertisements))**

(1) Section 22(1), new section 103(4A)(a), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(2) Section 22(2), new section 103(5A), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(3) Section 22(3)—

**Repeal new section 103(6)**

**Substitute**

“(6) A candidate must furnish to the Returning Officer—

(a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—

(i) in the manner and format specified by the Commission, an electronic copy of the advertisement—



- (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
- (ii) 2 hard copies of the advertisement—
  - (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
- (b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it.”.

## **Interpretation and General Clauses Ordinance**

### **Resolution of the Legislative Council**

#### **Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2011**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on June 2011.

**Resolved** that the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 74 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## Schedule

### Amendments to Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2011

1. **Section 22 amended (Section 103 amended (Election advertisements))**

(1) Section 22(1), new section 103(4A)(a), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(2) Section 22(2), new section 103(5A), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(3) Section 22(3)—

**Repeal new section 103(6)**

**Substitute**

“(6) A candidate must furnish to the Returning Officer—

(a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—

(i) in the manner and format specified by the Commission, an electronic copy of the advertisement—

- (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
- (ii) 2 hard copies of the advertisement—
  - (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
- (b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it.”.

Clerk to the Legislative Council

June 2011

## **Interpretation and General Clauses Ordinance**

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### **Resolution**

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

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### **Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2011**

**Resolved** that the Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 75 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## Schedule

### **Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2011**

1. **Section 23 amended (Section 100 amended (Election Advertisement))**
  - (1) Section 23(1), new section 100(4A), Chinese text—  
**Repeal**  
“以其他方式使用”  
**Substitute**  
“作其他用途”.
  - (2) Section 23(2), new section 100(5A), Chinese text—  
**Repeal**  
“以其他方式使用”  
**Substitute**  
“作其他用途”.
  - (3) Section 23(3)—  
**Repeal new section 100(6)**  
**Substitute**  
“(6) A candidate must furnish to the Returning Officer—
    - (a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—
      - (i) in the manner and format specified by the Commission, an electronic copy of the advertisement—

- (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
- (ii) 2 hard copies of the advertisement—
  - (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
- (b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it.”.

## **Interpretation and General Clauses Ordinance**

### **Resolution of the Legislative Council**

#### **Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2011**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on June 2011.

**Resolved** that the Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 75 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## Schedule

### **Amendments to Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2011**

1. **Section 23 amended (Section 100 amended (Election advertisements))**
  - (1) Section 23(1), new section 100(4A), Chinese text—  
**Repeal**  
“以其他方式使用”  
**Substitute**  
“作其他用途”.
  - (2) Section 23(2), new section 100(5A), Chinese text—  
**Repeal**  
“以其他方式使用”  
**Substitute**  
“作其他用途”.
  - (3) Section 23(3)—  
**Repeal new section 100(6)**  
**Substitute**  
“(6) A candidate must furnish to the Returning Officer—
    - (a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—
      - (i) in the manner and format specified by the Commission, an electronic copy of the advertisement—

- (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
- (ii) 2 hard copies of the advertisement—
  - (A) before so displaying, distributing or using it; or
  - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
- (b) in the case of any other election advertisement, subject to subsection (7), 2 copies of the advertisement before displaying, distributing or otherwise using it.”.

Clerk to the Legislative Council

June 2011

## **Interpretation and General Clauses Ordinance**

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### **Resolution**

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

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### **Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2011**

**Resolved** that the Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 76 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## Schedule

### **Amendments to Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2011**

**1. Section 2 amended (Electoral Procedure (Chief Executive Election) Regulation amended)**

Section 2—

**Repeal**

“18”

**Substitute**

“19”.

**2. Section 18 amended (Section 81 amended (Election advertisement))**

(1) Section 18(4), new section 81(1A)(a), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(2) Section 18(4), new section 81(1C), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(3) Section 18(4)—

**Repeal new section 81(1D)**

**Substitute**

- “(1D) A candidate must furnish to the Returning Officer—
- (a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—
    - (i) in the manner and format specified by the Commission, an electronic copy of the advertisement—
      - (A) before so displaying, distributing or using it; or
      - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
    - (ii) 2 hard copies of the advertisement—
      - (A) before so displaying, distributing or using it; or
      - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
  - (b) in the case of any other election advertisement, subject to subsection (1E), 2 copies of the advertisement before displaying, distributing or otherwise using it.”.

**3. Section 19 added**

After section 18—

**Add**

**“19. Section 82 amended (Offence)**

Section 82(2), after “81(1)”—

**Add**

“, (1B), (1D), (1E), (1F), (1G) or (1H)”.”.

## **Interpretation and General Clauses Ordinance**

### **Resolution of the Legislative Council**

#### **Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2011**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on June 2011.

**Resolved** that the Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 76 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## Schedule

### **Amendments to Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2011**

**1. Section 2 amended (Electoral Procedure (Chief Executive Election) Regulation amended)**

Section 2—

**Repeal**

“18”

**Substitute**

“19”.

**2. Section 18 amended (Section 81 amended (Election advertisement))**

(1) Section 18(4), new section 81(1A)(a), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(2) Section 18(4), new section 81(1C), Chinese text—

**Repeal**

“以其他方式使用”

**Substitute**

“作其他用途”.

(3) Section 18(4)—

**Repeal new section 81(1D)**

**Substitute**

- “(1D) A candidate must furnish to the Returning Officer—
- (a) in the case of an election advertisement that is to be displayed, distributed or otherwise used by electronic means—
    - (i) in the manner and format specified by the Commission, an electronic copy of the advertisement—
      - (A) before so displaying, distributing or using it; or
      - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission; or
    - (ii) 2 hard copies of the advertisement—
      - (A) before so displaying, distributing or using it; or
      - (B) if compliance with sub-subparagraph (A) is not practicable, within the time specified by the Commission;
  - (b) in the case of any other election advertisement, subject to subsection (1E), 2 copies of the advertisement before displaying, distributing or otherwise using it.”.

**3. Section 19 added**

After section 18—

**Add**

**“19. Section 82 amended (Offence)**

Section 82(2), after “81(1)”—

**Add**



Resolution of the Legislative Council

Schedule

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“, (1B), (1D), (1E), (1F), (1G) or (1H)”.”.

Clerk to the Legislative Council

June 2011

## **Interpretation and General Clauses Ordinance**

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### **Resolution**

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

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### **Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) (Amendment) Regulation 2011**

**Resolved** that the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 78 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## **Schedule**

### **Amendments to Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) (Amendment) Regulation 2011**

**1. Section 1 substituted**

Section 1—

**Repeal the section**

**Substitute**

**“1. Commencement**

(1) This Regulation (except section 3) comes into operation on 8 July 2011.

(2) Section 3 comes into operation on 1 June 2012.”.

**2. Section 2 amended (Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation amended)**

Section 2—

**Repeal**

“section 3”

**Substitute**

“sections 2A, 3 and 4”.

**3. Section 2A added**

After section 2—

**Add**

**“2A. Section 2 amended (Interpretation)**

Section 2(1)—

**Repeal the definition of *relevant cut-off date*****Substitute****“*relevant cut-off date* (有關截止日期)—**

- (a) in relation to any annual registration cycle within which an ordinary election is to be held, means 15 June in that annual registration cycle; or
- (b) in relation to any other annual registration cycle, means 15 April in that annual registration cycle;”.

**4. Section 4 added**

After section 3—

**Add****“4. Section 36 amended (Transitional provision)**

Section 36—

**Repeal subsections (1) and (2)****Substitute**

- “(1) If an application is made under section 8(1), 9(1), 24(1) or 25(1) at any time during the period between 16 April 2011 and 15 July 2011, the relevant cut-off date of the annual registration cycle ending on 31 December 2011 is, despite the definition of *relevant cut-off date* in section 2(1), 15 July 2011.
- (2) If an objection is made under section 22(1) at any time during the period between 16 April 2011 and 15 July 2011, the relevant cut-off date of the annual registration cycle ending on 31 December 2011 is,

despite the definition of *relevant cut-off date* in section 2(1), 15 July 2011.””.

## **Interpretation and General Clauses Ordinance**

### **Resolution of the Legislative Council**

#### **Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) (Amendment) Regulation 2011**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on June 2011.

**Resolved** that the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) (Amendment) Regulation 2011, published in the Gazette as Legal Notice No. 78 of 2011 and laid on the table of the Legislative Council on 18 May 2011, be amended as set out in the Schedule.

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## **Schedule**

### **Amendments to Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) (Amendment) Regulation 2011**

**1. Section 1 substituted**

Section 1—

**Repeal the section**

**Substitute**

**“1. Commencement**

(1) This Regulation (except section 3) comes into operation on 8 July 2011.

(2) Section 3 comes into operation on 1 June 2012.”.

**2. Section 2 amended (Particulars Relating to Candidates on  
Ballot Papers (Legislative Council and District Councils)  
Regulation amended)**

Section 2—

**Repeal**

“section 3”

**Substitute**

“sections 2A, 3 and 4”.

**3. Section 2A added**

After section 2—

**Add**

**“2A. Section 2 amended (Interpretation)**

Section 2(1)—

**Repeal the definition of *relevant cut-off date*****Substitute****“*relevant cut-off date* (有關截止日期)—**

- (a) in relation to any annual registration cycle within which an ordinary election is to be held, means 15 June in that annual registration cycle; or
- (b) in relation to any other annual registration cycle, means 15 April in that annual registration cycle;”.

**4. Section 4 added**

After section 3—

**Add****“4. Section 36 amended (Transitional provision)**

Section 36—

**Repeal subsections (1) and (2)****Substitute**

- “(1) If an application is made under section 8(1), 9(1), 24(1) or 25(1) at any time during the period between 16 April 2011 and 15 July 2011, the relevant cut-off date of the annual registration cycle ending on 31 December 2011 is, despite the definition of *relevant cut-off date* in section 2(1), 15 July 2011.
- (2) If an objection is made under section 22(1) at any time during the period between 16 April 2011 and 15 July 2011, the relevant cut-off date of the annual registration cycle ending on 31 December 2011 is,



despite the definition of *relevant cut-off date* in section 2(1), 15 July 2011.””.

Clerk to the Legislative Council

June 2011