

**Bills Committee on
Electoral Legislation (Miscellaneous Amendments) Bill 2014**

Proposed Committee Stage Amendments

This paper sets out the Administration's proposed Committee Stage Amendments ("CSAs") to the Electoral Legislation (Miscellaneous Amendments) Bill 2014 ("the Bill").

Extension of electoral deadlines in case of inclement weather

2. Having regard to views expressed by Members and suggestion by the Assistant Legal Adviser at the Bills Committee meeting on 31 May 2014, we propose that CSAs will be made to the proposed new section 2A(4) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) to make clear the exact specific provisions that the proposed general inclement weather provisions will be subject to. CSAs will also be made to similar provisions in Part 2 of the Bill as concerns other pieces of electoral legislation. The draft CSAs are at **Annex A**.

Inclusion of electors who have voluntarily requested voter de-registration in the omissions list ("OL")

(i) *Chinese title of omissions list*

3. In light of the discussion at the Bills Committee meeting on 14 May 2014, we propose to make CSAs to change the Chinese title of OL from "遭剔除者名單" to "取消登記名單", to better reflect the nature of the OL, i.e. that it consists of (i) electors for whom the Electoral Registration Officer ("ERO") is satisfied on reasonable grounds that they have ceased to be eligible for registration, and (ii) electors who have voluntarily requested the ERO to remove them from the voter register. The draft CSAs are at **Annex B**.

(ii) Handling of request for voter de-registration

4. In response to the Assistant Legal Adviser, we explained at the Bills Committee meeting on 3 June 2014 that in practice, upon receipt of a signed written notice of de-registration from an elector, the ERO will issue a notice confirming the de-registration by registered post to his or her registered address in the existing final register (“FR”) to inform him or her that his or her entry will not be included in the next FR. If the registered mail is undelivered, the ERO will find out the reason and follow up to seek further clarification from the elector. The general principle is that the ERO will include an elector’s entry in the OL on the basis of his or her request for de-registration if in the ERO’s opinion the elector concerned has been informed of the ERO’s intention to omit the elector’s entry from the next FR. We propose to make CSAs to Part 3 of the Bill at **Annex C** to make clear the above intention.

Requirement for prior notice of appointment of polling and counting agents

5. As set out in the follow-up paper on issues raised at the Bills Committee meeting on 26 May 2014 and explained at the meetings on 31 May 2014 and 3 June 2014, whilst the Administration remains of the view that the proposed removal of the requirement for prior notice of appointment of polling and counting agents will not create undue risks to the smooth operation and integrity of elections, we appreciate Members’ emphasis that prudence should be observed in electoral arrangements. We are therefore prepared to maintain the status quo regarding the service of notices of appointment and revocation of appointment of polling and counting agents. In this regard, we propose CSAs at **Annex D** to withdraw the relevant amendments in the Bill, whilst making certain technical amendments to the relevant provisions, e.g. clarifications on how such notices can be served.

6. Consequential amendments will also be made to Division 5 of Part 5 and Division 4 of Part 6 of the Bill (see **Annex E**).

Other refinements

7. We propose to introduce CSAs to make refinements to the Bill to improve clarity.

8. Specifically, we propose to substitute “制定” for “制訂” in the Chinese version of the enacting formula preceding the clauses of the Bill (see **Annex F**). We also propose that the proposed new section 6(2A) of the Registration of Electors (Appeal) Regulation (Cap. 542B) and the proposed new section 7(2A) of the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569B) be refined to make clear that the period for a review of the ruling in respect of the appeal, claim or objection in question will be extended to the next working day, *which is not an inclement weather day*, following the postponed deadline for the making of representation in writing to the Revising Officer *in relation to that appeal, claim or objection*. We also take the chance to add cross-reference to the definition of “working day” and “inclement weather warning day” to ensure consistency in the relevant inclement weather provisions in Cap. 542B, Cap. 569B and the Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576A) (see **Annex G**).

Advice sought

9. Members’ views are sought on the proposed draft CSAs at the **Annexes**, which are subject to refinement by the Law Draftsman.

Constitutional and Mainland Affairs Bureau
Registration and Electoral Office
June 2014

Proposed Committee Stage Amendments

**Regarding extension of electoral deadlines in case of inclement weather
(paragraph 2 of the Bills Committee paper)**

Extracts of relevant legislative provisions

Note 1: The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2014 (gazetted on 11 April 2014).

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered like this.

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
Section:	<u>2A</u>	<u>Effect of inclement weather warning on date and period</u>		

(1) In this section—

gale warning (烈風警告) has the same meaning as in the Judicial Proceedings
(Adjournment During Gale Warnings) Ordinance (Cap. 62);

inclement weather warning day (惡劣天氣警告日) means a working day on which a gale
warning or a rainstorm warning is in force at any time during ordinary business
hours;

rainstorm warning (暴雨警告) has the same meaning as in the Judicial Proceedings
(Adjournment During Gale Warnings) Ordinance (Cap. 62);

working day (工作日) means—

(a) any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;

(b) a Saturday (other than a general holiday) during the period between—

(i) the date of publication of a notice under section 4(1), 5(1) or 8(1) in respect of an
election; and

(ii) the date of publication of the result of the election under the Legislative Council
Ordinance (Cap. 542) or the date of the declaration of the failure or termination of
the election under that Ordinance, whichever is the later.

(2) If—

(a) a date is prescribed in this Regulation (whether by reference to a specific day of a
specific month or to a day otherwise ascertainable under this Regulation) or is fixed
under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done not later
than, or on or before, the date or on the date; and

(c) the date falls on an inclement weather warning day,
the next working day, which is not an inclement weather warning day, following the date is
taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day, the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) Subsections (2) and (3) are subject to any specific provision relating to transaction of business during bad weather in this Regulation Schedule 2.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	2A	Effect of inclement weather warning on date and period		
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(1) In this section—

gale warning (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

inclement weather warning day (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during ordinary business hours;

rainstorm warning (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

working day (工作日) means—

- (a) any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;
- (b) a Saturday (other than a general holiday) during the period between—
 - (i) the date of publication of a notice under section 8(1) or 10(1) in respect of an election; and
 - (ii) the date of publication of the result of the election under the District Councils Ordinance (Cap. 547) or the date of the declaration of the failure or termination of the election under that Ordinance, as may be appropriate.

(2) If—

- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and
- (c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day, the period is extended, in relation to the act, to end on the next working day, which is not

an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) Subsections (2) and (3) are subject to ~~any specific provision relating to transaction of business during bad weather in this Regulation~~Schedule 1].

Chapter:	541L	Electoral Procedure (Rural Representative Election) Regulation	Gazette Number	Version Date
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Section:	2A	Effect of inclement weather warning on date and period		
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(1) In this section—

gale warning (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

inclement weather warning day (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during ordinary business hours;

rainstorm warning (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

working day (工作日) means-

(a) any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;

(b) a Saturday (other than a general holiday) during the period between—

(i) the date of publication of a notice under section 4(1) or 6 in respect of an election; and

(ii) the date of publication of the result of the election under the Rural Representative Election Ordinance (Cap. 576) or the date of the declaration of the failure or termination of the election under that Ordinance, whichever is the later.

(2) If—

(a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and

(c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

(a) a period is prescribed in or fixed under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and

(c) the last day of the period falls on an inclement weather warning day, the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) Subsections (2) and (3) are subject to ~~any specific provision relating to transaction of business during bad weather in this Regulation~~Part 8].

Chapter:	542B	REGISTRATION OF ELECTORS (APPEALS) REGULATION	Gazette Number	Version Date
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Section:	1A	Effect of inclement weather warning on date and period		
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(1) In this section—

gale warning (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

inclement weather warning day (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of a Revising Officer;

rainstorm warning (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

working day (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

(a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and

(c) the date falls on an inclement weather warning day,

the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

(a) a period is prescribed in or fixed under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and

(c) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) If—

(a) a date is prescribed by reference to a specific day of a specific month in the provisions (*former provisions*) specified in column 1 of Table 1;

(b) the same date is prescribed in the provision or provisions specified opposite to the former provisions in column 2 of Table 1; and

(c) the date falls on an inclement weather warning day in a year,

the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed in relation to that year instead for the provision or provisions and the former provisions.

Table 1

Column 1

Column 2

section 13(1)(a) of Cap. 541A and section

sections 2(3)(c)(i), 4(a) and

<u>29(1)(a)(i) of Cap. 541B</u>	<u>6(2)(a)</u>
<u>section 13(1)(b) of Cap. 541A and section</u>	<u>sections 2(3)(b) and (c)(ii),</u>
<u>29(1)(a)(ii) of Cap. 541B</u>	<u>4(b) and 6(2)(b)</u>
<u>section 16(3)(a) of Cap. 541A and section</u>	<u>section 2(3)(c)(i)</u>
<u>32(2)(ab)(i) of Cap. 541B</u>	
<u>section 16(3)(b) of Cap. 541A and section</u>	<u>section 2(3)(b) and (c)(ii)</u>
<u>32(2)(ab)(ii) of Cap. 541B</u>	

In this Table—

Cap. 541A stands for the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A);

Cap. 541B stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B).

(5) Subsections (6) and (7) apply if—

- (a) a date is prescribed by reference to a specific day of a specific month in the provisions (**former provisions**) specified in column 1 of Table 2;
- (b) another date which is the day following the date mentioned in paragraph (a) is prescribed in the provision specified opposite to the former provisions in column 2 of Table 2; and
- (c) the date mentioned in paragraph (a) falls on an inclement weather warning day in a year.

Table 2

<u>Column 1</u>	<u>Column 2</u>
<u>section 16(3)(a) of Cap. 541A and section</u>	<u>section 2(3)(b)</u>
<u>32(2)(ab)(i) of Cap. 541B</u>	
<u>section 16(3)(b) of Cap. 541A and section</u>	<u>section 2(3)(c)</u>
<u>32(2)(ab)(ii) of Cap. 541B</u>	

In this Table—

Cap. 541A stands for the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A);

Cap. 541B stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B).

- (6) The next working day, which is not an inclement weather warning day, following the date mentioned in subsection (5)(a) is taken to be prescribed in relation to the year instead for the former provisions.
- (7) The day following the working day mentioned in subsection (6) is taken to be prescribed in relation to the year instead for the provision specified in subsection (5)(b).
- (8) If in any year a day specified in column 1 of Table 3 falls on an inclement weather warning day, the provision or provisions specified opposite to the day in column 2 of Table 3 has effect in relation to that year as if the reference to that day in that provision or those provisions is substituted by a reference to the next working day, which is not an inclement weather warning day, following that day.

Table 3

<u>Column 1</u>	<u>Column 2</u>
<u>the eighth day before the polling date</u>	<u>section 2(4)(a) and (b)</u>
<u>8 September</u>	<u>section 2(4)(b)(i) and (ii)</u>
<u>8 July</u>	<u>section 2(4)(b)(iii) and (iv)</u>
<u>11 September</u>	<u>sections 4(a) and 6(2)(a)</u>
<u>11 July</u>	<u>sections 4(b) and 6(2)(b)</u>

(9) Subsections (2) and (3) are subject to ~~any specific provision relating to transaction of business during bad weather in this Regulation~~ sections 2(4A) and 6(2A).

Chapter:	569B	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation	Gazette Number	Version Date
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Section:	2A	Effect of inclement weather warning on date and period		
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(1) In this section—
gale warning (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

inclement weather warning day (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of a Revising Officer;

rainstorm warning (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

working day (工作日) means any day from Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

(a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and

(c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If—

(a) a period is prescribed in or fixed under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and

(c) the last day of the period falls on an inclement weather warning day, the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) If—

(a) a date is prescribed by reference to a specific day of a specific month in a provision

- (former provision) specified in column 1 of Table 1;
(b) the same date is prescribed in the provision or provisions specified opposite to the former provision in column 2 of Table 1; and
(c) the date falls on an inclement weather warning day in a year, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed in relation to that year instead for the provision or provisions and the former provision.

Table 1

<u>Column 1</u>	<u>Column 2</u>
<u>section 29(1)(a)(i) of Cap. 541B</u>	<u>sections 3(4)(c)(i), 5(aa) and 7(2)(aa)</u>
<u>section 29(1)(a)(ii) of Cap. 541B</u>	<u>sections 3(4)(b) and (c)(ii), 5(ab) and 7(2)(ab)</u>
<u>section 32(2)(ab)(i) of Cap. 541B</u>	<u>section 3(4)(c)(i)</u>
<u>section 32(2)(ab)(ii) of Cap. 541B</u>	<u>section 3(4)(b) and (c)(ii)</u>

In this Table—

Cap. 541B stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B).

- (5) Subsections (6) and (7) apply if—
(a) a date is prescribed by reference to a specific day of a specific month in a provision (former provision) specified in column 1 of Table 2;
(b) another date which is the day following the date mentioned in paragraph (a) is prescribed in the provision specified opposite to the former provision in column 2 of Table 2; and
(c) the date mentioned in paragraph (a) falls on an inclement weather warning day in a year.

Table 2

<u>Column 1</u>	<u>Column 2</u>
<u>section 32(2)(ab)(i) of Cap. 541B</u>	<u>section 3(4)(b)</u>
<u>section 32(2)(ab)(ii) of Cap. 541B</u>	<u>section 3(4)(c)</u>

In this Table—

Cap. 541B stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B).

- (6) The next working day, which is not an inclement weather warning day, following the date mentioned in subsection (5)(a) is taken to be prescribed in relation to the year instead for the former provision.
(7) The day following the working day mentioned in subsection (6) is taken to be prescribed in relation to the year instead for the provision specified in subsection (5)(b).
(8) If in any year a day specified in column 1 of Table 3 falls on an inclement weather warning day, the provision or provisions specified opposite to the day in column 2 of Table 3 has effect in relation to that year as if the reference to that day in that provision or

those provisions is substituted by a reference to the next working day, which is not an inclement weather warning day, following that day.

Table 3

<u>Column 1</u>	<u>Column 2</u>
<u>the eighth day before the polling date</u>	<u>section 3(3)(a) and (b)</u>
<u>8 September</u>	<u>section 3(3)(b)(i) and (ii)</u>
<u>8 July</u>	<u>section 3(3)(b)(iii) and (iv)</u>
<u>11 September</u>	<u>sections 5(aa) and 7(2)(aa)</u>
<u>11 July</u>	<u>sections 5(ab) and 7(2)(ab)</u>

(9) Subsections (2) and (3) are subject to ~~any specific provision relating to transaction of business during bad weather in this Regulation~~ sections 3(5A) and 7(2A).

(10) This section does not apply in relation to provisions in this Regulation to the extent that they relate to an Election Committee register.

Chapter:	576A	RURAL REPRESENTATIVE ELECTION (REGISTRATION OF ELECTORS) REGULATION	Gazette Number	Version Date
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Section:	1A	Effect of inclement weather warning on date and period		
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(1) In this section—

gale warning (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

inclement weather warning day (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the Revising Officer.

rainstorm warning (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

working day (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

(2) If—

(a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and

(c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.

(3) If —

(a) a period is prescribed in or fixed under this Regulation;

(b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and

(c) the last day of the period falls on an inclement weather warning day.

the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather warning day, following the day mentioned in paragraph (c), and the provision has effect accordingly.

(4) If in any year 9 September falls on an inclement weather warning day, section 2(5) has effect in relation to that year as if the reference to “9 September” in that section is substituted by a reference to the next working day, which is not an inclement weather warning day, following 9 September.

(5) Subsections (2) and (3) are subject to ~~any specific provision relating to transaction of business during bad weather in this Regulation~~ section 2(2A).

Proposed Committee Stage Amendments

Chinese title of omissions list (paragraph 3 of the Bills Committee paper)

Extracts of relevant legislative provisions

Note 1: The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2014 (gazetted on 11 April 2014).

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered **like this.**

Note 3: The Annex B of the English version only shows the proposed amendments to be made to the English text of the relevant legislations. Please refer to the Annex B of the Chinese version for the proposed amendments for the Chinese text of the legislations.

Chapter:	541A	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation	Gazette Number	Version Date
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Section:	2	Interpretation	E.R. 2 of 2012	02/08/2012
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(1) In this Regulation, unless the context otherwise requires-

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omissions list (**遭剔除者取消登記名單**) means an omissions list within the meaning of section 9(1);

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Chapter:	541B	ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) REGULATION	Gazette Number	Version Date
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Section:	2	Interpretation	L.N. 71 of 2011	08/07/2011
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(1) In this Regulation, unless the context otherwise requires-

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"Election Committee omissions list" (**選舉委員會遭剔除者取消登記名單**) means the omissions list referred to in section 24(3A); (L.N. 200 of 2001)

.....

"functional constituencies omissions list" (功能界別遭剔除者取消登記名單) means the omissions list referred to in section 24(1)(a); (L.N. 307 of 1999)

.....

"omissions list" (遭剔除者取消登記名單), in relation to-

- (a) the compilation of a functional constituencies provisional register, means a functional constituencies omissions list;
- (b) the compilation of a subsector provisional register, means a subsector omissions list; (L.N. 307 of 1999; L.N. 200 of 2001)
- (c) the compilation of an Election Committee provisional register, means an Election Committee omissions list; (L.N. 200 of 2001)

.....

"subsector omissions list" (界別分組遭剔除者取消登記名單) means the omissions list referred to in section 24(1)(b); (L.N. 307 of 1999)

.....

Chapter:	541K	Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	1	Interpretation	E.R. 2 of 2012	02/08/2012
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(1) In this Regulation, unless the context otherwise requires-

.....

omissions list (遭剔除者取消登記名單) means an omissions list within the meaning of section 18(1);

.....

Proposed Committee Stage Amendments

Regarding handling of request for voter de-registration (paragraph 4 of the Bills Committee paper)

Extracts of relevant legislative provisions

Note 1: The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2014 (gazetted on 11 April 2014).

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered like this.

Chapter:	541A	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation	Gazette Number	Version Date
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Section:	9	Electoral Registration Officer to prepare an omissions list	E.R. 2 of 2012	02/08/2012
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(1) Subject to subsection (4), in compiling a provisional register, the Electoral Registration Officer must, for the purposes of section 32(4)(a) and (b) of the Legislative Council Ordinance (Cap 542), enter on a list (*the omissions list*) the names and principal residential address of— (L.N. 534 of 1997; L.N. 254 of 2002)

(a) any person regarding whom the Electoral Registration Officer has made an inquiry under section 7 on or before the date referred to in section 7(3)(a) or (b), as the case may be, if the result of the inquiry was as follows— (L.N. 254 of 2002)

(i) the information asked for was not received by the Electoral Registration Officer on or before the relevant date specified in subsection (5); (L.N. 254 of 2002)

~~(ii) the person, in response to the inquiry, has informed the Electoral Registration Officer that he or she does not wish to be registered;~~

(iii) the Electoral Registration Officer is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is dead;

(iv) the Electoral Registration Officer is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is disqualified from being registered or not qualified to be so registered;

(v) the Electoral Registration Officer is satisfied on reasonable grounds and notwithstanding any information to the contrary received by that Officer, that the person is dead; or

(vi) the Electoral Registration Officer is satisfied on reasonable grounds and notwithstanding any information to the contrary received by that Officer, that the person is disqualified from being registered or not qualified to be so registered;

(ab) any person—

- (i) whose name is recorded in the existing final register; ~~and~~
- (ii) who has, by a signed written notice, informed the Electoral Registration Officer on or before the relevant date specified in subsection (5) that he or she does not wish to be registered in the register; ~~and~~

(iii) who has, in the opinion of the Electoral Registration Officer, been informed (by means of the Officer's notification under subsection (4A) or otherwise) of the Officer's intention to omit the person's name and principal residential address from the next final register;

- (b) any person whose name is recorded in the existing final register, if the Registrar of Births and Deaths has informed the Electoral Registration Officer, on or before the relevant date specified in subsection (5), that the person is dead; and (L.N. 254 of 2002)
 - (c) any person referred to in subsection (2).
- (2) If-
- (a) the Electoral Registration Officer has reason to believe-
 - (i) from information received in response to a requirement under section 6 or an inquiry under section 7 or otherwise; and
 - (ii) notwithstanding any information to the contrary received by that Officer, that the address recorded in the existing final register against a person's name is no longer the person's principal residential address; and (L.N. 534 of 1997)
 - (b) the principal residential address of that person is not known to the Electoral Registration Officer at the time the omissions list is prepared, that Officer must, for the purposes of subsection (1)(c), enter the name and principal residential address of that person on the omissions list.
- (2A) Despite subsection (1), if-
- (a) the Electoral Registration Officer is satisfied on reasonable grounds that-
 - (i) a person has served a sentence of imprisonment in Hong Kong;
 - (ii) the person used, under section 28(1B) of the Legislative Council Ordinance (Cap 542), an address for the purpose of registration; and
 - (iii) the imprisonment has terminated; and
 that Officer must enter the name and the principal residential address on the omissions list without making an inquiry under section 7 in respect of the person. (L.N. 156 of 2009)
- (3) The Electoral Registration Officer must, in a manner that Officer considers appropriate, show on the omissions list that the persons whose names and principal residential address are entered on the omissions list are those whose personal particulars that the Officer proposes to omit from the next final register.
- (4) The Electoral Registration Officer may enter on the omissions list, the name and principal residential address of a person under-
- (a) subsection (1)(a)(i), only if the inquiry was made from the person who is the subject of the inquiry and the Electoral Registration Officer has informed that person-
 - (i) in writing, by registered post; and
 - (ii) at the address recorded against the person's name in the existing final register and any other address that Officer considers appropriate, that the Electoral Registration Officer proposes to omit that person's name and other personal particulars from the next final register if the relevant information is not received by that Officer on or before the relevant date specified in subsection (5); ~~or,~~ (L.N. 254 of 2002)
 - ~~(b) subsection (1)(a)(ii), only if the inquiry was made from the person who is the subject~~

of the inquiry.

~~(4A) The Electoral Registration Officer must acknowledge, by registered post, the receipt of a notice referred to in subsection (1)(ab)(ii). On receiving a notice referred to in subsection (1)(ab)(ii) from a person, the Electoral Registration Officer must notify, by registered post, the person of the Officer's intention to omit the person's name and principal residential address from the next final register.~~

- (5) For the purposes of subsections (1)(a)(i), ~~(ab)(ii)~~ and (b) and (4)(a), the relevant date is, in relation to the compilation of-
- (a) a provisional register for a District Council election year, ~~16 July~~ 2 July in that year; or
 - (b) a provisional register for a year which is not a District Council election year, ~~16 May~~ 2 May in that year. (L.N. 254 of 2002)

(L.N. 284 of 1999)

Chapter:	541B	ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) REGULATION	Gazette Number	Version Date
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Section:	24	Electoral Registration Officer to prepare an omissions list	L.N. 71 of 2011	08/07/2011
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- (1) Subject to subsections (1A), (1B), (1C) and (5), the Electoral Registration Officer must- (L.N. 71 of 2011)
- (a) in compiling a functional constituencies provisional register, enter on a functional constituencies omissions list;
 - (b) in compiling a subsector provisional register, enter on a subsector omissions list, the personal particulars of-
 - (i) any natural person regarding whom the Electoral Registration Officer has made an inquiry under section 22(1) on or before the date referred to in section 22(5)(a) or (b), as the case may be, if the result of the inquiry was as follows- (L.N. 200 of 2001; L.N. 255 of 2002)
 - (A) the information asked for was not received by the Electoral Registration Officer on or before the relevant date specified in subsection (7);
 - ~~(B) the person, in response to the inquiry, has informed the Electoral Registration Officer that he or she does not wish his or her personal particulars to be recorded in a register;~~
 - (C) the Electoral Registration Officer is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is dead;
 - (D) the Electoral Registration Officer is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is disqualified from being registered or is not qualified to be registered;
 - (E) the Electoral Registration Officer is satisfied on reasonable grounds, notwithstanding any information to the contrary received by that Officer, that the person is dead; or
 - (F) the Electoral Registration Officer is satisfied on reasonable grounds,

notwithstanding any information to the contrary received by that Officer, that the person is disqualified from being registered or is not qualified to be registered;

(ia) any natural person—

(A) whose name is recorded in the existing functional constituencies final register or the existing subsector final register; ~~and~~

(B) who has, by a signed written notice, informed the Electoral Registration Officer on or before the relevant date specified in subsection (7) that he or she does not wish to be registered in the register; ~~and~~

(C) who has, in the opinion of the Electoral Registration Officer, been informed (by means of that Officer's notification under subsection (7A)(a) or otherwise) of that Officer's intention to omit the person's personal particulars from the next functional constituencies final register or the next subsector final register;

(ii) any person whose name is recorded in the existing final register, if the Registrar of Births and Deaths has informed the Electoral Registration Officer, on or before the relevant date specified in subsection (7), that the person is dead; and

(iii) any person whose name or other particulars are recorded in the existing final register and whose name and principal residential address are entered on the omissions list prepared for the current year under section 9 of the GC Register Regulation. (L.N. 307 of 1999; L.N. 71 of 2011)

(1A) Subject to subsection (1B), if the Electoral Registration Officer makes an inquiry under section 22(1) and the subject of the inquiry is a person-

(a) registered in the existing geographical constituencies final register;

(b) referred to in section 24(1)(i)(A), (D) or (F); and

(c) whose name and principal residential address are not entered on the omissions list prepared for the current year under section 9 of the GC Register Regulation, the Electoral Registration Officer must, in compiling a functional constituencies provisional register, record the personal particulars of the person under the District Council (second) functional constituency unless the person elects not to be registered as an elector for that constituency. (L.N. 71 of 2011)

(1B) The Electoral Registration Officer must not record the personal particulars of a person under the District Council (second) functional constituency under subsection (1A) if the Electoral Registration Officer is satisfied that the letter of inquiry sent under section 22 has not reached the person. (L.N. 71 of 2011)

(1C) If a person is registered in the existing functional constituencies final register as an elector for a functional constituency which has a corresponding subsector and the Electoral Registration Officer, in compiling a functional constituencies provisional register, records the personal particulars of the person under the District Council (second) functional constituency-

(a) under subsection (1A);

(b) under section 35A(10) or (14); or

(c) by virtue of the person's application under Part V, the Electoral Registration Officer must, in compiling a subsector provisional register, enter the personal particulars of the person on the subsector omissions list prepared for the current year. (L.N. 71 of 2011)

(2) (Repealed L.N. 200 of 2001)

(3) If the Electoral Registration Officer has made an inquiry under section 22(2) on or before the date referred to in section 22(5)(a) or (b), as the case may be, regarding a body, and- (L.N. 255 of 2002)

- (i) the information asked for was not received by that Officer on or before the relevant date specified in subsection (7); or
- (ii) that Officer is satisfied on reasonable grounds, based on information received in response to the inquiry or otherwise or notwithstanding any information to the contrary received in response to the inquiry, that the body is no longer eligible to be registered as an elector or a voter,

that Officer must, subject to subsection (5), enter-

- (a) on a functional constituencies omissions list the relevant particulars of the body that is no longer eligible to be registered as an elector;
- (b) on a subsector omissions list the relevant particulars of the body that is no longer eligible to be registered as a voter. (L.N. 307 of 1999)

(3AA) The Electoral Registration Officer must also enter on a functional constituencies omissions list or a subsector omissions list the relevant particulars of any body—

- (a) the name of which is recorded in the existing functional constituencies final register or the existing subsector final register; and
- (b) which has, by a written notice signed by the responsible person of the body, informed the Electoral Registration Officer on or before the relevant date specified in subsection (7) that it does not wish to be registered in the register; and;

- (c) which has, in the opinion of the Electoral Registration Officer, been informed (by means of that Officer's notification under subsection (7A)(b) or otherwise) of that Officer's intention to omit the body's relevant particulars from the next functional constituencies final register or the next subsector final register.

(3A) The Electoral Registration Officer must, in compiling an Election Committee provisional register, enter on an Election Committee omissions list the personal particulars of any person (other than an ex-officio member) whom that Officer is satisfied on reasonable grounds, on the date on which the relevant vacancy declaration within the meaning of section 4(7) of the Schedule to the Chief Executive Election Ordinance (Cap 569) was made, as- (L.N. 112 of 2006)

- (a) being dead;
- (b) having resigned, or being deemed to have resigned, from the Election Committee under section 3 of the Schedule to the Chief Executive Election Ordinance (Cap 569); or
- (c) having ceased to be registered, or eligible to be registered, or having been disqualified from being registered, under the Legislative Council Ordinance (Cap 542) as an elector for a geographical constituency. (L.N. 200 of 2001)

(4) The Electoral Registration Officer must, in a manner that Officer considers appropriate, show on an omissions list, that the personal particulars or relevant particulars entered on the omissions list are those that, that Officer proposes to omit from-

- (a) in the case of a functional constituencies omissions list, the next functional constituencies final register;
- (b) in the case of a subsector omissions list, the next subsector final register;
- (c) in the case of an Election Committee omissions list, the next Election Committee final register. (L.N. 200 of 2001)

(5) The Electoral Registration Officer may enter on a functional constituencies omissions list or a subsector omissions list, the personal particulars or relevant particulars of a person referred to in-

- (a) subsection (1)(i)(A) or (3)(i), only if the inquiry was made from the person who is the subject of the inquiry; and that Officer has informed that person-

- (i) in writing, by registered post; and
- (ii) at the address recorded against the person's name in the existing final register and any other address that Officer considers appropriate,

that the Electoral Registration Officer proposes to omit that person's name and other particulars from the next functional constituencies final register or the next subsector final register, as may be applicable, if the relevant information is not received by that Officer on or before the relevant date specified in ~~subsection (7); and~~ subsection (7).

~~(b) subsection (1)(i)(B), only if the inquiry was made from the person who is the subject of the inquiry.~~

(6) (Repealed L.N. 255 of 2002)

(7) For the purposes of subsections ~~(1)(i)(A) and (ii), (3)(i),~~ (1)(i)(B) and (ii), (3)(i), (3AA)(b) and (5)(a), the relevant date is, in relation to the compilation of-

(a) a functional constituencies provisional register or a subsector provisional register for a District Council election year, ~~16 July~~ 2 July in that year; or (L.N. 255 of 2002)

(b) a functional constituencies provisional register or a subsector provisional register for a year which is not a District Council election year, ~~16 May~~ 2 May in that year. (L.N. 255 of 2002)

~~(7A) The Electoral Registration Officer must acknowledge, by registered post, the receipt of a notice referred to in subsection (1)(i)(B) or (3AA)(b). On receiving a notice referred to in subsection (1)(i)(B) or (3AA)(b) from a person, the Electoral Registration Officer must notify, by registered post, the person of that Officer's intention to omit from the next functional constituencies final register or the next subsector final register, as the case may be-~~

~~(a) if the person is a natural person – the person's personal particulars; or~~

~~(b) if the person is a body – the body's relevant particulars.~~

(8) For the purposes of this section, an entry in an omissions list relating to a person whose personal particulars are proposed by the Electoral Registration Officer to be omitted from the next final register for the District Council (second) functional constituency is to be shown in a geographical constituencies omissions list by a note or indication to that effect against the entry relating to the person. (L.N. 71 of 2011)

(9) In this section-

corresponding subsector (對等界別分組) has the meaning given by section 11(1);

elects not to be registered (選擇不登記) has the meaning given by section 11(2) and-

(a) a reference to "recipient" in section 11(2) is to be construed as a reference to a person in respect of whom an inquiry under section 22(1) is made; and

(b) a reference to "notification" in section 11(2) is to be construed as a reference to a letter of inquiry sent under section 22(3);

principal residential address (主要住址), in relation to a person, means the address of the only or principal residence (within the meaning of section 28(1B) or (3) of the Legislative Council Ordinance (Cap 542)) of the person. (L.N. 71 of 2011)

(L.N. 307 of 1999; L.N. 200 of 2001)

Chapter:	541K	Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation	Gazette Number	Version Date
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Section:	18	ERO to prepare omissions list	E.R. 2 of 2012	02/08/2012
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- (1) In compiling a provisional register, the ERO must, for the purposes of section 17(4)(a) and (b) of the Election Ordinance, prepare an omissions list (“omissions list”).
- (2) The ERO must enter on the omissions list the name and other relevant particulars of a person registered in the existing final register for a Rural Area (“relevant Rural Area”) regarding whom the ERO has made an inquiry under section 17 on or before 30 June of the current year, if the result of the inquiry was as follows—
 - (a) the information asked for was not received by the ERO on or before 16 July of the current year;
 - ~~(b) the person, in response to the inquiry, has informed the ERO that he or she does not wish to be registered;~~
 - (c) the ERO is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is dead;
 - (d) the ERO is satisfied on reasonable grounds and despite any information to the contrary received by the ERO, that the person is dead;
 - (e) the ERO is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is disqualified from being registered or not eligible to be registered; or
 - (f) the ERO is satisfied on reasonable grounds and despite any information to the contrary received by the ERO, that the person is disqualified from being registered or not eligible to be registered.
- (2A) The ERO must enter on the omissions list the name and other relevant particulars of any person-
 - (a) whose name is recorded in the existing final register; ~~and~~
 - (b) who has by a signed written notice, informed the ERO on or before 16 July of the current year that he or she does not wish to be registered in the register; ~~and-~~
 - (c) who has, in the opinion of the ERO, been informed (by means of the ERO’s notification under subsection (7A) or otherwise) of the ERO’s intention to omit the person’s name and other relevant particulars from the next final register.
- (3) The ERO must enter on the omissions list the name and other relevant particulars of any person whose name is recorded in the existing final register, if the Registrar of Births and Deaths has informed the ERO, on or before 16 July of the current year, that the person is dead.
- (4) In compiling an Existing Villages provisional register-
 - (a) if the ERO has reason to believe—
 - (i) from information received in response to a requirement or inquiry under section 16 or 17 or otherwise; or
 - (ii) despite any information to the contrary received by the ERO, that the address recorded against a person’s name in the existing final register for Existing Villages is no longer the person’s principal residential address; and

- (b) if the principal residential address of that person is not known to the ERO at the time the omissions list is prepared, the ERO must enter on the omissions list the name and other relevant particulars of that person.
- (4A) In compiling a Market Towns provisional register—
- (a) if the ERO has reason to believe—
- (i) from information received in response to a requirement or inquiry under section 16 or 17 or otherwise; or
- (ii) despite any information to the contrary received by the ERO, that the address recorded against a person's name in the existing final register for Market Towns is no longer the person's principal residential address; and
- (b) if the principal residential address of that person is not known to the ERO at the time the omissions list is prepared, the ERO must enter on the omissions list the name and other relevant particulars of that person.
- (5) The ERO must, in a manner that the ERO considers appropriate, show on the omissions list that a person whose name and other relevant particulars are entered on the omissions list is a person whose name the ERO proposes to omit from the next final register for the relevant Rural Area.
- (6) The ERO may enter on the omissions list the name and other relevant particulars of a person under subsection (2)(a) only if the inquiry was made from the person who is the subject of the inquiry and the ERO has informed the person—
- (a) in writing and by registered post; and
- (b) at the address recorded against the person's name in the existing final register, that the ERO proposes to omit that person's name from the next final register if the relevant information is not received by the ERO on or before 16 July of the current year.
- ~~(7) The ERO may enter on the omissions list the name and other relevant particulars of a person under subsection (2)(b) only if the inquiry was made from the person who is the subject of the inquiry.~~
- (7A) The ERO must acknowledge, by registered post, the receipt of a notice referred to in subsection (2A)(b). On receiving a notice referred to in subsection (2A)(b) from a person, the ERO must notify, by registered post, the person of the ERO's intention to omit the person's name and other relevant particulars from the next final register.
- (8) In this section, *other relevant particulars* (其他有關詳情) means, in relation to the compilation of—
- (a) the Existing Villages provisional register or the Market Towns provisional register, the principal residential address; and
- (b) the Indigenous Villages and Composite Indigenous Villages provisional register, the principal residential address, if it has been furnished to the ERO.

Chapter:	542	Legislative Council Ordinance	Gazette Number	Version Date
Section:	32	Electoral Registration Officer to compile and publish electoral registers	E.R. 2 of 2012	02/08/2012

- (1) The Electoral Registration Officer must-
- (a) not later than ~~15 June~~ 1 June in each year other than a year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)- (Amended 48 of 1999 s. 18; 33 of 2002 s. 4)
 - (i) a provisional register of geographical constituencies; and
 - (ii) a provisional register of functional constituencies; and
 - (b) not later than 25 July in each year other than a year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)- (Amended 48 of 1999 s. 18; 33 of 2002 s. 4)
 - (i) a final register of geographical constituencies; and
 - (ii) a final register of functional constituencies.
- (1A) The Electoral Registration Officer must-
- (a) not later than ~~15 August~~ 1 August in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-
 - (i) a provisional register of geographical constituencies; and
 - (ii) a provisional register of functional constituencies; and
 - (b) not later than 25 September in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-
 - (i) a final register of geographical constituencies; and
 - (ii) a final register of functional constituencies. (Added 33 of 2002 s. 4)
- (2) (Repealed 21 of 2001 s. 64)
- (3) The Electoral Registration Officer may amend a provisional or final register so as to rectify any clerical or printing error or any incorrect name, address or other personal particulars of a person who is recorded in the register.
- (4) In compiling a provisional register, the Electoral Registration Officer must-
- (a) ~~strike out the names and other relevant particulars of all those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the register; and~~ strike out the names and other relevant particulars of all those persons—
 - (i) whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the register; or
 - (ii) who have, by a signed written notice, informed whom the Electoral Registration Officer that they do not wish is satisfied on reasonable grounds as not wishing to be remain registered in the register;
 - (b) enter the names and other relevant particulars of those persons on an omissions list; and
 - (c) add to the register the names and other relevant particulars of those persons whose applications for registration have been received by the Electoral Registration Officer

not later than the date prescribed for the purposes of this paragraph by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541) and who are eligible to have their names included in the register. (Amended 25 of 2003 s. 18)

(5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer must ~~publish—~~

~~(a) in the Gazette; and~~

~~(b) in such other publications (if any) as are prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541);~~

~~— a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the register have been entered on an omissions list and specifying the times and the place at which the omissions list may be inspected; publish a notice to the effect that the names and other relevant particulars of the following persons have been entered on an omissions list—~~

~~(a) persons who are no longer eligible to have their names included in the register; and~~

~~(b) persons who have, by signed written notices, informed the Electoral Registration Officer that they do not wish to be remain registered in the register.~~

(5A) The notice—

~~(a) must specify the time and the place at which the omissions list may be inspected; and~~

~~(b) must be published—~~

~~(i) in the Gazette; and~~

~~(ii) in other publications (if any) as are prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).~~

(6) The Electoral Registration Officer must, for the period prescribed for the purposes of this subsection by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-

(a) keep the omissions list at that Officer's office; and

(b) during the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.

Chapter:	576	Rural Representative Election Ordinance	Gazette Number	Version Date
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Section:	17	Electoral Registration Officer to compile and publish registers of electors	12 of 2009	09/11/2009
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(1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations-

(a) a provisional register of electors for a Rural Area not later than 27 August in each year; and

(b) a final register of electors for a Rural Area not later than 20 October in each year.

(2) The Electoral Registration Officer may amend a provisional register or a final register so as to rectify any clerical or printing error or any incorrect name or address or other personal particulars of a person who is recorded in the register.

(3) A provisional register for a Rural Area shall be based on the existing final register for the Rural Area that is in effect at the time when the provisional register is compiled.

(4) In compiling a provisional register for a Rural Area, the Electoral Registration Officer shall-

- (a) after scrutinizing the register on which the provisional register is based, strike out the names and other relevant particulars of the persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the final register for the Rural Area; the persons-
- (i) whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the final register for the Rural Area; or
 - (ii) who have, by signed written notices, informed whom the Electoral Registration Officer is satisfied on reasonable grounds as not wishing to be remain registered in the register;
- (b) enter the names and other relevant particulars of those persons on an omissions list; and
- (c) add to the register the names and other relevant particulars of the persons whose applications for registration are received by the Electoral Registration Officer during the period prescribed for the purposes of this paragraph by the EAC Regulations and who are eligible to have their names included in the final register for the Rural Area.

(5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish a notice-

(a) in the Gazette and in such other publications (if any) as are prescribed by the EAC Regulations;

(b) to the effect that the names and other relevant particulars of the persons who are no longer eligible to have their names included in the final register for the Rural Area have been entered on an omissions list; and

(c) specifying the time and the place at which the omissions list may be inspected.
must publish a notice to the effect that the names and other relevant particulars of the following persons have been entered on an omissions list-

(a) persons who are no longer eligible to have their names included in the final register for the Rural Area; and

(b) persons who have, by signed written notices, informed the Electoral Registration Officer that they do not wish to be remain registered in the register.

(5A) The notice-

(a) must specify the time and the place at which the omissions list may be inspected;
and

(b) must be published in the Gazette and other publications (if any) as are prescribed by the EAC Regulations.

(6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations-

(a) keep at the Officer's office at least one copy of the omissions list; and

(b) during the ordinary business hours of that office, make at least one copy of the omissions list available for inspection by members of the public free of charge.

(7)-(8) (Repealed 12 of 2009 s. 7)

Annex D

Proposed Committee Stage Amendments

Regarding requirement for prior notice of appointment of polling and counting agents (paragraph 5 of the Bills Committee paper)

Extracts of relevant legislative provisions

Note : Since the original amendments proposed in Divisions 2 to 4 of Part 5 of the Electoral Legislation (Miscellaneous Amendments) Bill 2014 (gazetted on 11 April 2014) will be withdrawn, they are NOT shown in this Annex. Instead, the existing legislative provisions are marked up to show the wording of the proposed Committee Stage Amendments, which are shaded and bordered like this. Some provisions are also marked up (without shading and borders) to show the amendments proposed in Part 6 of the Bill (regarding manners of delivery), which were examined during the clause-by-clause stage earlier.

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	42	Candidates may appoint polling agents	E.R. 2 of 2012	02/08/2012
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- (1) Candidates may appoint persons to attend at polling stations on their behalf for any purpose connected with the conduct of a poll, in accordance with this section.
- (2) Polling agents may be appointed to attend only at the polling stations used for polling for the constituency for which the candidate or the candidate as on a list of candidates is standing for election. (L.N. 84 of 2004)
- (3) Candidates on a multiple candidates list may jointly appoint a maximum of 2 polling agents for one polling station.
- (4) A candidate on a single candidate list may appoint a maximum of 2 polling agents for one polling station.
- (5) A candidate for a functional constituency (other than the District Council (second) functional constituency) may appoint a maximum of 2 polling agents for one polling station. (L.N. 73 of 2011)
- (6) (Repealed L.N. 84 of 2004)
- (7) Only a holder of an identity card who has attained the age of 18 years may be appointed as a polling agent. (L.N. 147 of 1998)
- (8) A candidate must give notice of appointment of a polling agent to the Chief Electoral Officer at least 1 week 7 days before polling day. In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998; L.N. 65 of 2000)

(8AA) A notice of appointment given under subsection (8) or (8A)(d) must be delivered by hand, by post, by electronic mail or by facsimile transmission.

(8A) Despite subsections (1), (3), (4), (5) and (8)—

- (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate or a list of candidates for a dedicated polling station situated in a prison;
- (b) no polling agent may be appointed by a candidate or a list of candidates for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 23(18)(d) to the presence of the election agent of that candidate or list of candidates in that polling station;
- (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and

(d) ~~without affecting subsection (10),~~ the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless —
 (i) ~~on an application in the specified form lodged a notice of appointment is given to with~~ the Chief Electoral Officer at least ~~one week~~ 7 days before polling day; and
 (ii) ~~the Commissioner of Correctional Services consents to the appointment.~~ (L.N. 130 of 2009)

(8B) ~~Despite subsection (8A)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection even though a notice of appointment is given during the week before polling day, the Commissioner of Correctional Services may still give consent under that subsection if the Commissioner is satisfied that—~~

- (a) an elector in custody or authorized representative in custody who is entitled to vote for the relevant constituency at the polling station concerned is admitted or transferred to the prison concerned during that week; and
- (b) ~~the application is lodged~~ notice of appointment is given without undue delay after the admission or transfer. (L.N. 130 of 2009)

(8C) If the Commissioner of Correctional Services refuses to give consent under subsection (8A)(d), the Commissioner must notify the candidate, any candidate on the list of candidates or the election agent of the candidate or list of candidates as soon as practicable. (L.N. 130 of 2009)

(9) A notice appointing a polling agent for a polling station other than a dedicated polling station situated in a prison must, if it is not given under subsection (8), be delivered on the polling day to the Presiding Officer of the polling station— (L.N. 130 of 2009)

- (a) by the candidate in person, or in the case of a multiple candidates list, by any candidate on the list in person; or
- (b) by the election agent of the candidate or of the list, in person. (L.N. 147 of 1998)

(10) ~~Subject to subsection (8A)(d), the~~ The appointment of a polling agent is not effective until notice is received by the Chief Electoral Officer or the Presiding Officer, as may be appropriate. (L.N. 65 of 2000)

(11) A notice ~~for the purposes of this section of appointment~~ must be in writing and in the specified form. It must state the name, identity card number and residential address of the polling agent. It must be signed by the candidate or, in the case of a multiple candidates list, by all the candidates on the list. (L.N. 65 of 2000; L.N. 66 of 2008)

(12) If the appointment of a polling agent is revoked, the candidate must give notice of the revocation to the Chief Electoral Officer or ~~the Presiding Officer of the polling station in accordance with subsections (14) or and (14A).~~ In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list.

(L.N. 147 of 1998; L.N. 65 of 2000; L.N. 73 of 2011)

- (13) A notice of revocation must be in writing and in the specified form. In the case of a polling agent for a functional constituency (other than the District Council (second) functional constituency) or a single candidate list, it must be signed by the candidate. In the case of a multiple candidates list, it must be signed by all the candidates on the list. (L.N. 84 of 2004; L.N. 73 of 2011)

(14) If the notice of revocation is given before polling day, it must be ~~given-delivered~~ to the Chief Electoral Officer by hand, by post, by electronic mail or by facsimile transmission. (L.N. 65 of 2000; L.N. 73 of 2011)

(14A) If the notice of revocation is given on the polling day—

(a) (if the polling station for which the polling agent is appointed is not a dedicated polling station situated in a prison) it must be ~~given-delivered~~ to the Presiding Officer ~~for~~ of the polling station—

(i) by the candidate in person, or in the case of a multiple candidates list, by any candidate on the list in person; or

(ii) by the election agent of the candidate or of the list, in person; or

(b) (if the polling station for which the polling agent is appointed is a dedicated polling station situated in a prison) it must be ~~given-delivered~~ to the Chief Electoral Officer by hand, by electronic mail or by facsimile transmission.

(L.N. 73 of 2011)

- (15) The revocation of the appointment of a polling agent is not effective unless notice is received by the Chief Electoral Officer or the Presiding Officer, as may be appropriate. (L.N. 65 of 2000)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	66	Candidates may appoint counting agents	E.R. 2 of 2012	02/08/2012
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- (1) A candidate or a list of candidates may appoint persons to attend at a counting station to observe the counting of the votes for the constituency contested by the candidate or the list, in accordance with this section. (L.N. 84 of 2004; L.N. 73 of 2011)
- (2) The Commission is to determine the maximum number of counting agents a candidate or a list of candidates may appoint.
- (3) In the case of a multiple candidates list, the counting agents must be appointed jointly by all the candidates on the list.
- (4) Only a holder of an identity card who has attained the age of 18 years may be appointed as a counting agent. (L.N. 147 of 1998)
- (5) A candidate must give notice of appointment of a counting agent to the Returning Officer at least 1 week 7 days before polling day. In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998; L.N. 84 of 2004)

(5A) A notice of appointment given under subsection (5) must be delivered by hand, by post, by electronic mail or by facsimile transmission.

(6) If notice is not given under subsection (5), it must be delivered on polling day to the Returning Officer or the Presiding Officer, as may be appropriate- (L.N. 84 of 2004)

(a) by the candidate in person, or in the case of a multiple candidates list, by any candidate on the list in person; or

(b) by the election agent of the candidate or of the list, in person. (L.N. 147 of 1998)

(7) A notice ~~for the purposes of this section of appointment~~ must be in writing and in the specified form. It must state the name, identity card number and residential address of the counting agent. It must be signed by the candidate or, in the case of a multiple candidates list, by all the candidates on the list. (L.N. 65 of 2000; L.N. 66 of 2008)

(8) The appointment of a counting agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate. (L.N. 84 of 2004)

(9) If the appointment of a counting agent is revoked, the candidate must give notice of the revocation to the Returning Officer or the Presiding Officer, ~~as may be appropriate in accordance with subsection (10A) or (11). In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list.~~ (L.N. 147 of 1998; L.N. 84 of 2004)

(10) A notice of revocation must be in writing and in the specified form. In the case of a counting agent for a candidate or a single candidate list, it must be signed by the candidate. In the case of a multiple candidates list, it must be signed by all the candidates on the list. (L.N. 84 of 2004; L.N. 73 of 2011)

(10A) If the notice of revocation is given before polling day, it must be delivered to the Returning Officer by hand, by post, by electronic mail or by facsimile transmission.

(11) If the notice of revocation is given on polling day, it must be delivered to the Returning Officer or the Presiding Officer, as may be appropriate-

(a) by the candidate in person, or in the case of a multiple candidates list, by any candidate on the list in person; or

(b) by the election agent of the candidate or of the list, in person, given in accordance with subsection (6).

(12) A revocation of the appointment of a counting agent is not effective until notice of it is received by the Returning Officer or the Presiding Officer, as may be appropriate. (L.N. 84 of 2004)

(L.N. 147 of 1998)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	98	Publication and display of notices, etc.	E.R. 2 of 2012	02/08/2012
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- (1) The Returning Officer or the Presiding Officer may publish or display a notice, determination, or other writing under this Regulation in a manner that Officer thinks fit except where specific provision is made for the publication or display in this Regulation.
- (2) The following notices or notifications may be delivered by hand, ~~sent by post or sent by post, by electronic mail~~ or by facsimile transmission-
 - (aa) notice of the decision of the Returning Officer as to whether a person is validly nominated as a candidate; (L.N. 65 of 2000)
 - (ab) notice of a declaration that a candidate has died or that the decision of the Returning Officer has been varied to the effect that a candidate is not validly nominated; (L.N. 65 of 2000)
 - ~~(a) notice of the appointment or notice of revocation of the appointment of an election agent (other than a notice given on polling day);~~
 - (b) (Repealed L.N. 65 of 2000)
 - (c) notice to Returning Officers and to candidates of the determination of a no canvassing zone and a no staying zone;
 - (d) notice to Returning Officers and to candidates of the variation before the polling day of a no canvassing zone or a no staying zone;
 - (e) notice to candidates of the arrangements for the drawing of lots to determine the order of appearance of the lists of candidates or candidates on the ballot paper; and
 - ~~(f) notice of the appointment or notice of revocation of the appointment of a polling agent (other than a notice given on polling day);~~
 - ~~(g) notice of the appointment or notice of revocation of the appointment of a counting agent (other than a notice given on polling day); and~~
 - (h) notice to candidates of the place for the counting of the votes.
- (3) Notice of variation of a no canvassing zone or a no staying zone on the polling day or notice of the resumption of the counting of the votes after an adjourned poll or count may be given orally if notice by hand, by post, by electronic mail or by facsimile transmission is not practicable or is not suitable in the circumstances.

(L.N. 84 of 2004)

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	45	Candidates may appoint polling agents	E.R. 2 of 2012	02/08/2012
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- (1) A candidate may appoint persons to attend at polling stations on his or her behalf for any purpose connected with the conduct of a poll, in accordance with this section.
- (2) Polling agents may be appointed to attend only at the polling stations used for polling for the constituency for which the candidate is standing for election.
- (3) A candidate may appoint a maximum of 2 polling agents for one polling station.
- (4) Only a person who is a holder of an identity card and has attained the age of 18 years may be appointed as a polling agent.
- (5) A candidate must give notice of appointment of a polling agent to the Returning Officer at least 7 days before polling day. (L.N. 125 of 2003)

(5AA) A notice of appointment given under subsection (5) or (5A)(d) must be delivered by hand, by post, by electronic mail or by facsimile transmission.

(5A) Despite subsections (1), (3) and (5)—

- (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate for a dedicated polling station situated in a prison;
- (b) no polling agent may be appointed by a candidate for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 26(15)(d) to the presence of the election agent of that candidate in that polling station;
- (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and

- (d) ~~without affecting subsection (7), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless—~~
~~(i) on an application in the specified form lodged a notice of appointment is given to with the Chief Electoral Officer at least one week 7 days before polling day;~~ and
~~(ii) the Commissioner of Correctional Services consents to the appointment. (L.N. 131 of 2009)~~

~~(5B) Despite subsection (5A)(d), the Commissioner of Correctional Services may, on an application lodged even though a notice of appointment is given under that subsection during the week before polling day, the Commissioner of Correctional Services may still give consent under that subsection if the Commissioner is satisfied that—~~

- ~~(a) an elector in custody who is entitled to vote for the relevant constituency at the polling station concerned is admitted or transferred to the prison concerned during that week; and~~
- ~~(b) the application is lodged the notice of appointment is given without undue delay after the admission or transfer. (L.N. 131 of 2009)~~

(5C) If the Commissioner of Correctional Services refuses to give consent under subsection (5A)(d), the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable. (L.N. 131 of 2009)

(6) A notice appointing a polling agent for a polling station other than a dedicated polling station situated in a prison must, if it is not given under subsection (5), be delivered on the polling

day to the Presiding Officer of the polling station— (L.N. 131 of 2009)

(a) by the candidate in person; or

(b) by the election agent of the candidate, in person.

(7) ~~Subject to subsection (5A)(d), the~~ appointment of a polling agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate.

(8) A notice ~~for the purposes of this section of appointment~~ must be in writing and in the specified form. It must state the name, identity card number and residential address of the polling agent. It must be signed by the candidate.

(9) If the appointment of a polling agent is revoked, the candidate must give notice of the revocation to the Returning Officer or the Presiding Officer of the polling station in accordance with subsection (11) or (11A).

(10) A notice of revocation must be in writing and in the specified form. It must be signed by the candidate.

(11) If the notice of revocation is given before polling day, it must be given delivered to the Returning Officer by hand, by post, by electronic mail or by facsimile transmission. (L.N. 74 of 2011)

(11A) If the notice of revocation is given on the polling day—

(a) (if the polling station for which the polling agent is appointed is not a dedicated polling station situated in a prison) it must be given delivered to the Presiding Officer of the polling station—

(i) by the candidate in person; or

(ii) by the election agent of the candidate, in person; or

(b) (if the polling station for which the polling agent is appointed is a dedicated polling station situated in a prison) it must be given delivered to the Returning Officer by hand, by electronic mail or by facsimile transmission. (L.N. 74 of 2011)

(12) The revocation of the appointment of a polling agent is not effective until notice of revocation is received by the Returning Officer or the Presiding Officer, as the case may be.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	66	Candidates may appoint counting agents	E.R. 2 of 2012	02/08/2012
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(1) A candidate may appoint persons to attend at a counting station to observe the counting of the votes for the constituency contested by the candidate, in accordance with this section.

(2) The maximum number of counting agents that a candidate may appoint for one counting station is 2. (L.N. 125 of 2003)

(3) Only a person who is a holder of an identity card and has attained the age of 18 years may be appointed as a counting agent.

(4) A candidate must give notice of appointment of a counting agent to the Returning Officer at least 7 days before polling day. (L.N. 125 of 2003)

(4A) A notice of appointment given under subsection (4) must be delivered by hand, by post, by electronic mail or by facsimile transmission.

(5) If notice is not given under subsection (4), it must be delivered on polling day to the Presiding Officer- (L.N. 125 of 2003)

(a) by the candidate in person; or

(b) by the election agent of the candidate, in person.

(6) A notice ~~for the purposes of this section of appointment~~ must be in writing and in the specified form. It must state the name, identity card number and residential address of the counting agent. It must be signed by the candidate.

(7) The appointment of a counting agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate. (L.N. 125 of 2003)

(8) ~~Subject to subsection (10), if~~ the appointment of a counting agent is revoked, the candidate must give notice of the revocation to the Returning Officer ~~or the Presiding Officer in accordance with subsection (9A) or (10)~~. (L.N. 79 of 2007)

(9) A notice of revocation must be in writing and in the specified form. It must be signed by the candidate.

(9A) If the notice of revocation is given before polling day, it must be delivered to the Returning Officer by hand, by post, by electronic mail or by facsimile transmission.

(10) If the notice of revocation is given on polling day, it must be ~~given~~ delivered to the Presiding Officer - ~~in accordance with subsection (5)~~. (L.N. 79 of 2007)

(a) by the candidate in person; or

(b) by the election agent of the candidate, in person.

(11) The revocation of the appointment of a counting agent is not effective until notice of revocation is received by the Returning Officer or the Presiding Officer, as may be appropriate. (L.N. 125 of 2003)

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	98	Publication and display of notices, etc.	E.R. 2 of 2012	02/08/2012
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(1) The Returning Officer or Presiding Officer may publish or display a notice, determination, or other writing under this Regulation in a manner that Officer thinks fit except where specific provision is made for the publication or display in this Regulation. (L.N. 125 of 2003)

(2) The following notices or applications may be delivered by hand, ~~sent by post or sent by post,~~ by electronic mail or by facsimile transmission-

(a) notice of the decision of the Returning Officer as to whether a person is validly nominated as a candidate;

(b) notice of a declaration that a candidate has died or that the decision of the Returning Officer has been varied to the effect that a candidate is not validly nominated;

~~(c) notice of the appointment or notice of revocation of the appointment of an election agent~~

- (other than a notice given on polling day);
- (d) application to vote at a special polling station;
 - (e) notice to Returning Officers and to candidates of the determination of a no canvassing zone and a no staying zone;
 - (f) notice to Returning Officers and to candidates of the variation before the polling day of a no canvassing zone or a no staying zone;
 - (g) notice to candidates of the arrangements for the drawing of lots to determine the order of appearance of candidates on the ballot paper; and

~~(h) notice of the appointment or notice of revocation of the appointment of a polling agent (other than a notice given on polling day); (L.N. 125 of 2003 and L.N. 191 of 2003)~~

~~(i) notice of the appointment or notice of revocation of the appointment of a counting agent (other than a notice given on polling day); and (L.N. 125 of 2003 and L.N. 191 of 2003)~~

(j) notice to candidates of the place for the counting of the votes. (L.N. 125 of 2003 and L.N. 191 of 2003)

- (3) Notice of variation of a no canvassing zone or a no staying zone on the polling day or notice of the resumption of the counting of the votes after an adjourned poll or count may be given orally if notice by hand, by post, by electronic mail or by facsimile transmission is not practicable or is not suitable in the circumstances.

Chapter:	541L	Electoral Procedure (Rural Representative Election) Regulation	Gazette Number	Version Date
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Section:	36	Polling agents	5 of 2014	04/04/2014
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Remarks:

According to section 1 of the Rural Representative Election Legislation (Amendment) Ordinance 2014 (5 of 2014) ("the Amendment Ordinance"), the commencement provisions of the Amendment Ordinance are as follows-

- (a) for all purposes relating to the elections of Resident Representatives, Indigenous Inhabitant Representatives and Kaifong Representatives in 2015—the Amendment Ordinance comes into operation on 4 April 2014; and
- (b) in so far as it has not come into operation under paragraph (a)—the Amendment Ordinance comes into operation on 1 April 2015.

~~(1) Each candidate may appoint not more than 2 persons as his polling agents. A candidate may appoint a maximum of 2 polling agents for one polling station.~~

(1A) Despite subsection (1) and subject to section 37(1A), (1B) and (6B), only one polling agent may be appointed by a candidate for a dedicated polling station situated in a prison.

(2) A polling agent appointed by a candidate may attend only at the polling station or polling stations on behalf of the candidate for a purpose connected with the conduct of a poll for the Rural Area concerned. (5 of 2014 s. 2)

(3) Only a holder of an identity card, who has attained the age of 18 years, may be appointed as a polling agent.

(4) An appointment of a polling agent for a polling station other than a dedicated polling station situated in a prison is effected by giving effective only if a notice of appointment to the ~~Returning Officer or the Presiding Officer~~, is delivered to –

- (a) the Returning Officer by hand, by post, by electronic mail or by facsimile transmission at least 7 days before polling day; or
- (b) the Presiding Officer by the candidate, or the election agent of the candidate, in person on polling day.

(5) A notice of appointment shall-

- (a) be in the specified form;
- (b) be given by the candidate;
- (c) state the name, the identity card number and the address of the polling agent; and
- (d) be signed by the candidate and the polling agent.

(6) The appointment of a polling agent may be revoked by giving a notice of revocation to the Returning Officer or the Presiding Officer of the polling station in accordance with subsection (7A) or (7B).

(7) A notice of revocation shall be-

- (a) in the specified form;
- (b) given by the candidate; and
- (c) signed by the candidate.

(7A) If the notice of revocation is given before polling day, it must be delivered to the Returning Officer by hand, by post, by electronic mail or by facsimile transmission.

(7B) If the notice of revocation is given on polling day-

- (a) (if the polling station for which the polling agent is appointed is not a dedicated polling station situated in a prison) it must be delivered-
 - (i) to the Returning Officer by hand, by electronic mail or by facsimile transmission; or
 - (ii) to the Presiding Officer of the polling station by the candidate, or the election agent of the candidate, in person; or
- (b) (if the polling station for which the polling agent is appointed is a dedicated polling station situated in a prison) it must be delivered to the Returning Officer by hand, by electronic mail or by facsimile transmission.

(8) If a polling agent dies or the appointment of a polling agent is revoked, the candidate may, subject to this section, appoint another person as a polling agent to replace the first-mentioned agent.

(9) The appointment of or revocation of the appointment of a polling agent is not effective until the notice of appointment or notice of revocation, as the case may be, is received by the Returning Officer or the Presiding Officer.

~~(10) If a notice under subsection (4) is not given before the 7 days preceding the polling day, it shall be delivered by the candidate or his election agent on the polling day to the Presiding Officer.~~

Chapter:	541L	Electoral Procedure (Rural Representative Election) Regulation	Gazette Number	Version Date
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Section:	37	Admission to polling station	L.N. 77 of 2011	08/07/2011
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- (1) No person may enter or stay in a polling station, except-
- (a) a member of the Commission;
 - (b) the Director of Home Affairs;
 - (c) a Returning Officer;
 - (d) an Assistant Returning Officer;
 - (e) the Chief Electoral Officer;
 - (f) the Presiding Officer appointed for the polling station;
 - (g) a polling officer appointed for the polling station;
 - (h) an elector;
 - (i) (subject to subsections (3) and (8)) a candidate;
 - (j) (subject to subsections (3), (4), (5), (6B) and (8) and section 22(3)) an election agent; (L.N. 134 of 2009 and L.N. 197 of 2009; L.N. 77 of 2011)
 - (k) (subject to subsections (1A), (3), (4), (6), (6B) and (8)) a polling agent; (L.N. 134 of 2009; L.N. 77 of 2011)
 - (l) a public officer on duty at the polling station;
 - (m) a member of the Civil Aid Service on duty at the polling station;
 - (n) a child accompanying an elector who comes to the polling station for the purpose of voting; or
 - (o) a person authorized under subsection (9).

(1A) A polling agent may not be present in a dedicated polling station situated in a prison unless-

- (a) a notice of appointment is given ~~upon an application in the specified form lodged with the Director of Home Affairs~~ at least ~~one week~~ 7 days before polling day and delivered to the Director of Home Affairs by hand, by post, by electronic mail or by facsimile transmission; and,
- (b) ~~the Commissioner of Correctional Services consents to his presence~~ the appointment. (L.N. 134 of 2009)

(1B) The Commissioner of Correctional Services must not give consent under subsection (1A) if he has given consent under section 22(3)(h) to the election agent of the same candidate. (L.N. 134 of 2009)

(1C) Despite subsection (1A), ~~the Commissioner of Correctional Services may, upon an application lodged even though a notice of appointment is given under that subsection~~ during the week before polling day, the Commissioner of Correctional Services may still give consent under that subsection if ~~he~~ the Commissioner is satisfied that-

- (a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
- (b) the ~~application is lodged~~ notice of appointment is given without undue delay after the admission or transfer. (L.N. 134 of 2009)

(1D) If the Commissioner of Correctional Services refuses to give consent under subsection (1A),

the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable. (L.N. 134 of 2009)

- (2) In order to ensure that polling takes place smoothly and efficiently, the Presiding Officer-
 - (a) may regulate the number of electors, candidates, election agents and polling agents to be admitted to the polling station concerned at any one time; and
 - (b) may, subject to subsection (1), exclude any person from the polling station concerned.
- (3) A candidate, an election agent or a polling agent may be present in a polling station subject to the availability of seats in the area designated to accommodate them.
- (4) Only an election agent or a polling agent regarding whom a notice of appointment has been given under this Regulation may be present in a polling station on behalf of a candidate.
- (5) If a candidate is present in a polling station, the election agent of that candidate may not be present in the polling station at the same time.
- (6) Only one polling agent of a candidate may be present in a polling station, on behalf of the candidate, at any one time, if neither the candidate nor the election agent is present.
- (6A) (Repealed L.N. 77 of 2011)
- (6B) No election agent or polling agent may be present in a dedicated polling station situated in a maximum security prison. (L.N. 134 of 2009)
- (7) A candidate, an election agent or a polling agent who wishes to be admitted to a polling station shall, on arriving at the polling station-
 - (a) report in person to the Presiding Officer; and
 - (b) produce-
 - (i) his identity document; and
 - (ii) a declaration of secrecy, in the specified form, completed by him.
- (8) If the area referred to in subsection (3) is occupied to its full seating capacity, the Presiding Officer-
 - (a) may refuse entry to the polling station to any candidate, election agent or polling agent; and
 - (b) may make arrangements for admitting such candidate, election agent or polling agent to the polling station later.
- (9) The Returning Officer or a member of the Commission may authorize any person in writing to enter and stay in a polling station in accordance with the terms of the authorization.

Chapter:	541L	Electoral Procedure (Rural Representative Election) Regulation	Gazette Number	Version Date
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Section:	56	Appointment of counting agent	5 of 2014	04/04/2014
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Remarks:

According to section 1 of the Rural Representative Election Legislation (Amendment) Ordinance 2014 (5 of 2014) ("the Amendment Ordinance"), the commencement provisions of the Amendment Ordinance are as follows-

- (a) for all purposes relating to the elections of Resident Representatives, Indigenous Inhabitant Representatives and Kaifong Representatives in 2015—the Amendment Ordinance comes into operation on 4 April 2014; and

(b) in so far as it has not come into operation under paragraph (a)—the Amendment Ordinance comes into operation on 1 April 2015.

(1) Each candidate may appoint persons as his counting agents to attend at a counting station to observe the counting of the votes for the Rural Area for which the candidate is standing for election. (5 of 2014 s. 2)

(2) The Returning Officer shall determine the maximum number of counting agents a candidate may appoint.

(3) Only a holder of an identity card, who has attained the age of 18 years, may be appointed as a counting agent.

(4) An appointment of a counting agent is ~~effected by giving effective only if~~ a notice of appointment ~~is delivered to the Returning Officer. -~~

~~(a) by hand, by post, by electronic mail or by facsimile transmission before the 3 days preceding polling day; or~~

~~(b) by the candidate, or the election agent of the candidate, in person on polling day.~~

(5) A notice of appointment shall-

(a) be in the specified form;

(b) be given by the candidate;

(c) state the name, the identity card number and the address of the counting agent; and

(d) be signed by the candidate and the counting agent.

(6) The appointment of a counting agent may be revoked ~~by giving if a notice of revocation to the Returning Officer. -~~

~~(a) before the close of the poll, a notice of revocation is delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of revocation made on polling day) by post; or~~

~~(b) after the close of the poll, a notice of revocation is delivered by the candidate, or the election agent of the candidate, in person to -~~

~~(i) (if the counting station for which the counting agent is appointed is a ballot paper sorting station) the Assistant Returning Officer; or~~

~~(ii) (for any other counting station) the Returning Officer.~~

(7) A notice of revocation shall be-

(a) in the specified form;

(b) given by the candidate; and

(c) signed by the candidate.

(8) If a counting agent dies or the appointment of a counting agent is revoked, the candidate may, subject to this section, appoint another person as a counting agent to replace the first-mentioned agent.

(9) The appointment of or revocation of the appointment of a counting agent is not effective until the notice of appointment or notice of revocation, as the case may be, is received by the Returning Officer or the Assistant Returning Officer, as may be appropriate.

~~(10) If a notice under subsection (4) is not given before the 3 days preceding the polling day, it shall be delivered by the candidate or his election agent on the polling day to the Returning Officer.~~

Chapter:	541L	Electoral Procedure (Rural Representative Election) Regulation	Gazette Number	Version Date
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Section:	83	Manner of giving notice	E.R. 2 of 2012	02/08/2012
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- (1) Notices under the following provisions may be sent by hand, by post, by electronic mail, or by facsimile transmission-
- (a) section 12(1) (decision on validity of nomination);
 - ~~(b) section 24(2) (appointment of election agents or election expense agents);~~
 - ~~(c) section 24(4) (revocation of appointment of election agents or election expense agents);~~
 - (d) section 25(1) (notice to candidates of appointment of election agents);
 - (e) section 29(1) (polling notice);
 - (f) section 34(2) (boundaries of no canvassing zone and no staying zone);
 - (g) section 34(5) (variation of no canvassing zone and no staying zone);
 - ~~(h) section 36(4) (appointment of polling agents);~~
 - ~~(i) section 36(6) (revocation of appointment of polling agents);~~
 - (j) section 42(4) (allocation of candidate numbers by drawing of lots); or
 - (k) section 55(3) (place and time of counting of votes); or
 - ~~(l) section 56(4) (appointment of counting agents); or~~
 - ~~(m) section 56(6) (revocation of appointment of counting agents);~~
- (2) A notice under section 34(5) may be given orally if sending it in accordance with subsection (1) is not practicable or is not suitable in the circumstances.

Annex E

Proposed Committee Stage Amendments Consequential amendments (paragraph 6 of the Bills Committee paper)

Extracts of relevant legislative provisions

Note 1: The existing legislative provisions are marked up to show the amendments proposed in Division 5 of Part 5 and Division 4 of Part 6 of the Electoral Legislation (Miscellaneous Amendments) Bill 2014 (gazetted on 11 April 2014).

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered like this.

Chapter:	553B	Electronic Transactions (Exclusion) Order	Gazette Number	Version Date
Schedule:	1	Provisions Excluded from Application of Section 5 of Ordinance	L.N. 156 of 2013	20/12/2013

[section 2]

Item	Enactment	Provision
1.	(Repealed 16 of 2004 s. 16) (Repealed L.N. 36 of 2003)	
2-4.		
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1) and 6 (L.N. 156 of 2013)
6.	(Repealed L.N. 36 of 2003)	
7.	(Repealed L.N. 54 of 2010)	
8.	Immigration Ordinance (Cap 115)	Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7) and 6(1) and (2) (L.N. 36 of 2003)
9.	Buildings Ordinance (Cap 123)	Sections 17(1)(Column B), 20(2) and 21(2) (L.N. 90 of 2012)
10.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulations 6(1) and 11 (L.N. 90 of 2012)
11.	Building (Planning) Regulations (Cap 123 sub. leg. F)	Regulations 51(1) and 64(1) and (2) (L.N. 90 of 2012)
12-14.	(Repealed L.N. 90 of 2012)	
15-17.	(Repealed L.N. 152 of 2006)	
18.	Town Planning Ordinance (Cap 131)	Sections 16(2), 17(1) and 24(1)
19.	Commercial Bathhouses Regulation (Cap 132 sub. leg. I)	Section 5(1)
20.	Food Business Regulation (Cap 132 sub. leg. X)	Section 32(1)
21.	Frozen Confections Regulation (Cap 132 sub. leg. AC)	Section 18(1)

22.	Milk Regulation (Cap 132 sub. leg. AQ)	Section 15(1)
23.	Offensive Trades Regulation (Cap 132 sub. leg. AX)	Section 9(2)
24.	(Repealed L.N. 152 of 2006)	
25.	Public Cemeteries Regulation (Cap 132 sub. leg. BI)	Section 5(a)
26.	Slaughterhouses Regulation (Cap 132 sub. leg. BU)	Section 10(1)
27.	Swimming Pools Regulation (Cap 132 sub. leg. CA)	Section 5(1)
28.	Places of Public Entertainment Regulations (Cap 172 sub. leg. A)	Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)
29.	Births and Deaths Registration Ordinance (Cap 174)	Sections 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i) (8 of 2006 s. 50)
30.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1) and (1B)(a)
31.	Marriage Reform Ordinance (Cap 178)	Section 9(4)(a)
32.	Marriage Ordinance (Cap 181)	Section 14(1)
33.	Aerial Ropeways (Safety) Ordinance (Cap 211)	Section 7
34-36.	(Repealed L.N. 152 of 2006)	
37.	(Repealed L.N. 36 of 2003)	
38.	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap 296 sub. leg. A)	Regulations 11(2) and 12(2)
39.	(Repealed L.N. 152 of 2006)	
40.	(Repealed L.N. 215 of 2007)	
41-43.	(Repealed L.N. 152 of 2006)	
44.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulations 12R(1), 17(2) and 20(1) (25 of 2005 s. 41; L.N. 152 of 2006)
45.	(Repealed L.N. 90 of 2012)	
46.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Sections 3(1) and (2) and 4
47-48	(Repealed L.N. 215 of 2007)	
.		
49-50.	(Repealed L.N. 152 of 2006)	
51.	New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap 495)	Section 5(1) and (2) (L.N. 152 of 2006)
52.	Environmental Impact Assessment Ordinance (Cap 499)	Sections 5(1) and (2), 6(2) and 7(1)(a) (L.N. 84 of 2009; L.N. 90 of 2012)
53.	(Repealed L.N. 152 of 2006)	
54.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Section 5(2) (L.N. 261 of 2000)
55.	Electoral Affairs Commission (Registration) (Electors for Legislative	Section 21(2) (L.N. 261 of 2000; L.N. 268 of 2001)

- ~~Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)~~
56. Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C) Sections 5(13) and 8(2)
57. Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D) Sections ~~23(8) and (12), 25(6) and (15), 42(11) and (13) and 66(7) and (10)~~ 42(11) and (13) (to the extent to which it relates to a notice of appointment, ~~of a polling agent for a polling station other than a dedicated polling station situated in a prison or a notice of revocation, delivered to the Presiding Officer on polling day)~~ and 66(7) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer or the Presiding Officer, as may be appropriate, on polling day) (L.N. 268 of 2001)
58. Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E) Sections 5(8) and 8(2)
59. Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F) Sections ~~26(5) and (9), 28(3) and (12), 45(8) and (10), 66(6) and (9) and 102(4)~~ 45(8) and (10) (to the extent to which it relates to a notice of appointment, ~~of a polling agent for a polling station other than a dedicated polling station situated in a prison or a notice of revocation, delivered to the Presiding Officer on polling day)~~, 66(6) and (9) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and 102(4) (L.N. 90 of 2012)
- 59A. Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H) Sections 6(13) and 9(2) (L.N. 268 of 2001)
- 59B. Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I) Sections 23(5) and (9), 25(2), 42(8) and (10) and 64(8) and (10) (L.N. 268 of 2001)
- 59C. Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J) Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6) and 80(2) (L.N. 282 of 2001; 11 of 2012 s. 23)

60. Legislative Council Ordinance (Cap 542) Sections 13(1), 14(1),—~~26(6)~~, 38(3), 40(1)(b) and 42(2) (21 of 2001 s. 75)
61. Registration of Electors (Appeals) Regulation (Cap 542 sub. leg. B) Section 2(1) and (2)(c)
62. (Repealed L.N. 268 of 2001)
63. District Councils Ordinance (Cap 547) Sections 15(1), 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2
64. Election (Corrupt and Illegal Conduct) Ordinance (Cap 554) Sections 37(1) and (2) and 37A(4) and (6) (L.N. 167 of 2000; 18 of 2011 s. 50)
65. Chief Executive Election Ordinance (Cap 569) Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3); ~~13(6)~~ and 21(2) (21 of 2001 s. 75)
66. Election Committee (Appeals) Regulation (Cap 569 sub. leg. A) Sections 4(1) and 5(1) and (2)(c) (L.N. 268 of 2001)
67. Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569 sub. leg. B) Section 3(1) and (2)(c) (L.N. 268 of 2001)
68. Village Representative Election Ordinance (Cap 576) Sections 8(1), 10(1), 24 and 26(2) (2 of 2003 s. 68)
- 69-70. (Repealed L.N. 152 of 2006)
71. (Repealed L.N. 215 of 2007)
72. Arbitration Ordinance (Cap 609) Sections 26(1), 31(7), 32(1)(a) and (3), 33(1), 50, 52, 54(1), 66(2), 67(1), 74(2) and 102(a) (17 of 2010 s. 112)

Chapter:	553B	Electronic Transactions (Exclusion) Order	Gazette Number	Version Date
Schedule:	2	Provisions Excluded from Application of Section 6 of Ordinance	L.N. 156 of 2013	20/12/2013

[section 3]

Item	Enactment	Provision
1.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78) (Repealed L.N. 36 of 2003)	Section 5(1) (L.N. 156 of 2013)
2.	Immigration Ordinance (Cap 115)	Section 5(4)(b) and (5)(a)(ii) and (b)(ii)
3.	(Repealed 15 of 2004 s. 62)	
4.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulation 12(1), (2), (3) and (5) (15 of 2004 s. 62; L.N. 90 of 2012)
5.		

6.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1)
	Marriage Ordinance (Cap 181)	Section 6
7.		
8.	Legitimacy Ordinance (Cap 184)	Schedule, paragraph 1
9.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulation 17(2) (L.N. 152 of 2006)
10.	(Repealed L.N. 90 of 2012)	
11.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Section 6
12.	(Repealed L.N. 152 of 2006)	
13.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Sections 14(2) and 15(6) (L.N. 261 of 2000)
14.	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)	Sections 19(1)(e), 20(2), (3), (5), (7) and (8), 26(6), 30(2), 31(7), 31A(2) and 33(9) 30(2), 31(7) and 31A(2) (L.N. 261 of 2000; L.N. 268 of 2001)
15.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C)	Section 5(4)
16.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 10(7) and (8), 11(7) and (8), 20(2), 23(9) and (12), 25(8) and (15), 42(11) and (13) and 66(7) and (10) 42(11) and (13) (to the extent to which it relates to a notice of appointment, of a <u>polling agent for a polling station other than a dedicated polling station situated in a prison or a notice of revocation, delivered to the Presiding Officer on polling day) and 66(7) and (10)</u> (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the <u>Returning Officer or the Presiding Officer, as may be appropriate, on polling day)</u> (L.N. 268 of 2001; 25 of 2003 s. 50; 11 of 2012 s. 24)
17.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Section 5(2)
18.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap	Sections 12(7) and (8), 20(2), 26(6) and (9), 28(5) and (12),

541 sub. leg. F)	45(8), 66(6) and (9) and 102(4) 45(8) and (10) (to the extent to which it relates to a notice of appointment, of a polling agent for a polling station other than a dedicated polling station situated in a prison or a notice of revocation, delivered to the Presiding Officer on polling day), 66(6) and (9) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and 102(4) (11 of 2012 s. 24) Section 6(4) (L.N. 268 of 2001)
18A. Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	
18B. Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 7(4), 8(6) and (7), 17(2), 23(6) and (9), 25(4) and (9), 42(8) and (10), 64(8) and (10) and 99(2)(b) (L.N. 268 of 2001; 11 of 2012 s. 24)
18C. Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6) and 80(2) (L.N. 282 of 2001; 11 of 2012 s. 24)
19. Legislative Council Ordinance (Cap 542)	Sections 13(2), 14(2), 40(2) and 42(2) (21 of 2001 s. 76)
20. District Councils Ordinance (Cap 547)	Sections 15(2), 23(2), 25(2), 35(2) and 63(2)
21. (Repealed L.N. 156 of 2013)	
22. Chief Executive Election Ordinance (Cap 569)	Sections 16(3) and (8) and 33(2) and the Schedule, sections 3(4) and 21(2) (21 of 2001 s. 76)
23. Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Section 3(2) (L.N. 268 of 2001)
24. Village Representative Election Ordinance (Cap 576)	Sections 8(2), 10(2), 24 and 26(2) (2 of 2003 s. 68)
25-26 (Repealed L.N. 152 of 2006)	
27. (Repealed L.N. 215 of 2007)	
28. Arbitration Ordinance (Cap 609)	Section 67(1) (17 of 2010 s. 112)

Chapter:	541L	Electoral Procedure (Rural Representative Election) Regulation	Gazette Number	Version Date
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Section:	22	Appointment of election agent	L.N. 212 of 2009	30/10/2009
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(1) Each candidate may appoint one person as his election agent.

(2) Only a holder of an identity card, who has attained the age of 18 years, may be appointed as an election agent.

(3) An election agent appointed by a candidate may do all things which the candidate may do or is required to do under this Regulation in connection with an election except—

- (a) making a declaration referred to in section 24 of the Election Ordinance or section 7(1)(b);
- (b) signing a nomination form as the candidate being nominated;
- (c) signing a notice of withdrawal of candidature referred to in section 14(2) as the candidate;
- (d) appointing an election agent under subsection (1);
- (e) appointing an election expense agent under section 23;
- (f) incurring election expenses on behalf of the candidate, unless he has also been appointed by the candidate as the candidate's election expense agent under section 23;
- (g) revoking the appointment of an election agent or election expense agent under section 24(4);
- (h) subject to paragraph (i), being present in a dedicated polling station situated in a prison unless, upon an application in the specified form ~~lodged with the Director of Home Affairs delivered by hand, by post, by electronic mail or by facsimile transmission to the Returning Officer~~—at least one week before polling day, the Commissioner of Correctional Services consents to his presence; and
- (i) being present in a dedicated polling station situated in a maximum security prison.

(3A) The Commissioner of Correctional Services must not give consent under subsection (3)(h) if he has given consent under section ~~37(1A)~~~~36(4A)~~37(1A) to a polling agent of the same candidate.

(3B) Despite subsection (3)(h), the Commissioner of Correctional Services may, upon an application ~~lodged~~made under that subsection during the week before polling day, give consent under that subsection if he is satisfied that—

- (a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
- (b) the application is ~~lodged~~made without undue delay after the admission or transfer.

(3C) If the Commissioner of Correctional Services refuses to give consent under subsection (3)(h), he must notify the candidate or the election agent as soon as practicable.

(4) Subject to subsection (3), any act which purports to be done by an election agent in his capacity as such on behalf of the candidate who appointed him shall be as effective as if it had been done by the candidate in person.

(5) A notice under section 25(1), 34(2) or (5), 42(4) or 55(3) given to the election agent of a candidate shall be regarded as having been given to the candidate.

本條例草案

旨在

修訂多項選舉法例，以作出關乎以下事宜的技術性修訂：惡劣天氣的影響、取消選民或投票人登記的程序、在區議會(第二)功能界別登記的申請、監察投票代理人及監察點票代理人的委任、藉電子方式送交文件、有多於一票的投票人的投票程序、在大點票站的點票程序、選舉代理人的權限、延遲或押後選舉、投票或點票、指定投票站或點票站、選民登記周期的時限規定及與選舉有關的罪行，以及作出其他不影響選舉制度的實質內容的次要修訂。

由立法會制訂。^{*}

* Remark 備註：

Amendment is proposed to the Chinese text of the Bill only.

此項修訂只適用於條例草案的中文文本。

Annex G

Proposed Committee Stage Amendments

Other refinements (paragraph 8 of the Bills Committee paper)

Extracts of relevant legislative provisions

Note 1: The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2014 (gazetted on 11 April 2014).

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered like this.

Chapter:	542B	REGISTRATION OF ELECTORS (APPEALS) REGULATION	Gazette Number	Version Date
Section:	2	Fixing of hearing and notifying the appellant thereof	L.N. 26 of 2003	04/04/2003

- (1) Where the Revising Officer receives a copy of a notice of appeal or a notice of claim or a notice of objection from the Electoral Registration Officer, he shall, as soon as practicable-
- (a) subject to subsection (3), fix a date, time and place for holding a hearing as regards the appeal or the claim or the objection to which the notice relates; and
 - (b) send by registered post, a notice under subsection (2)- (L.N. 26 of 2003)
 - (i) to the appellant concerned to the address furnished as his address in the notice of appeal or the notice of claim or the notice of objection, as the case may be; and
 - (ii) in the case of a notice of objection, in addition to the appellant, to the person in respect of whom the objection is made.
- (2) A notice for the purposes of subsection (1)(b) shall-
- (a) state that a hearing is to be held as regards the notice of appeal or the notice of claim or the notice of objection, as the case may be;
 - (b) specify the date, time and place fixed under subsection (1)(a) for such hearing;
 - (c) state that the appellant or the person in respect of whom the objection is made, as the case may be-
 - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the appeal or claim or objection concerned;
 - (ii) may be represented at such hearing by a legal practitioner or any other person (authorized in writing by the appellant or the person in respect of whom the objection is made, as may be appropriate) who may make representations on his behalf; or
 - (iii) whether or not he appears or is represented, may make representations in writing regarding the appeal or claim or objection concerned and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer on a date not later than 1 day before the date fixed for the hearing; and

- (d) in the case of a notice sent to an appellant, state that if the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and if the appellant-
 - (i) does not appear at the hearing;
 - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
 - (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer on a date not later than 1 day before the date of the hearing,
 the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection relates, shall stand.

(3) Where a copy of a notice of claim or a notice of objection is received by the Revising Officer-

- (a) during the period beginning on ~~3 May 2002 and ending on 2 September 2003~~ 3 July 2014 and ending on 2 September 2015, the date fixed under subsection (1)(a) as regards that notice shall be a date between ~~15 August 2003 and 11 September 2003~~ 1 August 2015 and 11 September 2015 (both dates inclusive); (Repealed L.N. 282 of 1999. Added L.N. 26 of 2003)
- (b) during the period beginning on 3 September in any year subsequent to ~~2002~~ 2014, if that subsequent year is a District Council election year, and ending on 2 July in the year following that subsequent year, the date fixed under subsection (1)(a) as regards that notice shall be a date between ~~15 June~~ 1 June and 11 July (both dates inclusive) in that following year; or (Repealed L.N. 282 of 1999. Added L.N. 26 of 2003)
- (ba) (Repealed L.N. 199 of 2001)
- (c) during the period beginning on 3 July in any year subsequent to ~~2002~~ 2014, if that subsequent year is not a District Council election year, and-
 - (i) ending on 2 September in the year following that subsequent year, if that following year is a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between ~~15 August~~ 1 August and 11 September (both dates inclusive) in that following year; or
 - (ii) ending on 2 July in the year following that subsequent year, if that following year is not a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between ~~15 June~~ 1 June and 11 July (both dates inclusive) in that following year, (L.N. 26 of 2003)

which date so fixed in accordance with paragraph (a), (b) or (c)(i) or (ii), as the case may be, shall not be earlier than the third day after the day on which the copy of the notice is so received. (L.N. 26 of 2003)

(4) Where a copy of a notice of appeal is received by the Revising Officer-

- (a) on a date not later than the eighth day before the polling date for the functional constituency concerned in any year, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 21 days beginning from 25 days before such polling date; and
- (b) on a date later than the eighth day before the polling date for the functional constituency concerned, the date fixed under subsection (1)(a) as regards that notice shall be- (L.N. 199 of 2001; L.N. 244 of 2001; L.N. 26 of 2003)
 - (i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11

- September in that year; (L.N. 26 of 2003)
- (ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year; (L.N. 26 of 2003)
 - (iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election year, a date within a period of 27 days ending on 11 July in that year; or (L.N. 26 of 2003)
 - (iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year-
 - (A) a date within a period of 28 days ending on 11 September in the next following year, if that following year is a District Council election year; or
 - or
 - (B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year. (L.N. 26 of 2003)

(4A) Despite subsections (3) and (4) and section 5, if -

- (a) the date fixed under subsection (1)(a) for a hearing-
 - (i) is the last day of the period specified in subsection (3)(a), (b) or (c)(i) or (ii) or (4)(a) or (b)(i), (ii), (iii) or (iv)(A) or (B); or
 - (ii) is postponed under section 1A to or beyond the last day of the period mentioned in subparagraph (i); and
 - (b) the deadline for the making of representations in writing to the Revising Officer under this section is postponed under section 1A to that hearing day, the Revising Officer may, in his or her discretion, postpone the hearing to the next working day, which is not an inclement weather warning day, following that postponed deadline.
- (5) As regards any notice of appeal or notice of claim or notice of objection-
- (a) in the case where the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and the appellant-
 - (i) does not appear at the hearing thereof;
 - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at that hearing; and
 - (iii) does not make representations in writing regarding the appeal or claim or objection concerned, as the case may be, to be received by the Revising Officer on a date not later than 1 day before the date of that hearing,
 the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection, as the case may be, relates, shall stand; or
 - (b) in any other case, the Revising Officer shall make a ruling either allowing or dismissing the appeal or the claim or the objection, as the case may be, to which that notice relates.

(6) In this section—

inclement weather warning day (惡劣天氣警告日) and *working day* (工作日) have the same meaning as in section 1A.

(L.N. 199 of 2001)

Chapter:	542B	REGISTRATION OF ELECTORS (APPEALS) REGULATION	Gazette Number	Version Date
Section:	6	Review of rulings by Revising Officer	L.N. 26 of 2003	04/04/2003

(1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made, review any ruling made under section 2(5)(b), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.

(2) A ruling under section 2(5)(b) made-

- (a) during the period beginning on ~~15 August~~ 1 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period; (Repealed L.N. 282 of 1999. Added L.N. 26 of 2003)
- (b) during the period beginning on ~~15 June~~ 1 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period; (L.N. 26 of 2003)
- (c) during the period ~~of 21 days as referred to in section 2(4)(a)~~ may only be reviewed during that period;
- (d) during the period ~~of 27 days as referred to in-~~
 - (i) section 2(4)(b)(ii) may only be reviewed during that period;
 - (ii) section 2(4)(b)(iii) may only be reviewed during that period; or
 - (iii) section 2(4)(b)(iv)(B) may only be reviewed during that period; or (L.N. 26 of 2003)
- (e) during the period ~~of 28 days as referred to in-~~
 - (i) section 2(4)(b)(i) may only be reviewed during that period; or
 - (ii) section 2(4)(b)(iv)(A) may only be reviewed during that period. (L.N. 26 of 2003)

(2A) Despite subsection (2), if the conditions under section 2(4A)(a)(i) or (ii); and (b) are met, the period for a review of the ruling in respect of the appeal, claim or objection in question is extended to the next working day, which is not an inclement weather warning day, following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 2(4A) in relation to that ~~ruling appeal, claim or objection~~.

(2B) A ruling made or reviewed after 11 September in a District Council election year because of an extension under subsection (2A) is deemed, for the following provisions, to be made on 11 September in that year –

- (a) section 19(5)(a) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); and
- (b) sections 35(5)(a) and 36(5)(a) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B).

(2C) A ruling made or reviewed after 11 July in a year which is not a District Council election year because of an extension under subsection (2A) is deemed, for the following provisions, to be made on 11 July that year—

- (a) section 19(5)(b) of the Electoral Affairs Commission (Registration of Electors)

(Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); and

(b) sections 35(5)(b) and 36(5)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B).

(3) In the case where the Revising Officer decides to review any ruling made under section 2(5)(b), he shall determine the procedure for such review.

(4) In this section—

inclement weather warning day (惡劣天氣警告日) and *working day* (工作日) have the same meaning as in section 1A.

Chapter:	569B	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation	Gazette Number	Version Date
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Section:	3	Fixing of hearing and notifying appellant thereof	E.R. 1 of 2012	09/02/2012
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- (1) Where the Revising Officer receives a copy of a notice of appeal or a notice of claim or a notice of objection from the Electoral Registration Officer, the Revising Officer shall, as soon as practicable-
 - (a) subject to subsections (3), (4) and (5), fix a date, time and place for holding a hearing as regards the appeal or the claim or the objection to which the notice relates; and
 - (b) send by registered post, a notice under subsection (2)- (L.N. 27 of 2003)
 - (i) to the appellant concerned to the address furnished as his address in the notice of appeal or the notice of claim or the notice of objection, as the case may be; and
 - (ii) in the case of a notice of objection, in addition to the appellant, to the person in respect of whom the objection is made.
- (2) A notice for the purposes of subsection (1)(b) shall-
 - (a) state that a hearing is to be held as regards the notice of appeal or the notice of claim or the notice of objection, as the case may be;
 - (b) specify the date, time and place fixed under subsection (1)(a) for such hearing;
 - (c) state that the appellant or the person in respect of whom the objection is made, as the case may be-
 - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the appeal or claim or objection concerned, as the case may be;
 - (ii) may be represented at such hearing by a legal practitioner or any other person (authorized in writing by the appellant or the person in respect of whom the objection is made, as may be appropriate) who may make representations on his behalf; or
 - (iii) whether or not he appears or is represented, may make representations in writing regarding the appeal or claim or objection concerned and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer before the date fixed for the hearing; and (L.N. 243 of 2001)
 - (d) in the case of a notice sent to an appellant, state that if the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and if the appellant-

- (i) does not appear at the hearing;
- (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
- (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer before the date of the hearing, (L.N. 243 of 2001)

the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand.

- (3) Where a copy of a notice of appeal is received by the Revising Officer-
 - (a) on a date not later than the eighth day before the polling date for the subsector concerned, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 21 days beginning from 25 days before such polling date; and (L.N. 243 of 2001)
 - (b) on a date later than the eighth day before the polling date for the subsector concerned, the date fixed under subsection (1)(a) as regards that notice shall be- (L.N. 243 of 2001; L.N. 27 of 2003)
 - (i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11 September in that year;
 - (ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year;
 - (iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election year, a date within a period of 27 days ending on 11 July in that year; or
 - (iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year-
 - (A) a date within a period of 28 days ending on 11 September in the next following year, if that following year is a District Council election year; or
 - (B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year. (L.N. 27 of 2003)
- (4) Where a copy of a notice of claim or a notice of objection as regards an entry, or registration, in a subsector register, is received by the Revising Officer-
 - (a) (Repealed 1 of 2011 s. 16)
 - (aa) during the period beginning on 3 July 2014 and ending on 2 September 2015, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 August 2015 and 11 September 2015 (both dates inclusive);
 - (b) during the period beginning on 3 September in any year subsequent to ~~2002~~2014, if that subsequent year is a District Council election year, and ending on 2 July in the year following that subsequent year, the date fixed under subsection (1)(a) as regards that notice shall be a date between ~~15 June~~ 1 June and 11 July (both dates inclusive) in that following year; or
 - (c) during the period beginning on 3 July in any year subsequent to ~~2002~~2014, if that subsequent year is not a District Council election year, and-
 - (i) ending on 2 September in the year following that subsequent year, if that following year is a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between ~~15 August~~ 1 August and 11

September (both dates inclusive) in that following year; or

- (ii) ending on 2 July in the year following that subsequent year, if that following year is not a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between ~~15 June~~ 1 June and 11 July (both dates inclusive) in that following year,

which date so fixed in accordance with paragraph (b) or (c)(i) or (ii), as the case may be, shall not be earlier than the third day after the day on which the copy of the notice is so received. (L.N. 27 of 2003; 1 of 2011 s. 16)

- (5) Where a copy of a notice of claim or a notice of objection as regards an entry, or registration, in an Election Committee register, is received by the Revising Officer not later than the tenth day after the date of publication of the relevant Election Committee provisional register, the date fixed under subsection (1)(a) as regards that notice shall be a date not later than the twentieth day after that date of publication, which date so fixed shall not be earlier than the third day after the day on which the copy of the notice is received.

(5A) Despite subsections (3) and (4) and section 6, if—

(a) the date fixed under subsection (1)(a) for a hearing—

- (i) is the last day of the period specified in subsection (3)(a) or (b)(i), (ii), (iii) or (iv)(A) or (B) or (4)(b), (b) or (c)(i) or (ii); or
- (ii) is postponed under section 2A to or beyond the last day of the period mentioned in subparagraph (i); and

(b) the deadline for the making of representations in writing to the Revising Officer under this section is postponed under section 2A to that hearing day,

the Revising Officer may, in his or her discretion, postpone the hearing to the next working day, which is not an inclement weather warning day, following that postponed deadline.

- (6) As regards any notice of appeal or notice of claim or notice of objection-

- (a) in the case where the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and the appellant-

- (i) does not appear at the hearing;
- (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
- (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer before the date of the hearing, (L.N. 243 of 2001)

the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand; or

- (b) in any other case, the Revising Officer shall make a ruling either allowing or dismissing the appeal or the claim or the objection, as the case may be, to which that notice relates.

(7) In this section—

inclement weather warning day (惡劣天氣警告日) and *working day* (工作日) have the same meaning as in section 2A.

Chapter:	569B	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation	Gazette Number	Version Date
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Section:	7	Review of rulings by Revising Officer	E.R. 1 of 2012	09/02/2012
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- (1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made, review any ruling made under section 3(6)(b), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.
- (2) A ruling under section 3(6)(b) made-
- (aa) during the period beginning on ~~15 August~~ 1 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period; (L.N. 27 of 2003)
 - (ab) during the period beginning on ~~15 June~~ 1 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period; (L.N. 27 of 2003)
 - (a) during the period of ~~21 days~~ as referred to in section 3(3)(a) may only be reviewed during that period;
 - (b) during the period of ~~27 days~~ as referred to in-
 - (i) section 3(3)(b)(ii) may only be reviewed during that period;
 - (ii) section 3(3)(b)(iii) may only be reviewed during that period; or
 - (iii) section 3(3)(b)(iv)(B) may only be reviewed during that period; (L.N. 27 of 2003)
 - (c) during the period of ~~28 days~~ as referred to in-
 - (i) section 3(3)(b)(i) may only be reviewed during that period; or
 - (ii) section 3(3)(b)(iv)(A) may only be reviewed during that period; or (L.N. 27 of 2003)
 - (d)-(e) (Repealed L.N. 27 of 2003)
 - (f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5) may only be reviewed during the period of 20 days after that date of publication.
- (2A) Despite subsection (2), if the conditions under section 3(5A)(a)(i) or (ii) and (b), are met, the period for a review of the ruling in respect of the appeal, claim or objection in question is extended to the next working day, which is not an inclement weather warning day, following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 3(5A) in relation to that ruling appeal, claim or objection.
- (2B) A ruling made or reviewed after 11 September in a District Council election year because of an extension under subsection (2A) is deemed, for sections 35(5)(a) and 36(5)(a) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B), to be made on 11 September in that year.
- (2C) A ruling made or reviewed after 11 July in a year which is not a District Council election year because of an extension under subsection (2A) is deemed, for sections 35(5)(b) and 36(5)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B), to be made on 11 July in that year.
- (3) In the case where the Revising Officer decides to review any ruling made under section 3(6)(b), he shall determine the procedure for such review.

(4) In this section—

inclement weather warning day (惡劣天氣警告日) and *working day* (工作日) have the same meaning as in section 2A.

Chapter:	576A	RURAL REPRESENTATIVE ELECTION (REGISTRATION OF ELECTORS) (APPEALS) REGULATION	Gazette Number	Version Date
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Section:	2	Fixing a hearing date and notifying the appellant	12 of 2009	09/11/2009
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(1) When the Revising Officer receives a copy of a notice of claim or a notice of objection from the Electoral Registration Officer, he shall, as soon as practicable—

- (a) subject to subsection (5), fix a date, time and place for holding a hearing in respect of the claim or the objection to which the notice relates; and (12 of 2009 s. 16)
 - (b) send by post, a notice of hearing—
 - (i) to the appellant; and
 - (ii) if the hearing is in respect of a notice of objection, also to the person in respect of whom the objection is made.
- (2) A notice of hearing sent to a party shall—
- (a) state that a hearing is to be held in respect of the claim or the objection;
- (b) specify the date, time and place fixed for the hearing; and
- (c) state that the party—
 - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the claim or objection;
 - (ii) may be represented at the hearing by a legal practitioner or an authorized representative who may make representations on his behalf; or
 - (iii) whether or not he appears or is represented, may make representations in writing regarding the claim or objection and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer not later than 1 day before the date fixed for the hearing.

(2A) Despite subsection (5) and section 6, if—

- (a) the date fixed under subsection (1)(a) for a hearing—
 - (i) is the last day of the period specified in subsection (5)(a); or
 - (ii) is postponed under section 1A to or beyond the last day of the period specified in subsection (5)(a); and
 - (b) the deadline for the making of representations in writing to the Revising Officer under section 3(1)(b)(iii) is postponed under section 1A to that hearing day, the Revising Officer may, in his or her discretion, postpone the hearing to the next working day, which is not an inclement weather warning day, following that postponed deadline.
- (3) A notice of hearing sent to an appellant shall also state that if—
- (a) the Electoral Registration Officer does not make representations to the Revising Officer at the hearing; and
 - (b) the appellant—
 - (i) does not appear at the hearing;
 - (ii) is not represented at the hearing by a legal practitioner or an authorized

representative; and

- (iii) does not make representations in writing regarding the claim or objection to be received by the Revising Officer not later than 1 day before the hearing date,

the decision of the Electoral Registration Officer to which the notice of claim or the notice of objection relates shall stand.

(4) (Repealed 12 of 2009 s. 16)

(5) If a notice of claim or a notice of objection is lodged under Part 5 of the EAC Regulation in respect of a provisional register on or before 9 September of the year for which the relevant register is being compiled, the hearing date in respect of that notice- (12 of 2009 s. 16)

- (a) shall be after 27 August but not later than 23 September in that year; and
- (b) shall not be earlier than the third day after the day on which a copy of the notice is received by the Revising Officer. (12 of 2009 s. 16)

(6) In this section—

inclement weather warning day (惡劣天氣警告日) and *working day* (工作日) have the same meaning as in section 1A.