

**Bills Committee on  
Electoral Legislation (Miscellaneous Amendments) Bill 2012**

**Proposed Committee Stage Amendments**

This paper sets out the Administration's proposed Committee Stage Amendments ("CSAs") to the Electoral Legislation (Miscellaneous Amendments) Bill 2012 ("the Bill").

2. At the meeting on 29 March 2012, we explained our proposals to introduce CSAs to amend various pieces of electoral legislation to clarify the provisions in the District Council (second) function constituency ("DC (second) FC"), to provide for the refined arrangement of mixing ballot papers to speed up the counting process, to amend the format of voter register, to update the names of constituents of function constituencies and to fine-tune the voting arrangement for an agency or an office of overseas governments. For details of the proposals, please refer to the Bills Committee paper issued for the meeting on 29 March 2012.

3. In light of the discussion at the Bills Committee and Members' views in addition to the amendments covered in the earlier paper, we further propose to amend the numbering of the lists of candidates for the DC (second) FC, to take forward the amendment to the voter register format and to propose some other textual amendments. The draft CSAs proposed by the Government are set out at the **Annex**.

*Numbering system for the lists of candidates for the DC (second) FC*

4. Under the existing legislation, a code is assigned to each FC including the DC (second) FC and such a code will be printed in conjunction with the number assigned to each candidate or list of candidates<sup>1</sup> on the ballot paper of the concerned constituency; and for the geographical constituencies ("GCs"), a list of candidates is assigned a number and the number will be printed on the ballot paper of the concerned constituency. As most of the GC electors are expected to be registered as electors for the DC (second) FC, it may be confusing to them when they cast their vote if the lists of candidates for both GCs and the DC (second) FC are referred to by the same numbering system starting from 1 and followed by 2, 3, 4, and so on. To avoid such confusion, a new numbering

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<sup>1</sup> For four FCs including the Heung Yee Kuk FC, the agriculture and fisheries FC, the insurance FC, and the transport FC, a candidate will be assigned an alphabet instead.

system for the lists of candidates for the DC (second) FC is proposed, with the number for the lists of candidates starting from 101 and followed by 102, 103, 104 and so on. CSAs will be introduced to effect this proposal.

*Voter register format*

5. As regards the format of voter register, to facilitate the public to identify irregularities in respect of residential addresses, we propose to introduce CSAs to amend sections 13 and 20 of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) to empower the Electoral Registration Officer to make available an additional copy of the voter register in a format which he considers appropriate for public inspection. With the amendment, the voter register can set out the names of the electors in accordance with their principal residential addresses apart from the original format which sets out electors in accordance with their names, so as to facilitate electors to identify any irregularities when they inspect the registers.

*Other textual amendments*

6. In response to the suggestions made by the Assistant Legal Adviser, we propose to introduce CSAs to make several textual amendments to the Bill.

*Advice sought*

7. Members' views are sought on the above proposals and the proposed draft CSAs at the Annex.

**Constitutional and Mainland Affairs Bureau  
Registration and Electoral Office  
April 2012**

Electoral Legislation (Miscellaneous Amendments) Bill 2012

**Committee Stage**

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(3)	By adding “(except Division 5)” after “6”.
3(2)	By deleting the proposed section 27(1B)(a) and substituting— “(a) the candidate publishes, or authorizes the publication of, the election advertisement which meets the condition specified in subsection (1A)(a) or (b); and”.
3(4)	By deleting the proposed section 27(2B)(a) and substituting— “(a) the person publishes, or authorizes the publication of, the election advertisement which meets the condition specified in subsection (2A)(a) or (b); and”.
31	By deleting “35” and substituting “35A”.
New	By adding—  <b>“33A. Section 31 amended (when person is disqualified from being registered as an elector)</b> After section 31(4)— <b>Add</b> “(5) A body which is a department or an agency of a government of a place outside the People’s Republic of China, whether at national, regional or municipal level, is disqualified from being registered as a corporate elector.  (6) For the purposes of subsection (5), a body is not regarded as a department or an agency of a government of a place unless—  (a) the management of the body is appointed by the government and is

- answerable to the government;
- (b) the principal function of the body is to advance the interest of the place; and
- (c) the body is non-profit-making.”.”.

35(1) By deleting “Limited” and substituting “Limited.”.

35(2) By deleting “Limited” and substituting “Limited.”.

35(3) In the English text, by deleting “Association” and substituting “Association.”.

New In Part 4, by adding—

**“35A. Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency)**

Schedule 1B, Part 3, item 50—

**Repeal**

“New Territories Regional Sports Association”

**Substitute**

“The New Territories Regional Sports Association”.”.

38 By deleting “2 and 3” and substituting “1A to 5”.

Part 6 By adding—

**“Division 1A—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)**

**38A. Section 13 amended (Electoral Registration Officer to publish a notice that provisional register is available for public inspection)**

After section 13(4)—

**Add**

“(4A) For the purposes of subsections (3) and (4), the Electoral Registration Officer may further make available an additional copy

of the provisional register or an additional copy of a specific section or subsection of the provisional register, in which entries are arranged in a manner that the Electoral Registration Officer considers appropriate for public inspection.”.

**38B. Section 20 amended (Electoral Registration Officer to publish notice of final register and to make final register available for public inspection)**

After section 20(4)—

**Add**

“(4A) For the purposes of subsections (3) and (4), the Electoral Registration Officer may further make available an additional copy of the final register or an additional copy of a specific section or subsection of the final register, in which entries are arranged in a manner that the Electoral Registration Officer considers appropriate for public inspection.”.

45 In the proposed section 74AB(3), in the English text, by deleting “Assisting” and substituting “Assistant”.

New By adding—

**“45A. Section 75 amended (counting of votes for geographical constituencies)**

(1) Section 75(4A), after “must”—

**Add**

“, when counting the votes at the main counting station,”.

(2) Section 75(4A)—

**Repeal**

“of the polling station”

**Substitute**

“in at least one of the ballot boxes at the polling station”.

(3) Section 75(4A)(b), English text—

**Repeal**

“as may be appropriate,”

**Substitute**

“as may be appropriate.”.

- (4) Section 75(4A), English text—

**Repeal**

“before counting the votes at the main counting station.”.”.

New

By adding—

**“51A. Section 76 amended (counting of votes)**

- (1) Section 76(2), after “must”—

**Add**

“, when counting the votes at the main counting station,”.

- (2) Section 76(2)—

**Repeal**

“of the polling station”

**Substitute**

“in at least one of the ballot boxes at the polling station”.

- (3) Section 76(2)(b), English text—

**Repeal**

“as may be appropriate,”

**Substitute**

“as may be appropriate.”.

- (4) Section 76(2), English text—

**Repeal**

“before counting the votes at the main counting station.”.”.

Part 6

By adding—

**“Division 4—Amendment to Legislative Council Ordinance (Cap. 542)**

**52A. Section 37 amended (who is eligible to be nominated as a candidate)**

Section 37(2)(b)(i), before “is”—

**Add**

“in the case of a functional constituency other than the District Council (second) functional constituency,”.

**Division 5—Amendments to Electoral Affairs  
Commission (Electoral Procedure) (Legislative Council)  
(Amendment) Regulation 2011 (L.N. 73 of 2011)**

**52B. Section 24 amended (section 21 amended (Returning Officer to publish a notice of particulars of validly nominated candidates))**

After section 24(2)—

**Add**

“(3) Section 21(5)(b)—

**Repeal**

“49(8)”

**Substitute**

“49(8A)”.”.

**52C. Section 33 amended (section 49 amended (form of ballot papers and order of appearance of lists or names of candidates on ballot papers))**

(1) Section 33(3), new section 49(6A)—

**Repeal**

“number which is preceded by a letter of the alphabet assigned by the Chief Electoral Officer to the District Council (second) functional constituency”

**Substitute**

“3-digit number”.

(2) Section 33(3), new section 49(6A)—

**Repeal**

“letter and number are”

**Substitute**

“number is”.

(3) Section 33—

**Repeal subsections (5) and (6)**

**Substitute**

“(5) Section 49—

**Repeal subsection (8)**

**Substitute**

“(8) Each ordinary functional constituency is to be assigned one or more letters of the alphabet by the Chief Electoral Officer as the code of the functional constituency.

- (8A) Each candidate for an ordinary functional constituency (other than the District Council (second functional constituency) is to be allocated a number preceded by the code assigned under subsection (8), according to the result of the draw. The code and the number are to be printed on the ballot paper against the name of the candidate.””.

**52D. Section 42 amended (Schedule 3 amended (forms of ballot papers for a general election/by-election))**

Section 42—

**Repeal subsection (2)**

**Substitute**

“(2) Schedule 3, after Form 2—

**Add**

“FORM 2A

BALLOT PAPER FOR THE DISTRICT COUNCIL (SECOND)  
FUNCTIONAL CONSTITUENCY



存根 COUNTERFOIL		(編號) (Serial Number)
<b>《選舉管理委員會(選舉程序)(立法會)規例》</b> ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL)REGULATION 立法會換屆選舉/補選 區議會(第二)功能界別 LEGISLATIVE COUNCIL*(GENERAL ELECTION BY-ELECTION DISTRICT COUNCIL (SECOND) FUNCTIONAL CONSTITUENCY *(選舉日期) *(date of election)		選票 BALLOT PAPER # (代號) # (code)
只可投票選一名單 VOTE FOR ONE LIST ONLY 請用投票站提供的印章在所選名單內的圓圈蓋上“✓”號 Use the chop provided at the polling station to stamp “✓” in the circle of the list of your choice.		
* 訂明團體的登記名稱及登記標誌 訂明人士的登記標誌 * Registered names and registered emblems of prescribed bodies and registered emblems of prescribed persons * 獨立候選人 * Independent Candidates * 無黨派候選人 * Non-affiliated Candidates	候選人照片 Photographs of Candidates	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p style="font-size: 24px; font-weight: bold;">101</p> <p style="font-size: 24px; font-weight: bold;">104</p> </div> <div style="width: 4%; text-align: center;"> </div> </div>
^ * (候選人提名公告上顯示的候選人姓名——按候選人名單上的排名次序) ^ * (Names of candidates as shown in Notice of Nominations in order of priority)		<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p style="font-size: 24px; font-weight: bold;">102</p> <p style="font-size: 24px; font-weight: bold;">105</p> </div> <div style="width: 4%; text-align: center;"> </div> </div>
<p style="font-size: 24px; font-weight: bold;">103</p> <p style="font-size: 24px; font-weight: bold;">106</p>		<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p style="font-size: 24px; font-weight: bold;">103</p> <p style="font-size: 24px; font-weight: bold;">106</p> </div> <div style="width: 4%; text-align: center;"> </div> </div>

- # A code will be assigned to the District Council (second) functional constituency. Only the appropriate code will be printed.
- \* Only the appropriate information will be printed.
- + Address of the candidate to be included if required under section 49(13)(b).
- ^ Each candidate on the list will be allocated a letter of the alphabet starting from ‘a’ and up to ‘e’, depending on the number of candidates. ” ” ” ” ”