
Electoral Legislation (Miscellaneous Amendments) Bill 2014

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Division 2—Amendment to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

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Division 3—Amendments to Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)

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99. Section 32 amended (Chief Electoral Officer to designate some polling stations as special polling stations) C819

100. Section 65 amended (Returning Officer and Presiding Officer to give notice of place and time of the counting of votes to candidates) C819

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sub. leg. B)**

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Division 4—Amendments to Legislative Council Ordinance (Cap. 542)

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Division 5—Amendments to Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)

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Division 7—Amendments to Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)

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Division 2—Amendment to Electoral Affairs Commission Ordinance (Cap. 541)

151.	Section 7 amended (regulations)	C895
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Division 3—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

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**Division 4—Amendments to Electoral Affairs Commission (Registration)
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sub. leg. B)**

153. Section 42 amended (offences and penalties) C897

**Division 5—Amendments to Electoral Affairs Commission (Registration of
Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K)**

154. Section 32 amended (offences and penalties) C897

A BILL

To

Amend various electoral legislation to make technical amendments concerning effect of inclement weather, de-registration procedure of electors or voters, registration applications for the District Council (second) functional constituency, appointment of polling agents and counting agents, sending documents by electronic means, voting procedure for voters with multiple votes, counting procedure at main counting stations, election agent's authority, postponement or adjournment of an election, poll or count, designation of polling or counting stations, dates in voter registration cycle and election-related offences and to make other minor amendments that do not affect the substance of the electoral systems.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Electoral Legislation (Miscellaneous Amendments) Ordinance 2014.

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- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
 - (3) Division 5 of Part 5 comes into operation on 1 January 2015.
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Part 2

Amendments Relating to Effect of Inclement Weather on Date and Period

Division 1—Enactments Amended

2. Enactments amended

The enactments specified in Divisions 2 to 14 are amended as set out in those Divisions.

Division 2—Amendment to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

3. Section 2A added

After section 2—

Add

“2A. Effect of inclement weather warning on date and period

(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;

Office (有關辦事處) means—

- (a) the office of the Electoral Registration Officer; or
 - (b) for section 19(5), 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 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>
section 4(1)(a)(i)	sections 4(2)(b) and 17(9)(a)(i)
section 4(1)(a)(ii)	sections 4(2)(c) and 17(9)(a)(ii)
section 13(1)(a)	section 19(5)(a)
section 13(1)(b)	section 19(5)(b)
section 13(3)(a)	sections 11(5)(b)(ii)(A) and 17(9)(b)(i)
section 13(3)(b)	sections 11(5)(b)(i) and (ii)(B) and 17(9)(b)(ii)

(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>
section 4(1)(a)(i)	section 12(c)(ii)(B)(I)
section 4(1)(a)(ii)	section 12(c)(ii)(A) and (B)(II)
(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).”.

Division 3—Amendment to 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)

4. Section 2A added

Part I, after section 2—

Add**“2A. Effect of inclement weather warning on date and period**

(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;

Office (有關辦事處) means—

- (a) the office of the Electoral Registration Officer; or
- (b) for sections 35(5) and 36(5), 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 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>
section 19(1)(a)(i)	sections 19(4)(b) and 33(10)(a)(i)(A)
section 19(1)(a)(ii)	sections 19(4)(c) and 33(10)(a)(i)(B)
section 29(1)(a)(i)	sections 35(5)(a) and 36(5)(a)
section 29(1)(a)(ii)	sections 35(5)(b) and 36(5)(b)
section 29(3)(a)(i)	section 26(5)(b)(ii)(A)
section 29(3)(a)(ii)	section 26(5)(b)(i) and (ii) (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 provisions 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>
section 19(1)(a)(i)	sections 27(1)(c)(i)(B)(II)(aa) and (ii)(B)(II)(aa) and 28(1)(a)(i)(B)(II)(aa) and (ii)(B)(II)(aa)
section 19(1)(a)(ii)	sections 27(1)(c)(i)(B)(I) and (II)(bb) and (ii)(B)(I) and (II)(bb) and 28(1)(a)(i)(B)(I) and (II)(bb) and (ii)(B)(I) and (II)(bb)
(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 provisions specified in subsection (5)(b).
(8)	This section does not apply in relation to provisions in this Regulation to the extent that they relate to an Election Committee register or Election Committee omissions list.”.

**Division 4—Amendments to Electoral Affairs Commission
(Electoral Procedure) (Legislative Council) Regulation (Cap.
541 sub. leg. D)**

5. Section 2A added

After section 2—

Add

“2A. Effect of inclement weather warning on date and period

(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.”.

6. Section 7 amended (Chief Electoral Officer to determine nomination period)

After section 7(3)—

Add

“(4) Despite subsections (2) and (3), the nomination period may be longer than 21 days and may end during the period of 28 days before the date on which the relevant election is to be held if the nomination period is extended under section 2A(3).”.

7. Section 24 amended (Returning Officer to send to other candidates a notice of particulars of election agent)

Section 24(6)—

Repeal

“period of 10 days”

Substitute

“notice period”.

Division 5—Amendments to Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)

8. Section 2A added

After section 2—

Add

“2A. Effect of inclement weather warning on date and period

(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.”.

9. Section 9 amended (Chief Electoral Officer to determine nomination period)

After section 9(3)—

Add

- “(4) Despite subsections (2) and (3), the nomination period may be longer than 21 days and may end during the period of 28 days before the date on which the relevant election is to be held if the nomination period is extended under section 2A(3).”.

10. Section 27 amended (Returning Officer to send to other candidates a notice of particulars of election agent)

Section 27(4)—

Repeal

“period of 10 days”

Substitute

“notice period”.

**Division 6—Amendments to Electoral Affairs Commission
(Registration of Electors) (Rural Representative Election)
Regulation (Cap. 541 sub. leg. K)**

11. Section 1A added

Part 1, after section 1—

Add

“1A. Effect of inclement weather warning on date and period

(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;

Office (有關辦事處) means—

(a) the office of the ERO; or

(b) for section 29(5), 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 a provision (*former provision*) specified in column 1 of the Table;

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

Table

<u>Column 1</u>	<u>Column 2</u>
section 9(1)	section 9(2)
section 22(2)	section 29(5)
section 27(10)(b)	section 20(7)
(5) If in any year 16 July falls on an inclement weather warning day, sections 21(2)(c) and 27(10)(a) have effect in relation to that year as if the references to “17 July” in those sections are substituted by references to the day immediately after the first working day, which is not an inclement weather warning day, following 16 July.”.	

12. Section 22 amended (ERO to publish notice that provisional register is available for public inspection)

Section 22(4)(a)—

Repeal

everything after “for a period”

Substitute

“beginning on the date on which the notice under subsection (1) is published in the Gazette and ending on 9 September in the same year;”.

Division 7—Amendments to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

13. Section 2A added

After section 2—

Add

“2A. Effect of inclement weather warning on date and period

(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.”.

14. Section 5 amended (Director of Home Affairs to determine nomination period)

After section 5(3)—

Add

“(4) Despite subsection (3), the nomination period may end during the period of 12 days before the polling day if the nomination period is extended under section 2A(3).”.

**Division 8—Amendment to Legislative Council Ordinance
(Cap. 542)**

15. Section 3A added

Part 1, after section 3—

Add

“3A. Effect of inclement weather warning on date

(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 Electoral Registration 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) the Electoral Registration Officer is required by section 32 to do an act not later than a date; and
- (b) the date falls on an inclement weather warning day,

that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date.”.

Division 9—Amendments to Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)

16. Section 1A added

After section 1—

Add

“1A. Effect of inclement weather warning on date and period

(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

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

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

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

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

17. Section 2 amended (fixing of hearing and notifying the appellant thereof)

After section 2(4)—

Add

“(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.”.

18. Section 4 amended (Electoral Registration Officer to be notified of rulings)

(1) Section 4(c)—

Repeal

“of 21 days as”.

- (2) Section 4(d)—

Repeal

“of 27 days as”.

- (3) Section 4(e)—

Repeal

“of 28 days as”.

19. Section 6 amended (review of rulings by Revising Officer)

- (1) Section 6(2)(c)—

Repeal

“of 21 days as”.

- (2) Section 6(2)(d)—

Repeal

“of 27 days as”.

- (3) Section 6(2)(e)—

Repeal

“of 28 days as”.

- (4) After section 6(2)—

Add

“(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 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.

-
- (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 in 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).”.

Division 10—Amendment to Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)

20. Section 5A added

Part 1, after section 5—

Add

“5A. Effect of inclement weather warning on date and period

(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 appropriate returning officer or the appropriate authority, as may be appropriate;

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) an act is required by section 34(3) or (4), 37(2)(a)(i)(A), (B) or (C) or (ii)(A), (B) or (C) or 37A(6)(a) to be done not later than or within a specified number of days after—

(i) an event; or

(ii) a date on which an event occurs; and

(b) the last day of those days falls on an inclement weather warning day,

the act may, despite that section, be done on the next working day, which is not an inclement weather warning day, following that last day.

(3) If the date on which the period under section 34(7) or 41(6) ends falls on an inclement weather warning day, the period is extended to end on the next working day, which is not an inclement weather warning day, following the date, and that section has effect accordingly.”.

Division 11—Amendment to Chief Executive Election Ordinance (Cap. 569)

21. Schedule, section 1A added

The Schedule, Part 1, after section 1—

Add

“1A. Effect of inclement weather warning on date

(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 Electoral Registration 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) the Electoral Registration Officer is required by section 14 to do an act not later than a date; and
- (b) the date falls on an inclement weather warning day,

that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date.”.

Division 12—Amendments to Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)

22. Section 2A added

After section 2—

Add

“2A. Effect of inclement weather warning on date and period

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

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>
section 32(2)(ab)(i) of Cap. 541B	section 3(4)(b)
section 32(2)(ab)(ii) of Cap. 541B	section 3(4)(c)

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

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

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

23. Section 3 amended (fixing of hearing and notifying appellant thereof)

After section 3(5)—

Add

“(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)(ab), (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.”.

24. Section 5 amended (Electoral Registration Officer to be notified of rulings)

- (1) Section 5(a)—
Repeal
“of 21 days as”.
- (2) Section 5(b)—
Repeal
“of 27 days as”.
- (3) Section 5(c)—
Repeal
“of 28 days as”.

25. Section 7 amended (review of rulings by Revising Officer)

- (1) Section 7(2)(a)—
Repeal
“of 21 days as”.

- (2) Section 7(2)(b)—

Repeal

“of 27 days as”.

- (3) Section 7(2)(c)—

Repeal

“of 28 days as”.

- (4) After section 7(2)—

Add

“(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 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.

(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.”.

Division 13—Amendment to Rural Representative Election Ordinance (Cap. 576)

26. Section 2A added

After section 2—

Add

“2A. Effect of inclement weather warning on date

(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 Electoral Registration 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) the Electoral Registration Officer is required by section 17(1)(a) or (b) to do an act not later than a date; and

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

that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date.”.

Division 14—Amendments to Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576 sub. leg. A)

27. Section 1A added

After section 1—

Add

“1A. Effect of inclement weather warning on date and period

(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 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.”.

28. Section 2 amended (fixing a hearing date and notifying the appellant)

After section 2(2)—

Add

“(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.”.

29. Section 6 amended (determination of matters and powers of adjournment, etc.)

Section 6(3)—

Repeal

“last day of the relevant period”

Substitute

“date”.

Part 3

Amendments Relating to Inclusion of Electors or Voters Who Requested De-registration in Omissions List

Division 1—Enactments Amended

30. Enactments amended

The enactments specified in Divisions 2 to 6 are amended as set out in those Divisions.

Division 2—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

31. Section 9 amended (Electoral Registration Officer to prepare an omissions list)

(1) Section 9(1)(a)—

Repeal subparagraph (ii).

(2) After section 9(1)(a)—

Add

“(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;”.

(3) Section 9(4)(a)—

Repeal

“; or”

Substitute a full stop.

(4) Section 9(4)—

Repeal paragraph (b).

(5) After section 9(4)—

Add

“(4A) The Electoral Registration Officer must acknowledge, by registered post, the receipt of a notice referred to in subsection (1)(ab)(ii).”

(6) Section 9(5), after “subsections (1)(a)(i)”—

Add

“, (ab)(ii)”.

Division 3—Amendments to 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)

32. Section 24 amended (Electoral Registration Officer to prepare an omissions list)

(1) Section 24(1)(i)—

Repeal subparagraph (B).

(2) After section 24(1)(i)—

Add

“(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;”.

(3) After section 24(3)—

Add

“(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.”.

(4) Section 24(5)(a)—

Repeal

“subsection (7); and”

Substitute

“subsection (7).”.

(5) Section 24(5)—

Repeal paragraph (b).

(6) Section 24(7)—

Repeal

“and (ii), (3)(i)”

Substitute

“, (ia)(B) and (ii), (3)(i), (3AA)(b)”.

- (7) After section 24(7)—

Add

“(7A) The Electoral Registration Officer must acknowledge, by registered post, the receipt of a notice referred to in subsection (1)(ia)(B) or (3AA)(b).”.

**Division 4—Amendments to Electoral Affairs Commission
(Registration of Electors) (Rural Representative Election)
Regulation (Cap. 541 sub. leg. K)**

33. Section 18 amended (ERO to prepare omissions list)

- (1) Section 18(2)—

Repeal paragraph (b).

- (2) After section 18(2)—

Add

“(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.”.

- (3) Section 18—

Repeal subsection (7).

- (4) Before section 18(8)—

Add

“(7A) The ERO must acknowledge, by registered post, the receipt of a notice referred to in subsection (2A)(b).”.

**Division 5—Amendments to Legislative Council Ordinance
(Cap. 542)**

34. Section 32 amended (Electoral Registration Officer to compile and publish electoral registers)

(1) Section 32(4)—

Repeal paragraph (a)

Substitute

“(a) 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 signed written notices, informed the Electoral Registration Officer that they do not wish to be registered in the register;”.

(2) Section 32(5)—

Repeal

everything after “Officer must”

Substitute

“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 registered in the register.”.

(3) After section 32(5)—

Add

“(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).”.

Division 6—Amendments to Rural Representative Election Ordinance (Cap. 576)

35. Section 17 amended (Electoral Registration Officer to compile and publish registers of electors)

(1) Section 17(4)(a)—

Repeal

everything after “particulars of”

Substitute

“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 the Electoral Registration Officer that they do not wish to be registered in the register;”.

(2) Section 17(5)—

Repeal

everything after “Registration Officer”

Substitute

“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 registered in the register.”.

(3) After section 17(5)—

Add

“(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.”.
-

Part 4

Amendment Relating to Application for Registration in District Council (Second) Functional Constituency

- 36. Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation amended**

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) is amended as set out in section 37.

- 37. Section 19 amended (how to apply for registration in functional constituencies provisional register and subsector provisional register)**

Section 19(1)—

Repeal

“(other than a provisional register for the District Council (second) functional constituency)”.

Part 5

Amendments Relating to Notice Requirement for Appointment of Polling Agents and Counting Agents

Division 1—Enactments Amended

38. Enactments amended

The enactments specified in Divisions 2 to 5 are amended as set out in those Divisions.

Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

39. Section 42 amended (candidates may appoint polling agents)

(1) Section 42—

Repeal subsection (8)

Substitute

“(8) The appointment of a polling agent for a polling station (other than a dedicated polling station situated in a prison) is effective only if a notice of the appointment is delivered on polling day by the agent in person to the Presiding Officer before the close of the poll for the station.”.

(2) After section 42(8)—

Add

“(8AA) The appointment of a polling agent for a dedicated polling station situated in a prison is effective only—

(a) if—

-
- (i) a notice of the appointment is delivered to the Chief Electoral Officer at least one week before polling day; and
 - (ii) the Commissioner of Correctional Services (*Commissioner*) consents to the appointment; or
 - (b) if—
 - (i) the Commissioner is satisfied that an elector in custody or authorized representative in custody who is entitled to vote for the relevant constituency at the polling station is admitted or transferred to the prison during the week before polling day;
 - (ii) a notice of the appointment is delivered to the Chief Electoral Officer after the admission or transfer during the week; and
 - (iii) the Commissioner is satisfied that the notice is delivered without undue delay and consents to the appointment.”.
 - (3) Section 42(8A)—
 - Repeal**
 - “, (5) and (8)”
 - Substitute**
 - “and (5)”.
 - (4) Section 42(8A)(b)—
 - Repeal**
 - “of Correctional Services”.
 - (5) Section 42(8A)(b), after “station;”—
 - Add**
 - “and”.

- (6) Section 42(8A)(c)—

Repeal

“; and”

Substitute a full stop.

- (7) Section 42(8A)—

Repeal paragraph (d).

- (8) Section 42—

Repeal subsection (8B).

- (9) Section 42(8C)—

Repeal

“of Correctional Services refuses to give consent under subsection (8A)(d)”

Substitute

“refuses to give consent under subsection (8AA)”.

- (10) Section 42—

Repeal subsections (9) and (10).

- (11) Section 42(11)—

Repeal

“for the purposes of this section”

Substitute

“of appointment”.

- (12) After section 42(11)—

Add

“(11A) Subject to subsection (11B), a notice of appointment must be delivered by hand.

(11B) A notice of appointment of a polling agent for a dedicated polling station situated in a prison may also be delivered by post, by electronic mail or by facsimile transmission.”.

(13) Section 42—

Repeal subsection (12)

Substitute

“(12) The appointment of a polling agent for a polling station is revoked if a notice of the revocation is delivered to the Chief Electoral Officer in accordance with this section before the close of the poll for the station.”.

(14) Section 42—

Repeal subsections (14), (14A) and (15).

(15) At the end of section 42—

Add

“(16) Subject to subsection (17), a notice of revocation must be delivered by hand, by electronic mail or by facsimile transmission.

(17) A notice of revocation which is delivered by post is also effective if it is received by the Chief Electoral Officer before polling day.”.

40. Section 66 amended (candidates may appoint counting agents)

(1) Section 66—

Repeal subsection (5)

Substitute

“(5) The appointment of a counting agent is effective only if a notice of the appointment is delivered by the agent in person to—

- (a) if the counting takes place at the central counting station—the relevant Returning Officer; or
- (b) if the counting takes place at any other counting station—the Presiding Officer of the station.”.

(2) Section 66—

Repeal subsection (6)

Substitute

“(6) A notice of appointment must be delivered after the close of poll and before—

- (a) for a counting station that is a ballot paper sorting station—the completion of the sorting of ballot papers; or
- (b) for any other counting station—the declaration of the election result.”.

(3) Section 66(7)—

Repeal

“for the purposes of this section”

Substitute

“of appointment”.

(4) Section 66—

Repeal subsection (8).

(5) Section 66—

Repeal subsection (9)

Substitute

“(9) The appointment of a counting agent for a counting station is revoked if a notice of the revocation is delivered to the Chief Electoral Officer in accordance with this section before the counting of the votes and re-counts, if any, are completed in the station.”.

(6) Section 66—

Repeal subsections (11) and (12).

(7) At the end of section 66—

Add

“(13) A notice of revocation must be delivered by hand, by electronic mail or by facsimile transmission.”.

41. Section 98 amended (publication and display of notices, etc.)

(1) Section 98(2)(e), after “paper;”—

Add

“and”.

(2) Section 98(2)—

Repeal paragraphs (f) and (g).

**Division 3—Amendments to Electoral Affairs Commission
(Electoral Procedure) (District Councils) Regulation (Cap.
541 sub. leg. F)**

42. Section 45 amended (candidates may appoint polling agents)

(1) Section 45—

Repeal subsection (5)

Substitute

“(5) The appointment of a polling agent for a polling station (other than a dedicated polling station situated in a prison) is effective only if a notice of the appointment is delivered on polling day by the agent in person to the Presiding Officer before the close of the poll for the station.”.

(2) After section 45(5)—

Add

“(5AA) The appointment of a polling agent for a dedicated polling station situated in a prison is effective only—

(a) if—

(i) a notice of the appointment is delivered to the Chief Electoral Officer at least one week before polling day; and

(ii) the Commissioner of Correctional Services (*Commissioner*) consents to the appointment; or

(b) if—

(i) the Commissioner is satisfied that an elector in custody who is entitled to vote for the relevant constituency at the polling station is admitted or transferred to the prison during the week before polling day;

(ii) a notice of the appointment is delivered to the Chief Electoral Officer after the admission or transfer during the week; and

(iii) the Commissioner is satisfied that the notice is delivered without undue delay and consents to the appointment.”.

(3) Section 45(5A)—

Repeal

“, (3) and (5)”

Substitute

“and (3)”.

(4) Section 45(5A)(b)—

Repeal

“of Correctional Services”.

- (5) Section 45(5A)(b), after “station;”—

Add

“and”.

- (6) Section 45(5A)(c)—

Repeal

“; and”

Substitute a full stop.

- (7) Section 45(5A)—

Repeal paragraph (d).

- (8) Section 45—

Repeal subsection (5B).

- (9) Section 45(5C)—

Repeal

“of Correctional Services refuses to give consent under subsection (5A)(d)”

Substitute

“refuses to give consent under subsection (5AA)”.

- (10) Section 45—

Repeal subsections (6) and (7).

- (11) Section 45(8)—

Repeal

“for the purposes of this section”

Substitute

“of appointment”.

- (12) After section 45(8)—

Add

“(8A) Subject to subsection (8B), a notice of appointment must be delivered by hand.

(8B) A notice of appointment of a polling agent for a dedicated polling station situated in a prison may also be delivered by post, by electronic mail or by facsimile transmission.”.

(13) Section 45—

Repeal subsection (9)

Substitute

“(9) The appointment of a polling agent for a polling station is revoked if a notice of the revocation is delivered to the Chief Electoral Officer in accordance with this section before the close of the poll for the station.”.

(14) Section 45—

Repeal subsections (11), (11A) and (12).

(15) At the end of section 45—

Add

“(13) Subject to subsection (14), a notice of revocation must be delivered by hand, by electronic mail or by facsimile transmission.

(14) A notice of revocation which is delivered by post is also effective if it is received by the Chief Electoral Officer before polling day.”.

43. Section 66 amended (candidates may appoint counting agents)

(1) Section 66—

Repeal subsection (4)

Substitute

“(4) The appointment of a counting agent for a counting station is effective only if a notice of the appointment is delivered by the agent in person to the Presiding Officer of the station.”.

(2) Section 66—

Repeal subsection (5)

Substitute

“(5) A notice of appointment must be delivered after the close of poll and before—

(a) for a counting station that is a ballot paper sorting station—the completion of the sorting of ballot papers; or

(b) for any other counting station—the declaration of the election result.”.

(3) Section 66(6)—

Repeal

“for the purposes of this section”

Substitute

“of appointment”.

(4) Section 66—

Repeal subsection (7).

(5) Section 66—

Repeal subsection (8)

Substitute

“(8) The appointment of a counting agent for a counting station is revoked if a notice of the revocation is delivered to the Chief Electoral Officer in accordance with this section before the counting of the votes and re-counts, if any, are completed in the station.”.

(6) Section 66—

Repeal subsections (10) and (11).

(7) At the end of section 66—

Add

“(12) A notice of revocation must be delivered by hand, by electronic mail or by facsimile transmission.”.

44. Section 98 amended (publication and display of notices, etc.)

(1) Section 98(2)(g), after “paper;”—

Add

“and”.

(2) Section 98(2)—

Repeal paragraphs (h) and (i).

Division 4—Amendments to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

45. Section 36 amended (polling agents)

(1) Section 36—

Repeal subsection (1)

Substitute

“(1) A candidate may appoint a maximum of 2 polling agents for one polling station.”.

(2) Section 36—

Repeal subsection (4)

Substitute

“(4) The appointment of a polling agent for a polling station (other than a dedicated polling station situated in a prison) is effective only if a notice of the appointment is delivered on polling day by the agent

in person to the Presiding Officer before the close of the poll for the station.”.

(3) After section 36(4)—

Add

“(4A) The appointment of a polling agent for a dedicated polling station situated in a prison is effective only—

(a) if—

- (i) a notice of the appointment is delivered to the Returning Officer at least one week before polling day; and
 - (ii) the Commissioner of Correctional Services (*Commissioner*) consents to the appointment;
- or

(b) if—

- (i) the Commissioner is satisfied that an elector in custody who is entitled to vote for the relevant Rural Area at the polling station is admitted or transferred to the prison during the week before polling day;
- (ii) a notice of the appointment is delivered to the Returning Officer after the admission or transfer during the week; and
- (iii) the Commissioner is satisfied that the notice is delivered without undue delay and consents to the appointment.

(4B) Despite subsection (1)—

- (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 has consented under section 22(3)(h) to the presence of the election agent of that candidate in that polling station; and
- (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison.
- (4C) If the Commissioner refuses to give consent under subsection (4A), the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable.”.
- (4) Section 36(5), English text—
- Repeal**
“shall”
- Substitute**
“must”.
- (5) Section 36(5)—
- Repeal paragraph (b).**
- (6) After section 36(5)—
- Add**
- “(5A) Subject to subsection (5B), a notice of appointment must be delivered by hand.
- (5B) A notice of appointment of a polling agent for a dedicated polling station situated in a prison may also be delivered by post, by electronic mail or by facsimile transmission.”.
- (7) Section 36—
- Repeal subsection (6)**
- Substitute**

“(6) The appointment of a polling agent for a polling station is revoked if a notice of the revocation is delivered to the Returning Officer in accordance with this section before the close of the poll for the station.”.

(8) Section 36(7), English text—

Repeal

“shall”

Substitute

“must”.

(9) Section 36(7)—

Repeal paragraph (b)

Substitute

“(b) delivered by hand, by electronic mail or by facsimile transmission (or by post if it is received by the Returning Officer before polling day); and”.

(10) Section 36—

Repeal subsections (9) and (10).

46. Section 37 amended (admission to polling station)

(1) Section 37(1)(k)—

Repeal

“(1A), (3), (4), (6), (6B) and (8)”

Substitute

“(3), (4), (6), (6B) and (8) and section 36”.

(2) Section 37—

Repeal subsections (1A), (1B), (1C) and (1D).

47. Section 56 amended (appointment of counting agent)

(1) Section 56—

Repeal subsection (4)

Substitute

“(4) The appointment of a counting agent for a counting station is effective only if a notice of the appointment is delivered by the agent in person to—

- (a) for a counting station that is a ballot paper sorting station—the Assistant Returning Officer; or
- (b) for any other counting station—the Returning Officer of the station.”.

(2) After section 56(4)—

Add

“(4A) A notice of appointment must be delivered after the close of poll and before—

- (a) for a counting station that is a ballot paper sorting station—the completion of the sorting of ballot papers; or
- (b) for any other counting station—the declaration of the election result.”.

(3) Section 56(5)—

Repeal paragraph (b).

(4) Section 56—

Repeal subsection (6)

Substitute

“(6) The appointment of a counting agent for a counting station is revoked if a notice of the revocation is delivered to—

(a) for a counting station that is a ballot paper sorting station—the Assistant Returning Officer; or

(b) for any other counting station—the Returning Officer of the station,

before the counting of the votes and re-counts, if any, are completed in the station.”.

(5) Section 56(7)—

Repeal paragraph (b)

Substitute

“(b) delivered by hand, by electronic mail or by facsimile transmission; and”.

(6) Section 56—

Repeal subsections (9) and (10).

48. Section 83 amended (manner of giving notice)

(1) Section 83(1)—

Repeal paragraphs (h) and (i).

(2) Section 83(1)(j), after “lots;”—

Add

“or”.

(3) Section 83(1)(k)—

Repeal the semicolon

Substitute a full stop.

(4) Section 83(1)—

Repeal paragraphs (l) and (m).

**Division 5—Amendments to Electronic Transactions
(Exclusion) Order (Cap. 553 sub. leg. B)**

49. Schedule 1 amended (provisions excluded from application of section 5 of Ordinance)

(1) Schedule 1—

Repeal items 54 and 55.

(2) Schedule 1, item 57, column 3—

Repeal

everything after “Sections”

Substitute

“42(11) (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) and 66(7)”.

(3) Schedule 1, item 59, column 3—

Repeal

everything after “Sections”

Substitute

“45(8) (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), 66(6) and 102(4)”.

(4) Schedule 1, item 60, column 3—

Repeal

“26(6),”.

(5) Schedule 1, item 65, column 3—

Repeal

“, 13(6)”.

50. Schedule 2 amended (provisions excluded from application of section 6 of Ordinance)

- (1) Schedule 2, item 14, column 3—

Repeal

everything after “Sections”

Substitute

“30(2), 31(7) and 31A(2)”.

- (2) Schedule 2, item 16, column 3—

Repeal

everything after “20(2),”

Substitute

“42(11) (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) and 66(7)”.

- (3) Schedule 2, item 18, column 3—

Repeal

everything after “20(2),”

Substitute

“45(8) (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), 66(6) and 102(4)”.

Part 6

Amendments Relating to Manner of Delivery

Division 1—Enactments Amended

51. Enactments amended

The enactments specified in Divisions 2, 3 and 4 are amended as set out in those Divisions.

Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

52. Section 23 amended (a candidate or a list of candidates may appoint election agent)

(1) Section 23(8)—

Repeal

“for the purposes of this section”

Substitute

“of appointment”.

(2) Section 23(16)—

Repeal

everything after “must”

Substitute

“be—

(a) in the specified form; and

(b) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of an appointment or a revocation of appointment made on polling day) by post.”.

(3) Section 23(18)(d)—

Repeal

“lodged with”

Substitute

“delivered by hand, by post, by electronic mail or by facsimile transmission to”.

(4) Section 23(20)—

Repeal

“lodged” (wherever appearing)

Substitute

“made”.

53. Section 25 amended (authorization of election expense agent to incur election expenses at or in connection with an election)

(1) Section 25—

Repeal subsection (10)

Substitute

“(10) A copy of the authorization may be served by hand, by post, by electronic mail or by facsimile transmission.”.

(2) Section 25—

Repeal subsection (15A)

Substitute

“(15A) The notice of revocation may be served by hand, by post, by electronic mail or by facsimile transmission.”.

54. Section 33 amended (Chief Electoral Officer may allocate special polling stations)

Section 33(2)(a)(ii), after “by post”—

Add

“, by electronic mail”.

55. Section 98 amended (publication and display of notices, etc.)

(1) Section 98(2)—

Repeal

“, sent by post”

Substitute

“or sent by post, by electronic mail”.

(2) Section 98(2)—

Repeal paragraph (a).

(3) Section 98(3), after “by post”—

Add

“, by electronic mail”.

**Division 3—Amendments to Electoral Affairs Commission
(Electoral Procedure) (District Councils) Regulation (Cap.
541 sub. leg. F)**

56. Section 26 amended (a candidate may appoint election agent)

(1) Section 26(5)—

Repeal

“for the purposes of this section”

Substitute

“of appointment”.

(2) Section 26(13)—

Repeal

everything after “must”

Substitute

“be—

(a) in the specified form; and

(b) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of an appointment or a revocation of appointment made on polling day) by post.”.

(3) Section 26(15)(d)—

Repeal

“lodged with”

Substitute

“delivered by hand, by post, by electronic mail or by facsimile transmission to”.

(4) Section 26(17)—

Repeal

“lodged” (wherever appearing)

Substitute

“made”.

57. Section 28 amended (a candidate may authorize persons to incur election expenses on the candidate’s behalf)

(1) Section 28—

Repeal subsection (7)

Substitute

“(7) A copy of the authorization may be served by hand, by post, by electronic mail or by facsimile transmission.”.

(2) Section 28—

Repeal subsection (12A)

Substitute

“(12A) The notice of revocation may be served by hand, by post, by electronic mail or by facsimile transmission.”.

58. Section 98 amended (publication and display of notices, etc.)

(1) Section 98(2)—

Repeal

“, sent by post”

Substitute

“or sent by post, by electronic mail”.

(2) Section 98(2)—

Repeal paragraph (c).

(3) Section 98(3), after “by post”—

Add

“, by electronic mail”.

Division 4—Amendments to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

59. Section 22 amended (appointment of election agent)

(1) Section 22(3)(h)—

Repeal

“lodged with the Director of Home Affairs”

Substitute

“delivered by hand, by post, by electronic mail or by facsimile transmission to the Returning Officer”.

- (2) Section 22(3A)—

Repeal

“37(1A)”

Substitute

“36(4A)”.

- (3) Section 22(3B)—

Repeal

“lodged” (wherever appearing)

Substitute

“made”.

60. Section 24 amended (provisions applicable to appointment of agents)

- (1) Section 24(3), English text—

Repeal

“shall”

Substitute

“must”.

- (2) After section 24(3)(a)—

Add

“(ab) be delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of an appointment made on polling day) by post;”.

- (3) Section 24(3)—

Repeal paragraph (b).

- (4) Section 24(5), English text—

Repeal

“shall”

Substitute

“must”.

- (5) After section 24(5)(a)—

Add

“(ab) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of revocation of appointment made on polling day) by post; and”.

- (6) Section 24(5)—

Repeal paragraph (b).

61. Section 83 amended (manner of giving notice)

- (1) Section 83(1), after “by post”—

Add

“, by electronic mail”.

- (2) Section 83(1)—

Repeal paragraphs (b) and (c).

Part 7

Amendments Relating to Requirement for Elector Issued with 2 or More Ballot Papers

62. Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation amended

The Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) is amended as set out in sections 63 and 64.

63. Section 53 amended (Presiding Officer to issue one or more ballot papers depending on the entitlement to vote)

After section 53(4)—

Add

“(4A) If an elector or authorized representative is entitled to be issued with 2 or more ballot papers, all the ballot papers must be handed over to him or her at the same time.”.

64. Section 53A amended (elector who has not cast vote may return to cast vote with permission)

(1) Section 53A, heading—

Repeal

everything after “may”

Substitute

“not return to cast vote unless permitted”.

(2) Section 53A(1)(a)—

Repeal

“a ballot paper”

Substitute

“one or more ballot papers”.

- (3) Section 53A(1)(b), after “the vote”—

Add

“or any or all of the votes”.

- (4) Section 53A(1)—

Repeal

“cast the vote when”

Substitute

“cast the uncast vote or votes when”.

- (5) Section 53A(1)(c)(i)—

Repeal

“the vote”

Substitute

“the uncast vote or votes”.

- (6) Section 53A(1)(c)(ii), after “the vote”—

Add

“or any or all of the votes”.

- (7) Section 53A(1)(c)(iii), after “paper”—

Add

“or papers”.

- (8) Section 53A(3)(a), after “paper”—

Add

“or papers”.

- (9) Section 53A(3)(b)—

Repeal

“the vote, re-issue the ballot paper”

Substitute

“the uncast vote or votes, re-issue the ballot paper or papers”.

- (10) Section 53A(4), after “paper”—

Add

“or papers”.

- (11) Section 53A(5)(a)—

Repeal

“a ballot paper”

Substitute

“one or more ballot papers”.

- (12) Section 53A(5)(b), after “voting”—

Add

“or completing the voting”.

- (13) Section 53A(5)(c)(i), after “paper”—

Add

“or any or all of the ballot papers”.

- (14) Section 53A(5)(c)(ii)—

Repeal

everything after “leaving the ballot paper”

Substitute

“or any or all of the ballot papers, unmarked, behind in the polling station without putting it or them into the ballot box or boxes (if the Presiding Officer is aware that the elector has so left the ballot paper or papers behind before leaving the polling station),”.

(15) Section 53A(5)—

Repeal

“the vote”

Substitute

“the uncast vote or votes”.

Part 8

Amendments Relating to Counting Procedures at Main Counting Stations

Division 1—Enactments Amended

65. Enactments amended

The enactments specified in Divisions 2, 3 and 4 are amended as set out in those Divisions.

Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

66. Section 2 amended (interpretation)

- (1) Section 2(1), definition of *verification of the ballot paper account*—

Repeal

“74A(1)(a) or (b)(iii)”

Substitute

“74A(1)(a) or (b)(i)(C) or (ii)(B)”.

- (2) Section 2(1), definition of *verification of the ballot paper account*—

Repeal

“74B(1)(c) or (1A) or (1B)(b)”

Substitute

“74B(1)(c), (1A) or (1B)(a)(iii) or (b)(ii)”.

67. Section 74A amended (arrangements for verification of ballot paper account at GC counting station)

Section 74A(1)—

Repeal paragraph (b)

Substitute

“(b) a main counting station must—

(i) at the counting zone—

(A) count and record the number of GC ballot papers in the ballot box or boxes from a small polling station, and verify the ballot paper account prepared under section 64 by comparing it with the number;

(B) count and record the number of GC ballot papers in the receptacle or receptacles received from a ballot paper sorting station, and verify the statement prepared under section 74AA(e) by comparing it with the number; and

(C) prepare a statement in writing as to the respective result of the verification under sub-subparagraphs (A) and (B),

before counting the votes for those ballot papers in accordance with section 75; and

(ii) after the counting of votes in accordance with section 75, at the counting zone—

(A) verify the number of GC ballot papers at the polling station designated as the main counting station so counted by comparing it with the ballot paper account prepared under section 64; and

- (B) prepare a statement in writing as to the result of the verification under sub-subparagraph (A);”.

68. Section 74B amended (arrangements for verification of ballot paper account at counting station at a by-election)

Section 74B(1B)—

Repeal

everything after “the Presiding Officer”

Substitute

“must—

- (a) at the counting zone—
 - (i) count and record the number of GC ballot papers in the ballot box or boxes from a small polling station or a dedicated polling station, and verify the ballot paper account prepared under section 64 by comparing it with the number;
 - (ii) count and record the number of GC ballot papers in the receptacle or receptacles received from a ballot paper sorting station (if any in the by-election), and verify the statement prepared under section 74AA(e) by comparing it with the number; and
 - (iii) prepare a statement in writing as to the respective result of the verification under subparagraphs (i) and (ii),
before counting the votes for those ballot papers in accordance with section 75; and
- (b) after the counting of votes in accordance with section 75, at the counting zone—

- (i) verify the number of GC ballot papers at the polling station designated as the main counting station so counted by comparing it with the ballot paper account prepared under section 64; and
- (ii) prepare a statement in writing as to the result of the verification under subparagraph (i).”.

69. Section 75 amended (counting of votes for geographical constituencies)

- (1) Section 75(1)(a)—

Repeal

“whose numbers are counted and recorded under”

Substitute

“referred to in”.

- (2) Section 75(1)(b)—

Repeal

“whose numbers are counted and recorded under section 74B(1A) and (1B)(a)”

Substitute

“referred to in section 74B(1A) and (1B)”.

Division 3—Amendments to Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)

70. Section 75 amended (Presiding Officer to verify ballot paper account)

- Section 75(1A)—

Repeal

everything after “main counting”

Substitute

“station—

(a) must—

- (i) count and record the number of ballot papers in the ballot box or boxes from a small polling station, a special polling station or a dedicated polling station, and verify the ballot paper account prepared under section 64 by comparing it with the number;
- (ii) open all envelopes in each receptacle received from a ballot paper sorting station, count and record the number of ballot papers in the envelopes, and verify the statement prepared under section 75A(e) by comparing it with the number; and
- (iii) prepare a statement in writing as to the respective result of the verification under subparagraphs (i) and (ii),

before counting the votes for those ballot papers in accordance with section 76; and

- (b) must, after the counting of votes in accordance with section 76—
 - (i) verify the number of ballot papers at the polling station designated as the main counting station so counted by comparing it with the ballot paper account prepared under section 64; and
 - (ii) prepare a statement in writing as to the result of the verification under subparagraph (i).”

Division 4—Amendments to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

71. Section 2 amended (interpretation)

Section 2(1), definition of *verification statement*—

Repeal

“61(1A)(d)”

Substitute

“61(1A)(a)(iii), (1B)(c), (1C)(b) or (3)(b)”.

72. Section 61 amended (counting of votes)

(1) Section 61(1A)—

Repeal paragraphs (a), (b), (c), (d) and (e)

Substitute

“(a) at the counting zone—

- (i) count and record the number of ballot papers in the ballot box or boxes from a dedicated polling station, after opening the envelopes in the ballot box or boxes (where applicable), and verify the ballot paper account of the station by comparing it with the number;
- (ii) count and record the number of ballot papers in the receptacle or receptacles received from a ballot paper sorting station, after opening the envelopes in the receptacle or receptacles (where applicable), and verify the statement prepared under section 60A(e) by comparing it with the number; and
- (iii) prepare a statement in writing as to the respective result of the verification under subparagraphs (i) and (ii),

before counting the votes for those ballot papers in accordance with subsection (1); and

- (b) after preparing the statement but before the counting of votes in accordance with subsection (1), mix the ballot papers mentioned in paragraph (a) with the ballot papers in at least one of the ballot boxes from a polling station other than a dedicated polling station.”.
- (2) After section 61(1A)—

Add

- “(1B) If there are any ballot papers in respect of elections for other Rural Areas in the ballot boxes or receptacles, the Returning Officer must—
- (a) sort the ballot papers according to each Rural Area;
 - (b) count and record the number of ballot papers for each Rural Area;
 - (c) prepare a statement in writing as to the number of ballot papers recorded for each Rural Area;
 - (d) make into separate bundles the sorted ballot papers together with the relevant statement prepared under paragraph (c);
 - (e) place each bundle into a separate receptacle and seal it in the presence of those present at the counting zone; and
 - (f) arrange the receptacles to be delivered to the Returning Officers of the respective counting stations of the relevant Rural Areas.
- (1C) The Returning Officer appointed for a Rural Area who receives a receptacle delivered under subsection (1B) at a counting zone must, before counting the votes in accordance with subsection (1)—

- (a) count and record the number of ballot papers in the receptacle, and verify the statement prepared under subsection (1B)(c) by comparing it with the number;
 - (b) prepare a statement in writing as to the result of the verification under paragraph (a); and
 - (c) after preparing the statement, mix the ballot paper or ballot papers with the other ballot papers for the Rural Area at the counting zone before counting those votes in accordance with subsection (1).”.
- (3) Section 61(1)—

Repeal

“Ballot papers are then, in the counting zone, to be counted”

Substitute

“Subject to subsections (1A), (1B) and (1C), ballot papers are to be counted, at the counting zone.”.

- (4) After section 61(2)—

Add

- “(3) The Returning Officer must, after counting the votes in accordance with subsection (1), at the counting zone—
- (a) verify the number of ballot papers cast at the polling station other than a dedicated polling station by comparing it with the ballot paper account for that station; and
 - (b) prepare a statement in writing as to the result of the verification under paragraph (a).”.
-

Part 9

Amendments Relating to Election Agent’s Authority to Act on Behalf of Candidate

Division 1—Enactments Amended

73. Enactments amended

The enactments specified in Divisions 2, 3 and 4 are amended as set out in those Divisions.

Division 2—Amendment to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

74. Section 23 amended (a candidate or a list of candidates may appoint election agent)

Section 23(17), before “in connection”—

Add

“under this Regulation”.

Division 3—Amendment to Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)

75. Section 26 amended (a candidate may appoint election agent)

Section 26(14), before “in connection”—

Add

“under this Regulation”.

Division 4—Amendment to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

76. Section 22 amended (appointment of election agent)

Section 22(3), before “in connection”—

Add

“under this Regulation”.

Part 10

Amendments Relating to Postponement or Adjournment of Election, Polling or Counting

Division 1—Enactments Amended

77. Enactments amended

The enactments specified in Divisions 2 to 7 are amended as set out in those Divisions.

Division 2—Amendments to Electoral Affairs Commission Ordinance (Cap. 541)

78. Section 7 amended (regulations)

(1) Section 7(2)(ii)—

Repeal

“other occurrence of public danger”

Substitute

“danger to public health or safety”.

(2) Section 7(4)(a)(ii)—

Repeal

“2 days from”

Substitute

“14 days after”.

(3) Section 7(4)(a)(ii)—

Repeal

everything after “the case may be”

Substitute a semicolon.

**Division 3—Amendments to Electoral Affairs Commission
(Electoral Procedure) (Legislative Council) Regulation (Cap.
541 sub. leg. D)**

- 79. Schedule 2, section 2 amended (postponement of election, adjournment of poll or count in respect of a single constituency)**

Schedule 2, section 2(3)(b)—

Repeal

“other occurrence of public danger”

Substitute

“any danger to public health or safety”.

- 80. Schedule 2, section 3 amended (adjournment of poll or count at a particular station)**

Schedule 2, section 3(2)(b)—

Repeal

“other occurrence of public danger”

Substitute

“any danger to public health or safety”.

- 81. Schedule 2, section 7 amended (appointment of a date by Commission for election, polling or counting after a postponement or an adjournment)**

Schedule 2, section 7—

Repeal subsection (3)

Substitute

“(3) A date appointed under this section must not be later than 14 days after the date on which the postponed election or the adjourned poll or count would have been held.”.

**Division 4—Amendments to Electoral Affairs Commission
(Electoral Procedure) (District Councils) Regulation (Cap.
541 sub. leg. F)**

- 82. Schedule 1, section 2 amended (postponement of election, adjournment of poll or count in respect of a single constituency)**

Schedule 1, section 2(3)(b)—

Repeal

“other occurrence of public danger”

Substitute

“any danger to public health or safety”.

- 83. Schedule 1, section 3 amended (adjournment of poll or count at a particular station)**

Schedule 1, section 3(2)(b)—

Repeal

“other occurrence of public danger”

Substitute

“any danger to public health or safety”.

- 84. Schedule 1, section 7 amended (appointment of a date by Commission for election, polling or counting after a postponement or an adjournment)**

Schedule 1, section 7—

Repeal subsection (3)

Substitute

“(3) A date appointed under this section must not be later than 14 days after the date on which the postponed election or the adjourned poll or count would have been held.”.

Division 5—Amendments to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

85. Section 72 amended (postponement or adjournment of polling at all polling stations or counting of votes at all counting stations)

Section 72(1)(d) and (2)(d)—

Repeal

“other occurrence of public danger”

Substitute

“danger to public health or safety”.

86. Section 73 amended (adjournment of polling at a particular polling station or counting of votes at a particular counting station)

Section 73(1)(b) and (2)(b)—

Repeal

“other occurrence of public danger”

Substitute

“danger to public health or safety”.

87. Section 77 amended (resumption of postponed or adjourned polling or counting)

(1) Section 77(1)(a), (2)(a), (3) and (4)—

Repeal

“the prescribed period”

Substitute

“14 days”.

(2) Section 77—

Repeal subsection (7).

**Division 6—Amendments to Legislative Council Ordinance
(Cap. 542)**

88. Section 44 amended (when general election can be postponed or adjourned)

(1) Section 44(1) and (2)—

Repeal

“occurrence of public danger”

Substitute

“danger to public health or safety”.

(2) Section 44(4)—

Repeal

“14 days from”

Substitute

“14 days after”.

**Division 7—Amendments to District Councils Ordinance
(Cap. 547)**

89. Section 38 amended (when ordinary election can be postponed or adjourned)

(1) Section 38(1) and (2)—

Repeal

“occurrence of public danger”

Substitute

“danger to public health or safety”.

- (2) Section 38(4)—

Repeal

“14 days from”

Substitute

“14 days after”.

Part 11

Amendments Relating to Ordinary Business Hours

Division 1—Enactments Amended

90. Enactments amended

The enactments specified in Divisions 2, 3 and 4 are amended as set out in those Divisions.

Division 2—Amendment to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

91. Section 2 amended (interpretation)

Section 2(1)—

Repeal the definition of *ordinary business hours*

Substitute

“*ordinary business hours* (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on 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;”.

**Division 3—Amendment to Electoral Affairs Commission
(Electoral Procedure) (District Councils) Regulation (Cap.
541 sub. leg. F)**

92. Section 2 amended (interpretation)

Section 2(1)—

Repeal the definition of *ordinary business hours*

Substitute

“*ordinary business hours* (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on 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;”.

**Division 4—Amendment to Electoral Procedure (Rural
Representative Election) Regulation (Cap. 541 sub. leg. L)**

93. Section 2 amended (interpretation)

Section 2(1)—

Repeal the definition of *ordinary business hours*

Substitute

“*ordinary business hours* (通常辦公時間) means the hours—

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
 - (b) between 9 a.m. and 12 noon on 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;”.
-

Part 12

Amendments Relating to Notices Designating Polling Stations and Counting Stations, etc.

Division 1—Enactments Amended

94. Enactments amended

The enactments specified in Divisions 2, 3 and 4 are amended as set out in those Divisions.

Division 2—Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

95. Section 28 amended (designation of polling stations, counting stations and ballot paper sorting stations)

Section 28(1), after “Gazette”—

Add

“at least 10 days before polling day”.

96. Section 29 amended (Chief Electoral Officer to designate some polling stations as special polling stations)

(1) Section 29—

Repeal subsection (1)

Substitute

“(1) If the polling station or polling stations designated by the Chief Electoral Officer for a constituency would be difficult of access for persons with a disability, the Chief Electoral Officer must designate one or more polling stations as special polling station or stations to be used for voting by them.”.

(2) Section 29—

Repeal subsection (3)

Substitute

“(3) In a notice published under section 28(1), the Chief Electoral Officer must indicate—

(a) the special polling stations (if any); and

(b) the constituency or constituencies for which a particular special polling station is designated.”.

(3) Section 29—

Repeal subsection (4).

97. Section 65 amended (Returning Officer and Presiding Officer to give notice of time and place of counting of votes to candidates)

Section 65(5)—

Repeal

“1 working day”

Substitute

“10 days”.

**Division 3—Amendments to Electoral Affairs Commission
(Electoral Procedure) (District Councils) Regulation (Cap.
541 sub. leg. F)**

98. Section 31 amended (designation of polling stations, counting stations and ballot paper sorting stations)

Section 31(1), after “Gazette”—

Add

“at least 10 days before polling day”.

99. Section 32 amended (Chief Electoral Officer to designate some polling stations as special polling stations)

(1) Section 32—

Repeal subsection (1)

Substitute

“(1) If the polling station or polling stations designated by the Chief Electoral Officer for a constituency would be difficult of access for persons with a disability, the Chief Electoral Officer must designate one or more polling stations as special polling station or stations to be used for voting by them.”.

(2) Section 32—

Repeal subsection (3)

Substitute

“(3) In a notice published under section 31(1), the Chief Electoral Officer must indicate—

- (a) the special polling stations (if any); and
- (b) the constituency or constituencies for which a particular special polling station is designated.”.

(3) Section 32—

Repeal subsection (4).

100. Section 65 amended (Returning Officer and Presiding Officer to give notice of place and time of the counting of votes to candidates)

Section 65(4)—

Repeal

“1 working day”

Substitute

“10 days”.

Division 4—Amendments to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

101. Section 28 amended (designation of polling stations, ballot paper sorting stations and counting stations)

(1) Section 28(1), after “Gazette”—

Add

“at least 10 days before polling day”.

(2) After section 28(1)—

Add

“(1A) The Director of Home Affairs must indicate in the notice any polling station which, in his or her opinion, is suitable for use for voting by persons with a disability.”.

102. Section 55 amended (determination and notice of time of counting of votes)

Section 55(4)(c)—

Repeal

everything after “at least”

Substitute

“10 days before polling day.”.

Part 13

Technical Amendments

Division 1—Enactments Amended

103. Enactments amended

The enactments specified in Divisions 2 to 5 are amended as set out in those Divisions.

Division 2—Amendments to Electoral Affairs Commission Ordinance (Cap. 541)

104. Section 2 amended (interpretation)

(1) Section 2(1), definition of *electoral law*—

Repeal paragraph (a)

Substitute

“(a) the members of the Legislative Council;”.

(2) Section 2(1), definition of *electoral law*, after paragraph (a)—

Add

“(ab) the members of District Councils;”.

(3) Section 2(1), Chinese text, definition of *選舉法*—

Repeal paragraph (c)

Substitute

“(c) 選出鄉郊代表的選舉；”.

(4) Section 2(1), definition of *geographical constituency*—

Repeal

“a public body”

Substitute

“the Legislative Council”.

(5) Section 2(1)—

Repeal the definition of *public body*.

105. Section 7 amended (regulations)

Before section 7(7)(a)—

Add

“(aa) a District Council constituency;”.

**Division 3—Amendment to Electoral Affairs Commission
(Electoral Procedure) (Legislative Council) Regulation (Cap.
541 sub. leg. D)**

106. Section 100 amended (Commission to specify forms)

Section 100(4), after “to”—

Add

“be”.

**Division 4—Amendments to Legislative Council (Election
Petition) Rules (Cap. 542 sub. leg. F)**

107. Rule 3 amended (filing of documents)

Rule 3(2)—

Repeal

“Supreme Court”

Substitute

“High Court”.

108. Rule 20 amended (witnesses' expenses)

Rule 20—

Repeal

“Supreme Court”

Substitute

“High Court”.

Division 5—Amendments to Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)

109. Section 34 amended (offence to publish election advertisements that do not meet certain requirements)

Section 34(1), (3), (4) and (5), Chinese text—

Repeal

“選舉廣告印刷品” (wherever appearing)

Substitute

“印刷選舉廣告”.

110. Section 35 amended (Court may grant relief in certain circumstances if election advertisements do not meet requirements)

Section 35(1), Chinese text—

Repeal

“選舉廣告印刷品”

Substitute

“印刷選舉廣告”.

Part 14

Amendments Relating to Statutory Deadlines of Elector or Voter Registration

Division 1—Enactments Amended

111. Enactments amended

The enactments specified in Divisions 2 to 7 are amended as set out in those Divisions.

Division 2—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

112. Section 4 amended (how to apply for registration in provisional register)

- (1) Section 4(1)(a)(i)—

Repeal

“16 July”

Substitute

“2 July”.

- (2) Section 4(1)(a)(ii)—

Repeal

“16 May”

Substitute

“2 May”.

- (3) Section 4(2)(a)—

Repeal

“16 March 2002 but not later than 16 July 2003”

Substitute

“16 May 2014 but not later than 2 July 2015”.

- (4) Section 4(2)(a)—

Repeal

“16 July 2003 for registration in the provisional register for 2003”

Substitute

“2 July 2015 for registration in the provisional register for 2015”.

- (5) Section 4(2)(b)—

Repeal

“16 July in any year subsequent to 2002”

Substitute

“2 July in any year subsequent to 2014”.

- (6) Section 4(2)(b)—

Repeal

“16 May”

Substitute

“2 May”.

- (7) Section 4(2)(c)—

Repeal

“16 May in any year subsequent to 2002”

Substitute

“2 May in any year subsequent to 2014”.

- (8) Section 4(2)(c)(i)—

Repeal

“16 July”

Substitute

“2 July”.

(9) Section 4(2)(c)(ii)—

Repeal

“16 May”

Substitute

“2 May”.

113. Section 5 amended (Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information)

(1) Section 5(11)(a)—

Repeal

“25 July” (wherever appearing)

Substitute

“11 July”.

(2) Section 5(11)(b)—

Repeal

“25 May”

Substitute

“11 May”.

114. Section 7 amended (Electoral Registration Officer may make inquiries regarding persons registered in the existing final register)

(1) Section 7(3)(a)—

Repeal

“30 June”

Substitute

“16 June”.

- (2) Section 7(3)(b)—

Repeal

“30 April”

Substitute

“16 April”.

115. Section 9 amended (Electoral Registration Officer to prepare an omissions list)

- (1) Section 9(5)(a)—

Repeal

“16 July”

Substitute

“2 July”.

- (2) Section 9(5)(b)—

Repeal

“16 May”

Substitute

“2 May”.

116. Section 10 amended (Electoral Registration Officer to publish a notice that omissions list is available for public inspection)

- (1) Section 10(2)(a)—

Repeal

“29 August”

Substitute

“25 August”.

- (2) Section 10(2)(b)—

Repeal

“29 June”

Substitute

“25 June”.

117. Section 11 amended (Electoral Registration Officer to correct entries in existing final register in compiling next provisional register)

- (1) Section 11(5)(a)—

Repeal

“2003, after 29 April 2002 but not later than 16 July 2003”

Substitute

“2015, after 29 June 2014 but not later than 2 July 2015”.

- (2) Section 11(5)(b)(i)—

Repeal

“29 June in the preceding year but not later than 16 July”

Substitute

“25 June in the preceding year but not later than 2 July”.

- (3) Section 11(5)(b)(ii)(A)—

Repeal

“29 August”

Substitute

“25 August”.

- (4) Section 11(5)(b)(ii)(A)—

Repeal

“16 May”

Substitute

“2 May”.

- (5) Section 11(5)(b)(ii)(B)—

Repeal

“29 June”

Substitute

“25 June”.

- (6) Section 11(5)(b)(ii)(B)—

Repeal

“16 May”

Substitute

“2 May”.

118. Section 12 amended (what is to be contained in provisional register)

- (1) Section 12(c)(i)—

Repeal

“2003, during the period beginning on 17 March 2002 and ending on 16 July 2003”

Substitute

“2015, during the period beginning on 17 May 2014 and ending on 2 July 2015”.

- (2) Section 12(c)(ii)(A)—

Repeal

“17 May in the preceding year and ending on 16 July”

Substitute

“3 May in the preceding year and ending on 2 July”.

- (3) Section 12(c)(ii)(B)(I)—

Repeal

“17 July”

Substitute

“3 July”.

- (4) Section 12(c)(ii)(B)(I)—

Repeal

“16 May”

Substitute

“2 May”.

- (5) Section 12(c)(ii)(B)(II)—

Repeal

“17 May”

Substitute

“3 May”.

- (6) Section 12(c)(ii)(B)(II)—

Repeal

“16 May”

Substitute

“2 May”.

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

- (1) Section 13(1)(a)—

Repeal

“15 August”

Substitute

“1 August”.

- (2) Section 13(1)(b)—

Repeal

“15 June”

Substitute

“1 June”.

- (3) Section 13(3)(a)—

Repeal

“29 August”

Substitute

“25 August”.

- (4) Section 13(3)(b)—

Repeal

“29 June”

Substitute

“25 June”.

120. Section 14 amended (person may object to registration of registered person in the provisional register)

- (1) Section 14(2)(c)(i)—

Repeal

“29 August”

Substitute

“25 August”.

- (2) Section 14(2)(c)(ii)—

Repeal

“29 June”

Substitute

“25 June”.

121. Section 15 amended (who may lodge a notice of claim)

(1) Section 15(7)(a)—

Repeal

“29 August”

Substitute

“25 August”.

(2) Section 15(7)(b)—

Repeal

“29 June”

Substitute

“25 June”.

122. Section 17 amended (Electoral Registration Officer to correct entries in a provisional register in compiling final register)

(1) Section 17(7)(a)—

Repeal

“16 July”

Substitute

“2 July”.

(2) Section 17(7)(b)—

Repeal

“16 May”

Substitute

“2 May”.

(3) Section 17(9)(a)(i)—

Repeal

“16 July but not later than 29 August”

Substitute

“2 July but not later than 25 August”.

- (4) Section 17(9)(a)(ii)—

Repeal

“16 May but not later than 29 June”

Substitute

“2 May but not later than 25 June”.

- (5) Section 17(9)(b)(i)—

Repeal

“29 August”

Substitute

“25 August”.

- (6) Section 17(9)(b)(ii)—

Repeal

“29 June”

Substitute

“25 June”.

123. Section 19 amended (what is to be contained in final register)

- (1) Section 19(5)(a)—

Repeal

“15 August”

Substitute

“1 August”.

- (2) Section 19(5)(b)—

Repeal

“15 June”

Substitute

“1 June”.

**Division 3—Amendments to 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)**

124. Section 11 amended (interpretation of Part IV)

- (1) Section 11(1), definition of *due date*, paragraph (a)—

Repeal

“16 July” (wherever appearing)

Substitute

“2 July”.

- (2) Section 11(1), definition of *due date*, paragraph (b)—

Repeal

“16 May”

Substitute

“2 May”.

**125. Section 12 amended (Electoral Registration Officer may send
notifications)**

- (1) Section 12(2)(a)—

Repeal

“16 July”

Substitute

“2 July”.

- (2) Section 12(2)(b)—

Repeal

“16 May”

Substitute

“2 May”.

126. Section 18 amended (when Electoral Registration Officer cannot register persons under a notification)

(1) Section 18(1)(a)—

Repeal

“16 July”

Substitute

“2 July”.

(2) Section 18(1)(b)—

Repeal

“16 May”

Substitute

“2 May”.

127. Section 19 amended (how to apply for registration in functional constituencies provisional register and subsector provisional register)

(1) Section 19(1)(a)(i)—

Repeal

“16 July”

Substitute

“2 July”.

(2) Section 19(1)(a)(ii)—

Repeal

“16 May”

Substitute

“2 May”.

- (3) Before section 19(4)(b)—

Add

“(ab) after 16 May 2014 but not later than 2 July 2015 must be treated by that Officer as an application received on or before 2 July 2015 for registration in the functional constituencies provisional register or the subsector provisional register, as may be appropriate, to be compiled for 2015;”.

- (4) Section 19(4)(b)—

Repeal

“16 July in a District Council election year”

Substitute

“2 July in a District Council election year subsequent to 2014”.

- (5) Section 19(4)(b)—

Repeal

“16 May”

Substitute

“2 May”.

- (6) Section 19(4)(c)—

Repeal

“16 May in a year which is not a District Council election year”

Substitute

“2 May in a year which is not a District Council election year subsequent to 2014”.

(7) Section 19(4)(c)(i)—

Repeal

“16 July”

Substitute

“2 July”.

(8) Section 19(4)(c)(ii)—

Repeal

“16 May”

Substitute

“2 May”.

128. Section 20 amended (a corporate elector or corporate voter to appoint an authorized representative)

(1) Section 20(2)(a)—

Repeal

“16 July”

Substitute

“2 July”.

(2) Section 20(2)(b)—

Repeal

“16 May”

Substitute

“2 May”.

129. Section 21 amended (Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information)

(1) Section 21(12)(b)(i)—

Repeal

“25 July” (wherever appearing)

Substitute

“11 July”.

- (2) Section 21(12)(b)(ii)—

Repeal

“25 May”

Substitute

“11 May”.

- 130. Section 22 amended (Electoral Registration Officer may make inquiries regarding persons registered in the existing functional constituencies or subsector final register)**

- (1) Section 22(5)(a)—

Repeal

“30 June”

Substitute

“16 June”.

- (2) Section 22(5)(b)—

Repeal

“30 April”

Substitute

“16 April”.

- 131. Section 24 amended (Electoral Registration Officer to prepare an omissions list)**

- (1) Section 24(7)(a)—

Repeal

“16 July”

Substitute

“2 July”.

- (2) Section 24(7)(b)—

Repeal

“16 May”

Substitute

“2 May”.

132. Section 25 amended (Electoral Registration Officer to publish a notice that omissions list is available for public inspection)

- (1) Section 25(2)(a)(i)—

Repeal

“29 August”

Substitute

“25 August”.

- (2) Section 25(2)(a)(ii)—

Repeal

“29 June”

Substitute

“25 June”.

133. Section 26 amended (Electoral Registration Officer to correct entries in existing final register in compiling next provisional register)

- (1) Before section 26(5)(b)—

Add

“(ab) the functional constituencies provisional register or the subsector provisional register for 2015, after 29 June 2014 but not later than 2 July 2015;”.

- (2) Section 26(5)(b), before “functional”—

Add

“subsequent”.

- (3) Section 26(5)(b), before “subsector”—

Add

“subsequent”.

- (4) Section 26(5)(b)(i)—

Repeal

“29 June in the preceding year but not later than 16 July”

Substitute

“25 June in the preceding year but not later than 2 July”.

- (5) Section 26(5)(b)(ii)(A)—

Repeal

“29 August”

Substitute

“25 August”.

- (6) Section 26(5)(b)(ii)(A)—

Repeal

“16 May”

Substitute

“2 May”.

- (7) Section 26(5)(b)(ii)(B)—

Repeal

“29 June”

Substitute

“25 June”.

- (8) Section 26(5)(b)(ii)(B)—

Repeal

“16 May”

Substitute

“2 May”.

134. Section 27 amended (what is to be contained in a functional constituencies provisional register)

- (1) Before section 27(1)(c)(i)(B)—

Add

“(AB) in the case of the functional constituencies provisional register to be compiled for 2015, during the period beginning on 17 May 2014 and ending on 2 July 2015; or”.

- (2) Section 27(1)(c)(i)(B), after “of any”—

Add

“subsequent”.

- (3) Section 27(1)(c)(i)(B)(I)—

Repeal

“17 May in the preceding year and ending on 16 July”

Substitute

“3 May in the preceding year and ending on 2 July”.

- (4) Section 27(1)(c)(i)(B)(II)(aa)—

Repeal

“17 July”

Substitute

“3 July”.

- (5) Section 27(1)(c)(i)(B)(II)(aa)—

Repeal

“16 May”

Substitute

“2 May”.

- (6) Section 27(1)(c)(i)(B)(II)(bb)—

Repeal

“17 May”

Substitute

“3 May”.

- (7) Section 27(1)(c)(i)(B)(II)(bb)—

Repeal

“16 May”

Substitute

“2 May”.

- (8) Before section 27(1)(c)(ii)(B)—

Add

“(AB) in the case of the functional constituencies provisional register to be compiled for 2015, during the period beginning on 17 May 2014 and ending on 2 July 2015; or”.

- (9) Section 27(1)(c)(ii)(B), after “of any”—

Add

“subsequent”.

- (10) Section 27(1)(c)(ii)(B)(I)—

Repeal

“17 May in the preceding year and ending on 16 July”

Substitute

“3 May in the preceding year and ending on 2 July”.

- (11) Section 27(1)(c)(ii)(B)(II)(aa)—

Repeal

“17 July”

Substitute

“3 July”.

- (12) Section 27(1)(c)(ii)(B)(II)(aa)—

Repeal

“16 May”

Substitute

“2 May”.

- (13) Section 27(1)(c)(ii)(B)(II)(bb)—

Repeal

“17 May”

Substitute

“3 May”.

- (14) Section 27(1)(c)(ii)(B)(II)(bb)—

Repeal

“16 May”

Substitute

“2 May”.

135. Section 28 amended (what is to be contained in a subsector provisional register)

- (1) Before section 28(1)(a)(i)(B)—

Add

“(AB) in the case of the subsector provisional register to be compiled for 2015, during the period beginning on 17 May 2014 and ending on 2 July 2015; or”.

- (2) Section 28(1)(a)(i)(B), after “of any”—

Add

“subsequent”.

- (3) Section 28(1)(a)(i)(B)(I)—

Repeal

“17 May in the preceding year and ending on 16 July”

Substitute

“3 May in the preceding year and ending on 2 July”.

- (4) Section 28(1)(a)(i)(B)(II)(aa)—

Repeal

“17 July”

Substitute

“3 July”.

- (5) Section 28(1)(a)(i)(B)(II)(aa)—

Repeal

“16 May”

Substitute

“2 May”.

- (6) Section 28(1)(a)(i)(B)(II)(bb)—

Repeal

“17 May”

Substitute

“3 May”.

- (7) Section 28(1)(a)(i)(B)(II)(bb)—

Repeal

“16 May”

Substitute

“2 May”.

- (8) Before section 28(1)(a)(ii)(B)—

Add

“(AB) in the case of the subsector provisional register to be compiled for 2015, during the period beginning on 17 May 2014 and ending on 2 July 2015; or”.

- (9) Section 28(1)(a)(ii)(B), after “of any”—

Add

“subsequent”.

- (10) Section 28(1)(a)(ii)(B)(I)—

Repeal

“17 May in the preceding year and ending on 16 July”

Substitute

“3 May in the preceding year and ending on 2 July”.

- (11) Section 28(1)(a)(ii)(B)(II)(aa)—

Repeal

“17 July”

Substitute

“3 July”.

- (12) Section 28(1)(a)(ii)(B)(II)(aa)—

Repeal

“16 May”

Substitute

“2 May”.

- (13) Section 28(1)(a)(ii)(B)(II)(bb)—

Repeal

“17 May”

Substitute

“3 May”.

- (14) Section 28(1)(a)(ii)(B)(II)(bb)—

Repeal

“16 May”

Substitute

“2 May”.

136. Section 29 amended (Electoral Registration Officer to publish a notice that provisional register is available for public inspection)

- (1) Section 29(1)(a)(i)—

Repeal

“15 August”

Substitute

“1 August”.

- (2) Section 29(1)(a)(ii)—

Repeal

“15 June”

Substitute

“1 June”.

(3) Section 29(3)(a)(i)—

Repeal

“29 August”

Substitute

“25 August”.

(4) Section 29(3)(a)(ii)—

Repeal

“29 June”

Substitute

“25 June”.

137. Section 30 amended (person may object to registration of registered person in the register)

(1) Section 30(2)(c)(i)(A)—

Repeal

“29 August”

Substitute

“25 August”.

(2) Section 30(2)(c)(i)(B)—

Repeal

“29 June”

Substitute

“25 June”.

138. Section 31 amended (who may lodge a notice of claim)

(1) Section 31(8)(a)(i)—

Repeal

“29 August”

Substitute

“25 August”.

- (2) Section 31(8)(a)(ii)—

Repeal

“29 June”

Substitute

“25 June”.

139. Section 33 amended (Electoral Registration Officer to correct entries in provisional register in compiling final register)

- (1) Section 33(7)(a)(i)—

Repeal

“16 July”

Substitute

“2 July”.

- (2) Section 33(7)(a)(ii)—

Repeal

“16 May”

Substitute

“2 May”.

- (3) Section 33(10)(a)(i)(A)—

Repeal

“16 July but not later than 29 August”

Substitute

“2 July but not later than 25 August”.

- (4) Section 33(10)(a)(i)(B)—

Repeal

“16 May but not later than 29 June”

Substitute

“2 May but not later than 25 June”.

- (5) Section 33(10)(b)(i)—

Repeal

“29 August”

Substitute

“25 August”.

- (6) Section 33(10)(b)(ii)—

Repeal

“29 June”

Substitute

“25 June”.

140. Section 35 amended (what is to be contained in a functional constituencies final register)

- (1) Section 35(5)(a)—

Repeal

“15 August”

Substitute

“1 August”.

- (2) Section 35(5)(b)—

Repeal

“15 June”

Substitute

“1 June”.

141. Section 36 amended (what is to be contained in a subsector final register)

(1) Section 36(5)(a)—

Repeal

“15 August”

Substitute

“1 August”.

(2) Section 36(5)(b)—

Repeal

“15 June”

Substitute

“1 June”.

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

142. Section 32 amended (Electoral Registration Officer to compile and publish electoral registers)

(1) Section 32(1)(a)—

Repeal

“15 June”

Substitute

“1 June”.

(2) Section 32(1A)(a)—

Repeal

“15 August”

Substitute

“1 August”.

**Division 5—Amendments to Registration of Electors
(Appeals) Regulation (Cap. 542 sub. leg. B)**

143. Section 2 amended (fixing of hearing and notifying the appellant thereof)

(1) Section 2(3)(a)—

Repeal

“3 May 2002 and ending on 2 September 2003”

Substitute

“3 July 2014 and ending on 2 September 2015”.

(2) Section 2(3)(a)—

Repeal

“15 August 2003 and 11 September 2003”

Substitute

“1 August 2015 and 11 September 2015”.

(3) Section 2(3)(b)—

Repeal

“2002”

Substitute

“2014”.

(4) Section 2(3)(b)—

Repeal

“15 June”

Substitute

“1 June”.

(5) Section 2(3)(c)—

Repeal

“2002”

Substitute

“2014”.

(6) Section 2(3)(c)(i)—

Repeal

“15 August”

Substitute

“1 August”.

(7) Section 2(3)(c)(ii)—

Repeal

“15 June”

Substitute

“1 June”.

144. Section 4 amended (Electoral Registration Officer to be notified of rulings)

(1) Section 4(a)—

Repeal

“15 August”

Substitute

“1 August”.

(2) Section 4(b)—

Repeal

“15 June”

Substitute

“1 June”.

145. Section 6 amended (review of rulings by Revising Officer)

- (1) Section 6(2)(a)—

Repeal

“15 August”

Substitute

“1 August”.

- (2) Section 6(2)(b)—

Repeal

“15 June”

Substitute

“1 June”.

Division 6—Amendments to Chief Executive Election Ordinance (Cap. 569)

146. Schedule, section 14 amended (Electoral Registration Officer to compile and publish a register of voters)

- (1) The Schedule, section 14(1)(a)—

Repeal

“15 June”

Substitute

“1 June”.

- (2) The Schedule, section 14(1A)(a)—

Repeal

“15 August”

Substitute

“1 August”.

**Division 7—Amendments to Election Committee
(Registration) (Voters for Subsectors) (Members of Election
Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)**

**147. Section 3 amended (fixing of hearing and notifying appellant
thereof)**

- (1) Before section 3(4)(b)—

Add

“(ab) 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 must be a date between 1 August 2015 and 11 September 2015 (both dates inclusive);”.

- (2) Section 3(4)(b)—

Repeal

“2002”

Substitute

“2014”.

- (3) Section 3(4)(b)—

Repeal

“15 June”

Substitute

“1 June”.

- (4) Section 3(4)(c)—

Repeal

“2002”

Substitute

“2014”.

- (5) Section 3(4)(c)(i)—

Repeal

“15 August”

Substitute

“1 August”.

- (6) Section 3(4)(c)(ii)—

Repeal

“15 June”

Substitute

“1 June”.

148. Section 5 amended (Electoral Registration Officer to be notified of rulings)

- (1) Section 5(aa)—

Repeal

“15 August”

Substitute

“1 August”.

- (2) Section 5(ab)—

Repeal

“15 June”

Substitute

“1 June”.

149. Section 7 amended (review of rulings by Revising Officer)

- (1) Section 7(2)(aa)—

Repeal

“15 August”

Substitute

“1 August”.

- (2) Section 7(2)(ab)—

Repeal

“15 June”

Substitute

“1 June”.

Part 15

Amendments Relating to Prosecution of Certain Offences Concerning Elections

Division 1—Enactments Amended

150. Enactments amended

The enactments specified in Divisions 2 to 5 are amended as set out in those Divisions.

Division 2—Amendment to Electoral Affairs Commission Ordinance (Cap. 541)

151. Section 7 amended (regulations)

Section 7(5), before “offence”—

Add

“indictable or summary”.

Division 3—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

152. Section 22 amended (offences and penalties)

(1) Section 22(1), after “is liable”—

Add

“on conviction on indictment”.

- (2) Section 22(2), after “is liable”—

Add

“on conviction on indictment”.

**Division 4—Amendments to 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)**

153. Section 42 amended (offences and penalties)

- (1) Section 42(1), after “is liable”—

Add

“on conviction on indictment”.

- (2) Section 42(2), after “is liable”—

Add

“on conviction on indictment”.

**Division 5—Amendments to Electoral Affairs Commission
(Registration of Electors) (Rural Representative Election)
Regulation (Cap. 541 sub. leg. K)**

154. Section 32 amended (offences and penalties)

- (1) Section 32(1), after “is liable”—

Add

“on conviction on indictment”.

- (2) Section 32(2), after “is liable”—

Add

“on conviction on indictment”.

Explanatory Memorandum

This Bill introduces technical amendments to various pieces of electoral legislation for the purposes set out in the long title of the Bill. The Bill comprises 15 Parts.

2. Part 1 sets out the short title and provides for commencement.
3. Part 2 contains amendments that deal with the effect of an inclement weather warning (defined to include a tropical cyclone warning and a rainstorm warning) on dates and periods prescribed in several pieces of electoral legislation. The general rule is if a working day is prescribed or is otherwise fixed as a deadline for an act and an inclement weather warning is in force at any time during the ordinary business hours on that day, the deadline falling on that day (*inclement weather warning day*) is to be postponed to the next working day which is not an inclement weather warning day. If a prescribed period ends on an inclement weather warning day, the period is to be extended to end on the next working day which is not an inclement weather warning day.
4. Part 3 introduces provisions that provide for the inclusion of the name of an elector or a voter in an omissions list if he or she has notified the Electoral Registration Officer that he or she does not wish to be registered in the relevant register.
5. Part 4 introduces a provision relating to the handling of registration applications by existing geographical constituency electors for the District Council (second) functional constituency.
6. Part 5 contains amendments concerning the delivery of notices of appointment of polling agents and counting agents and notices of revocation of appointment. There are changes in respect of the mode and time of delivery.

7. Part 6 introduces amendments that allow delivery of certain election-related documents by electronic mail.
8. Part 7 introduces provisions providing for situations in which a voter who is issued with 2 or more ballot papers must cast all the votes in one go except in certain situations.
9. Part 8 contains amendments to adjust the counting procedure at a main counting station.
10. Part 9 introduces provisions to clarify that an election agent appointed by a candidate or a list of candidates under a Regulation only has the authority to act on behalf of the candidate or list of candidates under the Regulation.
11. Part 10 introduces amendments to clarify that an election, poll or count can be postponed or adjourned if there is an occurrence which endangers public health and seriously affects the procedures.
12. Part 11 contains amendments to the definition of *ordinary business hours*.
13. Part 12 introduces amendments relating to notices designating polling stations and counting stations, etc.
14. Part 13 contains several minor or technical amendments that do not affect the substance of the electoral systems.
15. Part 14 introduces adjustments to a number of deadlines concerning registration of electors or voters.
16. Part 15 contains amendments that make several offences for making false or incorrect statements concerning registration of electors or voters indictable offences.