

LEGISLATIVE COUNCIL BRIEF

RURAL REPRESENTATIVE ELECTION LEGISLATION (AMENDMENT) BILL 2013

INTRODUCTION

At the meeting of the Executive Council on 29 October 2013, the Council ADVISED and the Chief Executive ORDERED that the Rural Representative Election Legislation (Amendment) Bill 2013 (the Amendment Bill) (**Annex A**) should be introduced into the Legislative Council (LegCo).

JUSTIFICATIONS

2. Village Representative (VR) election has been conducted in accordance with the Village Representative Election Ordinance (VREO) (Cap. 576) since its enactment in 2003. There are two types of VRs, Resident Representatives (RRs) and Indigenous Inhabitant Representatives. VRs are members of their respective Rural Committees (RCs).

Regulating Kaifong Representative election on Cheung Chau and Peng Chau by statute

3. Kaifong Representative (KFR) seats are currently found in Cheung Chau RC and Peng Chau RC of Islands District. Similar to RRs¹, the function of KFRs is to reflect views on local affairs on behalf of Cheung Chau and Peng Chau residents.

4. KFR election is conducted administratively at present, filling 39 and 17 seats on Cheung Chau and Peng Chau respectively. The Islands District Office provides logistical support for the election, with the Islands District Officer serving as the Returning Officer.

¹ The function of RRs is to reflect views on village affairs on behalf of residents of the village.

5. As KFR election is not statute-based, we are facing a number of operational difficulties and inadequacies in conducting the election. For instance, claims and objections in relation to the register of electors can only be determined by the Islands District Officer, not by magistrates appointed by the Chief Justice as Revising Officers, as in the case of VR election. All election complaints and petitions are handled by the Islands District Officer, with no independent authority to review his or her decision. Besides, we are not able to make arrangements for persons under custody to register as electors, or for registered electors in custody to cast their votes in the election. We also have no statutory power to request other departments (e.g. the Housing Department, Registration and Electoral Office and Immigration Department) to furnish information on the electors to us, so as to verify their eligibility and registration particulars.

6. We propose to introduce statutory regulation of KFR election for Cheung Chau and Peng Chau, which are the market towns in which the last KFR ordinary election was held in 2010. In view of the similarities between KFRs and RRs, we propose to extend the existing legislative framework concerning VR election (particularly RR election) to KFR election to be held in and after 2015. Salient features of the proposed statutory KFR election are at **Annex B**.

7. Under the Amendment Bill, the Village Representative Election Ordinance (VREO) (Cap. 576) will be renamed as “Rural Representative Election Ordinance”, with a new term “Rural Representative” covering both VR and KFR. The Electoral Affairs Commission Ordinance (EACO) (Cap. 541), the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) (Cap. 554) and other related legislation will also be amended to apply to KFR election.

Voting and counting arrangements

8. Currently, votes in VR election are counted manually. Considering the relatively large number of electors and candidates in KFR election², we propose to introduce computer counting³ to facilitate

² There are around 8 600 and 3 100 KFR electors on Cheung Chau and Peng Chau at present, returning 39 and 17 candidates respectively.

³ We intend to adopt the Optical Mark Recognition System used in Election Committee Subsector

the vote counting process, and to introduce “roundtable counting⁴” as an alternative fallback counting method. We also propose to align the counting arrangements for VR and KFR elections with those for LegCo and District Council elections.

9. With the introduction of computer counting, the voting procedures for VR and KFR elections will be adjusted accordingly. Electors will be directed, under different circumstances, whether to fold the ballot paper or put it into an envelope before putting it into the ballot box.

Maximum amount of election expense to be incurred by each candidate

10. Currently, the maximum amount of election expenses that can be incurred by or on behalf of a candidate in VR election is \$18,000 where there are 1 000 or fewer electors; and \$28,000 where there are over 1 000 electors. In view of the larger number of electors in KFR election, we propose that where there are over 5 000 electors, the maximum amount of election expense that can be incurred be set at \$38,000.

THE BILL

11. The Amendment Bill aims to –
- (a) provide for the office of KFR to be established for Cheung Chau and Peng Chau; to provide for statute-based KFR election to be conducted, and to extend certain functions of the Electoral Affairs Commission (EAC) to such election;
 - (b) improve the voting and counting arrangements for VR election;
 - (c) limit the election expenses for VR or KFR election with over 5 000 electors; and
 - (d) make related, consequential or minor textual amendments.

It does not seek to amend other existing arrangements of VR election.

elections.

⁴ In “roundtable counting”, the candidate(s) marked on each ballot paper will be recorded on forms and counted by counting staff sitting roundtable.

12. The main provisions of the Amendment Bill are —

(a) Preliminary (Part 1)

Clause 1 sets out the short title of the Amendment Bill and provides for commencement of the Amendment Bill.

(b) Amendments to VREO (Part 2)

Part 2 amends VREO to provide for a legislative framework for regulating KFR election for Cheung Chau and Peng Chau, which is largely the same as the existing framework for RR election under the VR election framework —

- (i) Clause 3 broadens the long title of VREO to cover the establishment of the office of KFR for the two Market Towns of Cheung Chau and Peng Chau and to cover KFR election. Clause 4 adds the definitions of KFR and Market Town, and adds new definitions of Rural Representative to cover both a VR and a KFR, and Rural Area to cover Existing Village, Indigenous Village, Composite Indigenous Village and Market Town;
- (ii) Clause 6 adds a new section 6A to VREO to provide for the establishment of the office of KFR; the number of persons holding that office and the function of a KFR;
- (iii) Clause 7 amends section 9 of VREO to stipulate that a person elected as a KFR who ceases to be a resident of the Market Town after the election is disqualified from holding office;
- (iv) Clause 8 amends section 15 of VREO to prescribe the eligibility criteria for an elector of KFR;
- (v) Clause 9 amends section 22 of VREO to set out the eligibility criteria for candidate nomination at a KFR election. Clause 10 amends section 23 to set out the grounds for disqualifying a person from being elected as a KFR;

- (vi) Clause 12 amends section 61 of VREO to provide that a KFR is, by virtue of being such a KFR, a member of the relevant RC; and
- (vii) Clause 16 adds a new Schedule 3A to VREO setting out the name of Market Towns, the date of establishment of the office of KFR, the number of KFRs and the relevant RC to which they belong.

(c) Amendments to the Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (Cap. 541K) (Part 3)

Part 3 amends Cap. 541K to provide for the compilation of a provisional register and a final register for Market Towns. Existing sections setting out the procedures for compilation of such registers and for lodging claims and objections in respect of elector registration for VR election are extended to KFR election. In particular —

- (i) Clause 20 adds a new section 3A to Cap. 541K to provide that the Market Towns register is to contain a separate division for each Market Town;
- (ii) Clause 21 amends section 4 of Cap. 541K to provide that the Market Towns register is to show the name and principal residential address of electors;
- (iii) Clauses 30 and 31 amend sections 23 and 24 of Cap. 541K to extend the application of provisions for making claims and objections to the entries in a Market Towns provisional register; and
- (iv) Clause 33 amends section 29 of Cap. 541K to provide for the particulars that must be contained in a final register for Market Towns.

(d) Amendments to the Electoral Procedure (Village Representative Election) Regulation (Cap. 541L) (Part 4)

Part 4 extends the application of existing provisions in Cap. 541L concerning the procedures for conducting VR election to KFR election. In addition —

- (i) Clause 48 amends section 47 of Cap. 541L to expand the existing voting procedure to cater for computer counting such that the Director of Home Affairs will be empowered to direct whether the ballot paper should be folded or put into an envelope before being put into the ballot box for the relevant election according to circumstances;
- (ii) Clause 49 amends section 48 of Cap. 541L to provide for how ballot papers for KFR election are to be marked;
- (iii) Clause 52 amends section 61 of Cap. 541L to add the alternative counting methods of computer counting and roundtable counting;
- (iv) Clause 53 amends section 62 of Cap. 541L to further streamline the counting arrangement for VR and KFR elections in line with the arrangement in LegCo and District Council elections, in order to enhance efficiency of the counting process. A ballot paper which is not marked with a chop and a ballot paper which contains votes for a number of candidates exceeding the number of Rural Representatives to be returned at the relevant election are not to be counted (as opposed to being forwarded to Returning Officers as a questionable ballot paper for determining validity);
- (v) Clause 56 amends section 89 of Cap. 541L to provide that a person who removes a ballot paper from a polling station commits an offence; and
- (vi) Clauses 58 and 59 amend Schedules 1 and 2 to Cap. 541L to provide the forms of ballot papers and forms of notice of result of election for KFR election.

(e) Amendments to the Maximum Amount of Election Expenses (Village Representative Election) Regulation (Cap. 554B) (Part 5)

Part 5 amends Cap. 554B to prescribe the maximum amount of election expenses that can be incurred at an election of Rural Representative with over 5 000 electors. Clause 62 amends section 2 of Cap. 554B to specify the maximum amount, being \$38,000.

(f) Related and consequential amendments (Part 6)

Part 6 sets out the related and consequential amendments, including amendments to EACO, ECICO and subsidiary legislation under VREO. Schedules 1 to 5 further set out textual amendments to various enactments relating to —

- (i) replacement of “Village Representative” by “Rural Representative” (Schedule 1);
- (ii) replacement of “Village” by “Rural Area” (Schedule 2);
- (iii) replacement of “village ordinary election” by “rural ordinary election” (Schedule 3);
- (iv) replacement of “village by-election” by “rural by-election” (Schedule 4); and
- (v) replacement of “village election” by “rural election” (Schedule 5).

The amendments in Part 6 have the effect of, among others, extending the application of EACO (and hence EAC’s statutory functions), ECICO and the election petition regime to KFR election.

LEGISLATIVE TIMETABLE

13. The legislative timetable will be —

Publication in the Gazette	8 November 2013
First Reading and Commencement of Second Reading Debate	13 November 2013
Resumption of Second Reading Debate, Committee Stage and Third Reading	to be notified

IMPLICATIONS OF THE PROPOSAL

14. The proposal has financial and civil service implications as set out at **Annex C**. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, productivity, environmental, sustainability or family implications. The Amendment Bill does not affect the binding effect of the legislation which it seeks to amend.

PUBLIC CONSULTATION

15. We consulted the LegCo Panel on Home Affairs on the proposal to introduce statutory regulation of KFR election on 12 July 2013 and obtained its support. The proposal is also supported by EAC, Heung Yee Kuk, Cheung Chau RC and Peng Chau RC. We also consulted EAC on the Amendment Bill and have incorporated its comments.

PUBLICITY

16. A spokesperson will be made available to address media enquiries.

ENQUIRY

17. Enquiries on this brief may be directed to Ms. Leona LAW, Assistant Director of Home Affairs (1) at 2835 1423.

Home Affairs Department
6 November 2013

**Rural Representative Election Legislation
(Amendment) Bill 2013**

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A BILL

To

Amend the Village Representative Election Ordinance and related legislation to provide for the office of kaifong representative for Cheung Chau and Peng Chau; to provide for Kaifong Representatives elections and extend certain functions of the Electoral Affairs Commission to those elections; to improve the voting and counting arrangements for Village Representatives elections; to limit election expenses for a Village Representative or Kaifong Representative election with over 5,000 electors; and to make related, consequential or minor textual amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. **Short title and commencement**
 - (1) This Ordinance may be cited as the Rural Representative Election Legislation (Amendment) Ordinance 2013.
 - (2) This Ordinance—
 - (a) for all purposes relating to the elections of Resident Representatives, Indigenous Inhabitant Representatives and Kaifong Representatives in 2015—comes into operation on the day on which it is published in the Gazette; and

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

2. Enactments amended

- (1) The enactments specified in Parts 2 to 6 are amended as set out in those Parts.
- (2) The provisions set out in an item in column 1 of Schedules 1, 2, 3, 4 and 5 are amended by repealing the words and characters set out in column 2 of that item and substituting the words and characters set out in column 3 of that item.

Part 2

Amendments to Village Representative Election Ordinance (Cap. 576)

3. Long title amended

- (1) The long title, after “Composite Indigenous Village;”—
Add
“to provide for the establishment of the office of kaifong representative for a Market Town;”.
- (2) The long title—
Repeal
“and Indigenous Inhabitant Representatives” (wherever appearing)
Substitute
“, Indigenous Inhabitant Representatives and Kaifong Representatives”.

4. Section 2 amended (interpretation)

- (1) Section 2(1)—
Repeal the definition of *resident*
Substitute
“*resident* (居民)—
 - (a) in relation to an Existing Village, means a person whose principal residential address is in the Village;
 - (b) in relation to a Market Town, means a person whose principal residential address is in the Market Town;”.

- (2) Section 2(1)—
- (a) definition of *office of village representative*;
 - (b) definition of *village*;
 - (c) definition of *village by-election*;
 - (d) definition of *village ordinary election*—

Repeal the definitions.

- (3) Section 2(1)—

Add in alphabetical order

“Kaifong Representative (街坊代表), in relation to a Market Town, means a holder of the office of kaifong representative established for the Market Town under section 6A(1);

Market Town (墟鎮) means a market town—

- (a) the name of which is specified in column 1 of Schedule 3A; and
- (b) the area of which is coloured pink and edged red on the map that bears the number specified in column 2 of Schedule 3A opposite that name;

office of rural representative (鄉郊代表職位)—

- (a) in relation to an Existing Village, means the office of resident representative established for the Village under section 5(1);
- (b) in relation to an Indigenous Village, means the office of indigenous inhabitant representative established for the Village under section 6(1);
- (c) in relation to a Composite Indigenous Village, means the office of indigenous inhabitant representative established for the Village under section 6(2);

- (d) in relation to a Market Town, means the office of kaifong representative established for the Market Town under section 6A(1);

Rural Area (鄉郊地區) means an Existing Village, an Indigenous Village, a Composite Indigenous Village or a Market Town;

rural by-election (鄉郊補選), in relation to a Rural Area, means an election to elect a person as a Rural Representative for the Rural Area, otherwise than at a rural ordinary election for the Rural Area;

rural ordinary election (鄉郊一般選舉), in relation to a Rural Area, means—

- (a) the first election to elect a person as a Rural Representative for the Rural Area; or
- (b) if the office of rural representative for the Rural Area is vacated in accordance with section 7(2)(b) or (3)(b), an election to elect a person as a Rural Representative for the Rural Area to fill the vacancy;

Rural Representative (鄉郊代表)—

- (a) in relation to a Village, means a Village Representative for the Village;
- (b) in relation to a Market Town, means a Kaifong Representative for the Market Town;”.

5. Section 3A added

After section 3—

Add

“3A. Map of Market Town

- (1) The Director must—

- (a) keep at the Director's office each of the maps referred to in column 2 of Schedule 3A; and
 - (b) during the ordinary business hours of that office, make at least one copy of each of those maps available for inspection by members of the public free of charge.
- (2) If a map is certified by the Director as a true copy of a map on which a Market Town is delineated, the map as so certified is conclusive evidence of the delineation of the Market Town for any purpose related to an election.”.

6. Section 6A added

After section 6—

Add**“6A. Office of kaifong representative for Market Town**

- (1) There is established for a Market Town the office of kaifong representative with effect from the date specified in column 3 of Schedule 3A opposite the name of the Market Town specified in column 1 of that Schedule. The number of persons to hold the office of kaifong representative established for a Market Town is specified in column 4 of that Schedule opposite the name of the Market Town specified in column 1 of that Schedule.
- (2) A Kaifong Representative is to be elected under this Ordinance.
- (3) The function of a Kaifong Representative for a Market Town is to reflect views on the affairs of the Market Town on behalf of the residents of the Market Town. A Kaifong Representative is not to deal with any affair

relating to the lawful traditional rights and interests of indigenous inhabitants.”.

7. Section 9 amended (when a Village Representative is disqualified from holding office)

After section 9(5)—

Add

“(6) A person elected as a Kaifong Representative for a Market Town is disqualified from holding office if, at any time after the election, the person ceases to be a resident of the Market Town.”.

8. Section 15 amended (who is eligible to be registered as an elector)

(1) After section 15(3)—

Add

“(3A) A person is not, because of being registered as an elector for a Market Town in the existing final register for the Market Town that is in effect, entitled to have the person's name included as an elector for the Market Town in any subsequent provisional register for the Market Town if the Electoral Registration Officer is satisfied on reasonable grounds that the person has not been a resident of the Market Town for the 3 years immediately before the compilation of the provisional register. The Electoral Registration Officer may omit the person's name from the final register for the Market Town.”.

(2) After section 15(5)—

Add

- “(5A) A person is not eligible to be registered as an elector for a Market Town unless the person—
- (a) is a resident of the Market Town;
 - (b) has been a resident of the Market Town for the 3 years immediately before the date of application for registration;
 - (c) is an adult, or will be an adult on or before 20 October next following the person’s application for registration; and
 - (d) is a Hong Kong permanent resident.”

(3) Section 15(6)—

Repeal

everything after “elector”

Substitute

“for—

- (a) 2 or more Existing Villages may be registered for only one of those Villages of that person’s choice;
- (b) 2 Market Towns may be registered for only one of those Market Towns of that person’s choice; or
- (c) one or more Existing Villages and one or more Market Towns may be registered for only one of those Existing Villages or one of those Market Towns of that person’s choice.”

9. **Section 22 amended (who is eligible to be nominated as a candidate)**

After section 22(2)—

Add

- “(2A) A person is eligible to be nominated as a candidate at an election for a Market Town only if the person—
- (a) is a resident of the Market Town;
 - (b) has been a resident of the Market Town for the 6 years immediately preceding the nomination;
 - (c) has reached 21 years of age;
 - (d) is registered, and eligible to be registered, as an elector for the Market Town;
 - (e) is not disqualified from voting at the election; and
 - (f) is not disqualified from being nominated as a candidate at the election, or from being elected as a Kaifong Representative for the Market Town, because of section 23 or any other law.”

10. **Section 23 amended (when a person is disqualified from being nominated as a candidate and from being elected as a Village Representative)**

After section 23(4)—

Add

- “(5) A person is disqualified from being elected as a Kaifong Representative for a Market Town if, at any time after the close of nominations of candidates for election for the Market Town, the person ceases to be a resident of the Market Town.”

11. **Section 25 amended (number and qualifications of subscribers to a nomination form)**

After section 25(6)—

Add

- “(6A) To avoid doubt, if a person is—

- (a) an elector for a Market Town; and
 - (b) an elector for an Indigenous Village or a Composite Indigenous Village,
- and the person has in one of those capacities subscribed the specified number of nomination forms as regards an election for the Rural Area concerned, subsection (2) is not to be construed as preventing the person from subscribing other nomination forms in accordance with this section in another of those capacities.”.

12. Section 61 amended (Village Representative as a member of Rural Committee)

After section 61(3)—

Add

“(4) A Kaifong Representative for a Market Town is, by virtue of being such a Kaifong Representative, a member of the Rural Committee specified in column 5 of Schedule 3A opposite the name of the Market Town specified in column 1 of that Schedule.”.

13. Section 67 amended (Secretary may amend Schedule 1, 2 or 3)

(1) Section 67, heading—

Repeal

“or 3”

Substitute

“, 3 or 3A”.

(2) Section 67(1)—

Repeal

“or 3”

Substitute

“, 3 or 3A”.

14. Section 69 repealed (transitional provisions relating to Village Representative Election Legislation (Miscellaneous Amendments) Ordinance 2009)

Section 69—

Repeal the section.

15. Section 70 added

Before Schedule 1—

Add

“70. Transitional provisions relating to Rural Representative Election Legislation (Amendment) Ordinance 2013

Schedule 6 sets out transitional provisions relating to the Rural Representative Election Legislation (Amendment) Ordinance 2013 (of 2013).”.

16. Schedule 3A added

After Schedule 3—

Add

“Schedule 3A[ss. 2, 3A, 6A,
61 & 67 & Sch.
6]**Market Town**

Column 1	Column 2	Column 3	Column 4	Column 5
Name of Market Town	Map on which the area of the Market Town is delineated	Date of establishment of the office of kaifong representative	Number of persons to hold the office of kaifong representative	Rural Committee
1. Cheung Chau (長洲)	MTEB/2014/T/CC-01	1 April 2015	39	Cheung Chau Rural Committee
2. Peng Chau (坪洲)	MTEB/2014/T/PC-01	1 April 2015	17	Peng Chau Rural Committee”.

17. Schedule 5 repealed (transitional provisions relating to Village Representative Election Legislation (Miscellaneous Amendments) Ordinance 2009)

Schedule 5—

Repeal the Schedule.**18. Schedule 6 added**

At the end of the Ordinance—

Add**“Schedule 6**

[s. 70]

Transitional Provisions Relating to Rural Representative Election Legislation (Amendment) Ordinance 2013**1. Interpretation**

In this Schedule—

amending Ordinance (《修訂條例》) means the Rural Representative Election Legislation (Amendment) Ordinance 2013 (of 2013);*Market Town* (墟鎮) means—

- (a) the Market Town known as “Cheung Chau” which is included in Schedule 3A added by section 16 of the amending Ordinance;
- (b) the Market Town known as “Peng Chau” which is included in Schedule 3A added by section 16 of the amending Ordinance.

2. The first election for a Market Town

The first election to elect a person as a Kaifong Representative for a Market Town is to be held in 2015.

3. Registration of electors for Market Towns

Section 15(1)(a) does not apply in relation to the registration of a person as an elector for a Market Town in the first provisional register, or the first final register, to be compiled and published for that Market Town after the date on which the amending Ordinance is published in the Gazette.

4. Compilation of first Market Towns provisional register

Section 17(3), (4)(a) and (b), (5) and (6) does not apply in relation to the compilation of the first provisional register for Market Towns after the date on which the amending Ordinance is published in the Gazette.”

Part 3

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

19. Section 1 amended (interpretation)

(1) Section 1(1), definition of *division*—

(a) Paragraph (a)—

Repeal

“and”;

(b) Paragraph (b)(ii), after the semicolon—

Add

“and”;

(c) After paragraph (b)—

Add

“(c) a Market Towns register, a division of that register set apart under section 3A(1) for a particular Market Town;”.

(2) Section 1(1), definition of *final register*—

Repeal

“and an Indigenous Villages and Composite Indigenous Villages final register”

Substitute

“, an Indigenous Villages and Composite Indigenous Villages final register and a final register for Market Towns”.

(3) Section 1(1), definition of *provisional register*—

Repeal

“and an Indigenous Villages and Composite Indigenous Villages provisional register”

Substitute

“, an Indigenous Villages and Composite Indigenous Villages provisional register and a Market Towns provisional register”.

- (4) Section 1(1), definition of *registration*, paragraph (a), after “Existing Villages register”—

Add

“or a Market Towns register”.

- (5) Section 1(1)—

Add in alphabetical order

“*final register for Market Towns* (墟鎮正式選民登記冊) means a final register of electors for Market Towns required to be compiled under section 17(1)(b) of the Election Ordinance;

Market Town (墟鎮) has the same meaning as in section 2(1) of the Election Ordinance;

Market Towns provisional register (墟鎮臨時選民登記冊) means a provisional register of electors for Market Towns required to be compiled under section 17(1)(a) of the Election Ordinance;

Market Towns register (墟鎮選民登記冊) means a Market Towns provisional register or a final register for Market Towns;

Rural Area (鄉郊地區) has the same meaning as in section 2(1) of the Election Ordinance;”.

- (6) Section 1(2)(a)(ii)—

Repeal

“and”.

- (7) Section 1(2)(b)(ii)—

Repeal

“compiled.”

Substitute

“compiled; and”.

- (8) After section 1(2)(b)—

Add

“(c) the Market Towns provisional register for a particular year, as a reference to the final register for Market Towns—

- (i) published in the preceding year; and
- (ii) which is in effect because of section 18 of the Election Ordinance at the time the provisional register is being compiled.”.

20. Section 3A added

After section 3—

Add**“3A. Structure of Market Towns register**

- (1) A Market Towns register is to be divided so that there is a separate division for each Market Town.
- (2) In each division, the name of the relevant Market Town must be shown.”.

21. Section 4 amended (entries in Existing Villages register)

- (1) Section 4, heading, after “register”—

Add

“and Market Towns register”.

- (2) Section 4(1), after “Existing Villages register”—
Add
 “and a Market Towns register”.

22. Section 11 amended (ERO to determine whether or not applicant is eligible for registration)

- (1) Section 11(1)(a)(ii), English text—
Repeal
 “or”.
- (2) Section 11(1)(b)(ii)—
Repeal
 “registered.”
Substitute
 “registered; or”.
- (3) After section 11(1)(b)—
Add
 “(c) in the Market Towns provisional register, the ERO must, as soon as practicable, but subject to subsections (2) and (5) and sections 12 and 14A, determine either—
 (i) that the applicant is eligible to be so registered; or
 (ii) that the applicant is not eligible to be so registered.”
- (4) After section 11(4)—
Add
 “(5) If, for an application for registration in the Market Towns provisional register, the ERO is satisfied on reasonable grounds that the applicant is already

registered in the existing final register for Market Towns, for the Market Town named by the applicant on the application, the ERO may decide not to consider the application further.”.

23. Section 14A added

After section 14—

Add

“14A. Registration in Market Towns register

If, for an application for registration in a Market Towns provisional register, the ERO determines, having regard to information relevant to section 15(5A) of the Election Ordinance, that the applicant is eligible to be registered for the Market Town named by the applicant on the application, the ERO must record that person’s name and principal residential address in the division for that Market Town.”.

24. Section 15 amended (ERO to inform applicants of determinations and decisions)

- (1) After section 15(2)—

Add

- “(2A) When the ERO determines that an applicant is eligible to be registered in a Market Towns provisional register, the ERO must, as soon as practicable, inform the applicant, in writing—
 (a) of the determination; and
 (b) the name of the Market Town for which that person is being registered.”.

- (2) Section 15(3)—

Repeal

“is not eligible to be registered in the Existing Villages”

Substitute

“for registration in a provisional register is not eligible to be registered in the”.

- (3) Section 15—

Repeal subsection (4).

25. Section 16 amended (ERO to have power to require information to prepare registers)

- (1) Section 16(2)(a)—

Repeal

“or”.

- (2) Section 16(2)(b)—

Repeal

“Village.”

Substitute

“Village; or”.

- (3) After section 16(2)(b)—

Add

“(c) the name, identity document number, sex and principal residential address of a person who appears to the ERO to be eligible under that section to be registered as an elector for a Market Town.”.

26. Section 17 amended (ERO may make inquiries about persons registered in existing final register)

- (1) Section 17(1)—

Repeal paragraphs (a), (b), (c), (d), (e), (f), (g) and (h)

Substitute

- “(a) whether a person whose name is, or whose name and principal residential address are, recorded in the existing final register is dead;
- (b) whether a person whose name is, or whose name and principal residential address are, recorded in the existing final register is disqualified from being registered because of section 16 of the Election Ordinance;
- (c) whether a person whose name and principal residential address are recorded in the existing final register for Existing Villages is not entitled to be registered because of section 15(3) of the Election Ordinance;
- (d) whether the address recorded against a person’s name in the existing final register for Existing Villages is no longer the person’s principal residential address;
- (e) whether a person whose name and principal residential address are recorded in the existing final register for Existing Villages is not eligible to be registered because of section 15(4) of the Election Ordinance;
- (f) whether a person whose name is recorded in the existing Indigenous Villages and Composite Indigenous Villages final register is not eligible to be registered because of section 15(5) of the Election Ordinance;
- (g) whether a person whose name and principal residential address are recorded in the existing final register for Market Towns is not entitled to be registered because of section 15(3A) of the Election Ordinance;
- (h) whether the address recorded against a person’s name in the existing final register for Market Towns is no longer the person’s principal residential address;
- (i) whether a person whose name and principal residential address are recorded in the existing final register for

Market Towns is not eligible to be registered because of section 15(5A) of the Election Ordinance.”.

- (2) Section 17(2)—

Repeal

everything after “compiling”

Substitute

“a provisional register must be made in writing and sent by registered post addressed to the person from whom the inquiry is made.”.

27. **Section 18 amended (ERO to prepare omissions list)**

- (1) After section 18(4)—

Add

“(4A) In compiling a Market Towns provisional register—

- (a) if the ERO has reason to believe—
 - (i) from information received in response to a requirement or inquiry under section 16 or 17 or otherwise; or
 - (ii) despite any information to the contrary received by the ERO,

that the address recorded against a person’s name in the existing final register for Market Towns is no longer the person’s principal residential address; and
- (b) if the principal residential address of that person is not known to the ERO at the time the omissions list is prepared,

the ERO must enter on the omissions list the name and other relevant particulars of that person.”.

- (2) Section 18(8)(a), after “register”—

Add

“or the Market Towns provisional register”.

28. **Section 20 amended (ERO to correct entries in existing final register when compiling next provisional register)**

Section 20(8)(a), after “register”—

Add

“or the Market Towns provisional register”.

29. **Section 21 amended (what is to be contained in provisional register)**

Section 21(3)(a), after “register”—

Add

“or the Market Towns provisional register”.

30. **Section 23 amended (objection regarding registered person in provisional register)**

- (1) Section 23(1)(c)—

Repeal

“recorded,”

Substitute

“recorded; or”.

- (2) After section 23(1)(c)—

Add

“(d) in the division of a Market Towns register in which that person’s name is recorded,”.

- (3) Section 23(5), definition of *elector*—

- (a) Paragraph (a)—

Repeal

“or”;

- (b) Paragraph (b)—

Repeal

“Representative;”

Substitute

“Representative; or”;

- (c) After paragraph (b)—

Add

“(c) an election to elect a Kaifong Representative;”.

- (4) Section 23(5)—

Add in alphabetical order“*Kaifong Representative* (街坊代表) has the same meaning as in section 2(1) of the Election Ordinance;”.**31. Section 24 amended (who may make a claim)**

Section 24(1)(a)—

Repeal

“or (b)(ii)”

Substitute

“, (b)(ii) or (c)(ii)”.

32. Section 27 amended (ERO to correct entries in provisional register when compiling final register)

Section 27(11)(a), after “Villages”—

Add

“or the final register for Market Towns”.

33. Section 29 amended (what is to be contained in final register)

- (1) Section 29(4)(a), after “register”—

Add

“or the Market Towns register”.

- (2) Section 29(6)(a), after “register”—

Add

“or the Market Towns provisional register”.

34. Section 34 amended (ERO’s responsibility regarding communications)

Section 34(1), after “register”—

Add

“or a Market Towns register”.

35. Section 35 added

After section 34—

Add**“35. Transitional provisions relating to Rural Representative Election Legislation (Amendment) Ordinance 2013**

The Schedule sets out transitional provisions relating to the Rural Representative Election Legislation (Amendment) Ordinance 2013 (of 2013).”.

36. Schedule added

At the end of the Regulation—

Add

“Schedule [s. 35]

Transitional Provisions Relating to Rural Representative Election Legislation (Amendment) Ordinance 2013

1. Interpretation

In this Schedule—

amending Ordinance (《修訂條例》) means the Rural Representative Election Legislation (Amendment) Ordinance 2013 (of 2013).

2. When to apply for registration in first Market Towns provisional register

- (1) A person seeking registration in the first Market Towns provisional register must make an application to the ERO, in accordance with section 10, to be received by the ERO within the period beginning on the date on which the amending Ordinance is published in the Gazette and ending on 16 July 2014.
- (2) Section 9(1) does not apply in relation to the registration of a person as an elector in the first Market Towns provisional register after the date on which the amending Ordinance is published in the Gazette.

3. Compilation of first Market Towns provisional register

- (1) The first Market Towns provisional register after the date on which the amending Ordinance is published in the Gazette is to consist of the personal particulars of persons whom the ERO has determined to be eligible to be registered on applications received by the ERO within

the period beginning on that date and ending on 16 July 2014.

- (2) Sections 11(5), 17, 18, 19, 20 and 21 do not apply in relation to the compilation of the first Market Towns provisional register after the date on which the amending Ordinance is published in the Gazette.
- (3) In this section—
personal particulars (個人詳情) means the name and principal residential address of a person.”

Part 4**Amendments to Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L)****37. Section 2 amended (interpretation)**

- (1) Section 2(1), English text, definition of
- Village*
-

Repeal

“Ordinance;”

Substitute

“Ordinance.”

- (2) Section 2(1)—

- (a) definition of *village by-election*;
- (b) definition of *village by-election notice*;
- (c) definition of *village election notice*;
- (d) definition of *village ordinary election*;
- (e) definition of *Village Representative*—

Repeal the definitions.

- (3) Section 2(1)—

Add in alphabetical order

“*computer* (電腦), in relation to the counting of votes, includes any device and computer software that is designed and programmed to count the votes cast at an election;

Kaifong Representative (街坊代表) has the same meaning as in section 2(1) of the Election Ordinance;

Market Town (墟鎮) has the same meaning as in section 2(1) of the Election Ordinance;

Rural Area (鄉郊地區) has the same meaning as in section 2(1) of the Election Ordinance;

rural by-election (鄉郊補選) has the same meaning as in section 2(1) of the Election Ordinance;

rural by-election notice (鄉郊補選公告) means a notice published under section 6;

rural election notice (鄉郊選舉公告) means a notice published under section 4;

rural ordinary election (鄉郊一般選舉) has the same meaning as in section 2(1) of the Election Ordinance;

Rural Representative (鄉郊代表) has the same meaning as in section 2(1) of the Election Ordinance;”

38. Section 4 amended (Director of Home Affairs to publish village election notice)

Section 4(1)(b)—

Repeal

“or Indigenous Inhabitant Representatives”

Substitute

“; Indigenous Inhabitant Representatives or Kaifong Representatives”.

39. Section 6 amended (Director of Home Affairs to publish village by-election notice if a village by-election is to be held)

Section 6(b)—

Repeal

“or Indigenous Inhabitant Representatives”

Substitute

“, Indigenous Inhabitant Representatives or Kaifong Representatives”.

40. Section 16 amended (Returning Officer to declare candidate to be duly elected in uncontested election)

Section 16(2)(c)—

Repeal

“or an Indigenous Inhabitant Representative”

Substitute

“, an Indigenous Inhabitant Representative or a Kaifong Representative”.

41. Section 17 amended (Returning Officer to notify and declare if a validly nominated candidate is known before date of election to have died)

(1) Section 17(4)(b)—

Repeal

everything after “nominated for”

Substitute

“election—

(i) as a Resident Representative for an Existing Village;

(ii) as an Indigenous Inhabitant Representative for an Indigenous Village or a Composite Indigenous Village; or

(iii) as a Kaifong Representative for a Market Town;”.

(2) After section 17(4)(b)—

Add

“(ba) the name of the Rural Area for which the deceased candidate was nominated; and”.

(3) Section 17(5)(b)—

Repeal

everything after “nominated for”

Substitute

“election—

(i) as a Resident Representative for an Existing Village;

(ii) as an Indigenous Inhabitant Representative for an Indigenous Village or a Composite Indigenous Village; or

(iii) as a Kaifong Representative for a Market Town;”.

(4) After section 17(5)(b)—

Add

“(ba) the name of the Rural Area for which the deceased candidate was nominated; and”.

42. Section 18 amended (Returning Officer to notify and declare if a validly nominated candidate is known before date of election to be disqualified)

(1) Section 18(4)(b)—

Repeal

everything after “nominated for”

Substitute

“election—

(i) as a Resident Representative for an Existing Village;

(ii) as an Indigenous Inhabitant Representative for an Indigenous Village or a Composite Indigenous Village; or

(iii) as a Kaifong Representative for a Market Town;”.

(2) After section 18(4)(b)—

Add

“(ba) the name of the Rural Area for which the disqualified candidate was nominated;”.

(3) Section 18(5)(b)—

Repeal

everything after “nominated for”

Substitute

“election—

(i) as a Resident Representative for an Existing Village;

(ii) as an Indigenous Inhabitant Representative for an Indigenous Village or a Composite Indigenous Village; or

(iii) as a Kaifong Representative for a Market Town;”.

(4) After section 18(5)(b)—

Add

“(ba) the name of the Rural Area for which the disqualified candidate was nominated; and”.

43. **Section 33 amended (miscellaneous arrangements relating to voting)**

Section 33(1)—

Repeal

“mark and fold ballot papers issued to them”

Substitute

“vote”.

44. **Section 38 amended (order at polling station)**

Section 38(9A)—

Repeal

“47(1)”

Substitute

“47(6)”.

45. **Section 41 amended (form of ballot papers)**

(1) After section 41(3)—

Add

“(3A) A ballot paper to be used for an election for a Market Town is to be—

(a) if there is more than one vacancy—in Form 4(a) set out in Schedule 1; or

(b) if there is one vacancy—in Form 4(b) set out in Schedule 1.”.

(2) Section 41(4)(a)—

Repeal

“or”

Substitute

“and”.

46. **Section 43 amended (question to person applying for a ballot paper)**

Section 43(2)—

Repeal paragraphs (b) and (c)**Substitute**

- “(b) (i) “你是否已在本鄉郊地區(the Presiding Officer to read the name and type of the Rural Area)的鄉郊代表(the Presiding Officer to read the type of the Rural Representative)選舉中投了票?”; or
- (ii) “Have you already voted in this election to elect a Rural Representative (the Presiding Officer to read the type of the Rural Representative) for this Rural Area (the Presiding Officer to read the name and type of the Rural Area)?”.”.

47. Section 45 amended (issue of ballot paper)

- (1) Section 45(4)(b)—

Repeal

“or”.

- (2) Section 45(4)(c)—

Repeal

“Village.”

Substitute

“Village; or”.

- (3) After section 45(4)(c)—

Add

“(d) for a Market Town, the person must be issued a ballot paper to be used for an election for a Market Town.”.

48. Section 47 amended (voting procedure)

Section 47—

Repeal subsections (1), (1A), (2) and (3)**Substitute**

- “(1) Subject to section 49(1), when an elector is issued with a ballot paper or ballot papers, he or she must immediately go into a voting compartment and mark the ballot paper or ballot papers.
- (2) An elector must—
- (a) when being issued with a ballot paper or ballot papers, be provided with a cardboard in a colour determined by the Director of Home Affairs so as to indicate the number of ballot papers issued to the elector; and
- (b) carry with him or her the cardboard before it is returned under subsection (6)(b).
- (3) After marking the ballot paper or ballot papers, the elector must—
- (a) before leaving the voting compartment, conceal the mark on it or the marks on them;
- (b) put the ballot paper or ballot papers into the correct ballot box; and
- (c) follow any direction (if appropriate) given by the Director of Home Affairs under subsection (4).
- (4) The Director of Home Affairs may direct, in such manner as he or she thinks fit, an elector to—
- (a) fold the ballot paper so that the marked side is inside and put the folded ballot paper into the correct ballot box;
- (b) put the ballot paper, unfolded, into an envelope provided at the polling station and put the ballot paper contained in the envelope into the correct ballot box;

- (c) fold the ballot paper so that the marked side is inside, put the folded ballot paper into an envelope provided at the polling station and put the ballot paper contained in the envelope into the correct ballot box; or
 - (d) put the ballot paper, unfolded, into the correct ballot box with the marked side facing down.
- (5) If an elector is issued with more than one ballot papers, the Director of Home Affairs may give separate directions under subsection (4) for each ballot paper.
- (6) An elector must—
- (a) cast his or her vote without undue delay;
 - (b) return to any polling officer in the polling station the chop issued under section 45 and the cardboard provided under subsection (2); and
 - (c) leave the polling station as soon as he or she has put the ballot paper or ballot papers into the ballot box or ballot boxes and returned the chop and cardboard.
- (7) A person must not put anything into the ballot box other than a marked ballot paper or an envelope referred to in subsection (4).
- (8) Except where it is provided otherwise in this Regulation, a person must not remove a ballot paper from a polling station.
- (9) In this section—
- voting compartment* (劃票間) means a compartment provided under section 33(1)."

49. Section 48 amended (how ballot papers are to be marked)

- (1) Section 48(2)(b)—

Repeal

“(the number of which shall not exceed the number of Indigenous Inhabitant Representatives to be returned for the Village at the election)”.

- (2) After section 48(3)—

Add

“(4) An elector voting for a Market Town—

- (a) may vote for a number of candidates not exceeding the number of Kaifong Representatives to be returned for the Market Town at the election concerned; and
- (b) must mark his or her ballot paper by affixing the chop issued under section 45 to give a single “✓” in each of the circles opposite the names of the candidates of his or her choice on the ballot paper.”.

50. Section 49 amended (marking of ballot paper for or by incapacitated person)

- (1) Section 49(1)(a)—

Repeal

“or (3)”

Substitute

“, (3) or (4)”.

- (2) Section 49(1)—

Repeal paragraph (b)

Substitute

“(b) conceal the mark on the ballot paper before leaving the compartment and put the ballot paper into the correct ballot box.”.

51. Section 54 amended (ballot paper account)

Section 54(2)(b)—

Repeal

“or a Composite Indigenous Village”

Substitute

“, a Composite Indigenous Village or a Market Town”.

52. Section 61 amended (counting of votes)

(1) Section 61(1)—

Repeal

“either one”

Substitute

“any one or more”.

(2) Section 61(1)(a)(ii), English text—

Repeal

“or”.

(3) Section 61(1)(b)(iii)—

Repeal

“counted.”

Substitute

“counted;”.

(4) After section 61(1)(b)—

Add

“(c) the votes recorded on the ballot papers are to be counted with the use of a computer;

(d) the—

(i) choice or choices marked on each ballot paper are to be recorded in a form or forms; and

(ii) votes recorded for each candidate are to be counted.”.

(5) Section 61(2)—

Repeal

“or (b)”

Substitute

“, (b), (c) or (d)”.

(6) Section 61(2)(b)—

Repeal

“62(e), (f), (g) or (h)”

Substitute

“62(ab), (e), (f), (g), (h) or (i)”.

53. Section 62 amended (ballot papers not to be counted)

(1) After section 62(a)—

Add

“(ab) which is not marked with a chop issued under section 45;”.

(2) Section 62(b)(i)—

Repeal

“48(1)”

Substitute

“48(1)(b)”.

- (3) Section 62(b)(ii)—

Repeal

“48(2); or”

Substitute

“48(2)(b);”.

- (4) Section 62(b)(iii)—

Repeal

“48(3);”

Substitute

“48(3)(b); or”.

- (5) After section 62(b)(iii)—

Add

“(iv) used for an election for a Market Town, which is not marked in accordance with section 48(4)(b);”.

- (6) Section 62(g)—

Repeal

“or”.

- (7) Section 62(h)—

Repeal

“unmarked,”

Substitute

“unmarked; or”.

- (8) After section 62(h)—

Add

“(i) which contains votes for a number of candidates exceeding the number of Rural Representative or Rural

Representatives to be returned for the Rural Area at the election concerned.”.

54. Section 63 amended (determination of validity of questionable ballot papers)

- (1) Section 63(3)—

Repeal

“or (3)(b)”

Substitute

“, (3)(b) or (4)(b)”.

- (2) Section 63(3)—

Repeal

“the manner specified in section 61(1)(a) or (b), as the case may be”

Substitute

“any manner specified in section 61(1)”.

- (3) Section 63(6)(b)—

Repeal

“62(e), (f), (g) or (h)”

Substitute

“62(ab), (e), (f), (g), (h) or (i)”.

- (4) After section 63(7)(a)—

Add

“(ab) not marked with a chop issued under section 45;”.

- (5) Section 63(7)(b)—

Repeal

“48(1), (2) or (3)”

Substitute

“48(1)(b), (2)(b), (3)(b) or (4)(b)”.

- (6) Section 63(7)(g), English text—

Repeal

“; and”

Substitute a semicolon.

- (7) Section 63(7)(h)—

Repeal

“unmarked.”

Substitute

“unmarked; and”.

- (8) After section 63(7)(h)—

Add

“(i) containing votes for a number of candidates exceeding the number of Rural Representative or Rural Representatives to be returned for the Rural Area at the election concerned.”.

55. Section 67 amended (notice of election result)

- (1) Section 67(3)(b)—

Repeal

“or”.

- (2) Section 67(3)(c)—

Repeal

“Schedule 2.”

Substitute

“Schedule 2; or”.

- (3) After section 67(3)(c)—

Add

“(d) for a Market Town is to be in Form 4 set out in Schedule 2.”.

56. Section 89 amended (offence)

Section 89(2), after “38(4)”—

Add

“, 47(8)”.

57. Section 90 amended (offence of false statement)

Section 90(4)—

Repeal

“, 14(d)(iii)”.

58. Schedule 1 amended (forms of ballot papers for a village ordinary election/village by-election)

Schedule 1, after Form 3—

Add

“FORM 4(a)

BALLOT PAPER TO BE USED FOR ELECTION FOR A MARKET TOWN

(MORE THAN ONE VACANCY)

存根 COUNTERFOIL	*(編號) *(Serial Number)																														
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>(選舉程序(鄉郊代表選舉)規例) ELECTORAL PROCEDURE (RURAL REPRESENTATIVE ELECTION) REGULATION</p> <p>*鄉郊一般選舉/鄉郊補選 墟鎮街坊代表選舉</p> <p>*(墟鎮名稱) *RURAL ORDINARY ELECTION/RURAL BY-ELECTION ELECTION OF KAIFONG REPRESENTATIVE FOR MARKET TOWN *(NAME OF MARKET TOWN) *(選舉日期) *(date of election)</p> </div> <div style="width: 35%; text-align: center; font-weight: bold;"> 選票 BALLOT PAPER </div> </div>																															
最多只可選*(空缺數目)名 VOTE FOR UP TO *(NUMBER OF VACANCIES) ONLY																															
<p>請用投票站提供的印章，在所選候選人(不可超過*(空缺數目)名)姓名旁的圓圈內蓋上 ✓ 號。 Please use the chop provided at the polling station to stamp a ✓ in the circle opposite the names of not more than *(number of vacancies) candidates of your choice.</p>																															
✓																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 5%; font-weight: bold;">1</td> <td style="width: 75%; font-size: 0.8em;">*(候選人提名公告上顯示的候選人姓名) *(Name of candidate as shown in Notice of Nominations)</td> <td style="width: 10%; text-align: center; font-weight: bold;">16</td> <td style="width: 10%; text-align: center;"><input type="radio"/></td> </tr> <tr> <td style="text-align: center; font-weight: bold;">2</td> <td></td> <td style="text-align: center; font-weight: bold;">17</td> <td style="text-align: center;"><input type="radio"/></td> </tr> <tr> <td style="text-align: center; font-weight: bold;">3</td> <td></td> <td style="text-align: center; font-weight: bold;">18</td> <td style="text-align: center;"><input type="radio"/></td> </tr> <tr> <td style="text-align: center;">⋮</td> <td></td> <td style="text-align: center;">⋮</td> <td style="text-align: center;"><input type="radio"/></td> </tr> <tr> <td style="text-align: center; font-weight: bold;">13</td> <td></td> <td style="text-align: center; font-weight: bold;">28</td> <td style="text-align: center;"><input type="radio"/></td> </tr> <tr> <td style="text-align: center; font-weight: bold;">14</td> <td></td> <td style="text-align: center; font-weight: bold;">29</td> <td style="text-align: center;"><input type="radio"/></td> </tr> <tr> <td style="text-align: center; font-weight: bold;">15</td> <td></td> <td style="text-align: center; font-weight: bold;">30</td> <td style="text-align: center;"><input type="radio"/></td> </tr> </table>	1	*(候選人提名公告上顯示的候選人姓名) *(Name of candidate as shown in Notice of Nominations)	16	<input type="radio"/>	2		17	<input type="radio"/>	3		18	<input type="radio"/>	⋮		⋮	<input type="radio"/>	13		28	<input type="radio"/>	14		29	<input type="radio"/>	15		30	<input type="radio"/>			
1	*(候選人提名公告上顯示的候選人姓名) *(Name of candidate as shown in Notice of Nominations)	16	<input type="radio"/>																												
2		17	<input type="radio"/>																												
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13		28	<input type="radio"/>																												
14		29	<input type="radio"/>																												
15		30	<input type="radio"/>																												

* 只會印上適當的資料。
* Only the appropriate information will be printed.

FORM 4(b)

BALLOT PAPER TO BE USED FOR ELECTION FOR A MARKET TOWN

(ONE VACANCY)

存根 COUNTERFOIL	<small>*(編號)</small> <small>*(Serial Number)</small>									
<table style="width: 100%;"> <tr> <td style="width: 60%;"> <p><small>《選舉程序(鄉郊代表選舉)規例》</small> ELECTORAL PROCEDURE (RURAL REPRESENTATIVE ELECTION) REGULATION</p> <p><small>鄉郊補選</small> <small>墟鎮街坊代表選舉</small> <small>*(墟鎮名稱)</small> RURAL BY-ELECTION ELECTION OF KAIFONG REPRESENTATIVE FOR MARKET TOWN <small>*(NAME OF MARKET TOWN)</small> <small>*(選舉日期)</small> <small>*(date of election)</small></p> </td> <td style="width: 40%; text-align: center; vertical-align: middle;"> <p>選票 BALLOT PAPER</p> </td> </tr> </table>		<p><small>《選舉程序(鄉郊代表選舉)規例》</small> ELECTORAL PROCEDURE (RURAL REPRESENTATIVE ELECTION) REGULATION</p> <p><small>鄉郊補選</small> <small>墟鎮街坊代表選舉</small> <small>*(墟鎮名稱)</small> RURAL BY-ELECTION ELECTION OF KAIFONG REPRESENTATIVE FOR MARKET TOWN <small>*(NAME OF MARKET TOWN)</small> <small>*(選舉日期)</small> <small>*(date of election)</small></p>	<p>選票 BALLOT PAPER</p>							
<p><small>《選舉程序(鄉郊代表選舉)規例》</small> ELECTORAL PROCEDURE (RURAL REPRESENTATIVE ELECTION) REGULATION</p> <p><small>鄉郊補選</small> <small>墟鎮街坊代表選舉</small> <small>*(墟鎮名稱)</small> RURAL BY-ELECTION ELECTION OF KAIFONG REPRESENTATIVE FOR MARKET TOWN <small>*(NAME OF MARKET TOWN)</small> <small>*(選舉日期)</small> <small>*(date of election)</small></p>	<p>選票 BALLOT PAPER</p>									
<p><small>只選一名</small> VOTE FOR ONE ONLY</p> <p><small>請用投票站提供的印章，在所選候選人姓名旁的圓圈內蓋上 ✓ 號。</small> <small>Please use the chop provided at the polling station to stamp a ✓ in the circle opposite the name of candidate of your choice.</small></p>										
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; font-size: 24px;">1</td> <td style="width: 70%;"><small>*(候選人提名公告上顯示的候選人姓名)</small> <small>*(Name of candidate as shown in Notice of Nominations)</small></td> <td style="width: 20%; text-align: center;"><input type="radio"/></td> </tr> <tr> <td style="text-align: center; font-size: 24px;">2</td> <td></td> <td style="text-align: center;"><input type="radio"/></td> </tr> <tr> <td style="text-align: center; font-size: 24px;">3</td> <td></td> <td style="text-align: center;"><input type="radio"/></td> </tr> </table>	1	<small>*(候選人提名公告上顯示的候選人姓名)</small> <small>*(Name of candidate as shown in Notice of Nominations)</small>	<input type="radio"/>	2		<input type="radio"/>	3		<input type="radio"/>	
1	<small>*(候選人提名公告上顯示的候選人姓名)</small> <small>*(Name of candidate as shown in Notice of Nominations)</small>	<input type="radio"/>								
2		<input type="radio"/>								
3		<input type="radio"/>								

• 只會印上適當的資料。
• Only the appropriate information will be printed.

59. Schedule 2 amended (forms for the notice of result of election under section 36 of the Village Representative Election Ordinance (Cap. 576))

Schedule 2, after Form 3—

Add

“FORM 4

NOTICE OF RESULT OF ELECTION FOR A MARKET TOWN

<p><small>《選舉程序(鄉郊代表選舉)規例》</small> ELECTORAL PROCEDURE (RURAL REPRESENTATIVE ELECTION) REGULATION</p> <p>選舉結果公告 NOTICE OF RESULT OF ELECTION</p> <p>*鄉郊一般選舉/鄉郊補選</p> <p>墟鎮街坊代表選舉</p> <p>*(墟鎮名稱)</p> <p>*RURAL ORDINARY ELECTION/RURAL BY-ELECTION</p> <p>ELECTION OF KAIFONG REPRESENTATIVE FOR MARKET TOWN</p> <p>*(NAME OF MARKET TOWN)</p>
--

1.	於* 年 月 日舉行的上述選舉的結果公布如下 — The following is a statement of the result of the above election held on *(date)—		
	<i>候選人編號</i> <i>Candidate Number</i>	<i>候選人姓名</i> <i>Name of Candidate</i>	<i>所得票數</i> <i>Number of Votes Given to the Candidate</i>
2.	特此公布下列候選人*(依據以抽籤方式決定的選舉結果)當選為上述墟鎮的街坊代表 — It is hereby notified that the following *candidate(s) *is/are declared to be elected as a Kaifong Representative for the above-mentioned Market Town *(pursuant to a result determined by drawing lots)—		
	<i>候選人編號</i> <i>Candidate Number</i>	<i>當選的候選人姓名</i> <i>Name of Candidate Elected</i>	

*(日期) *(date)	*(選舉主任姓名) *(墟鎮名稱)選舉主任 *(Name of Returning Officer) Returning Officer for *(Name of Market Town)
------------------	--

- * 只會印上適當的資料。
- * Only the appropriate information will be printed.”.

Part 5**Amendments to Maximum Amount of Election Expenses (Village Representative Election) Regulation (Cap. 554 sub. leg. B)****60. Title amended**

The title—

Repeal

“VILLAGE”

Substitute

“RURAL”.

61. Section 1 amended (interpretation)**(1) Section 1, definition of *election*—****Repeal**

“village ordinary election or a village by-election”

Substitute

“rural ordinary election or a rural by-election”.

(2) Section 1, definition of *Election Ordinance*—**Repeal**

“Village”

Substitute

“Rural”.

(3) Section 1, definition of *elector*—**Repeal**

“Village” (wherever appearing)

Substitute

“Rural Area”.

(4) Section 1, definition of *village by-election* and *village ordinary election*—**Repeal**

““village by-election” (鄉村補選) and “village ordinary election” (鄉村一般選舉)”

Substitute“*rural by-election* (鄉郊補選) and *rural ordinary election* (鄉郊一般選舉)”.**62. Section 2 amended (maximum amount of election expenses)****(1) Section 2—****Repeal**

“Village is”

Substitute

“Rural Area is”.

(2) Section 2(a)—**Repeal**

“Village, \$18,000; or”

Substitute

“Rural Area, \$18,000;”.

(3) Section 2(b)—**Repeal**

“Village, \$28,000.”

Substitute

“Rural Area, \$28,000; or”.

(4) After section 2(b)—

Add

“(c) where there are over 5,000 electors for the Rural Area, \$38,000.”.

Part 6

Related and Consequential Amendments

Division 1—Amendments to Electoral Affairs Commission Ordinance (Cap. 541)

63. Section 2 amended (interpretation)

(1) Section 2(1), definition of *by-election*—

Repeal paragraph (d)

Substitute

“(d) a rural by-election within the meaning of section 2(1) of the Rural Representative Election Ordinance (Cap. 576);”.

(2) Section 2(1), definition of *election*—

Repeal paragraph (c)

Substitute

“(c) electing a Rural Representative for a Rural Area;”.

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

Repeal

“Village”

Substitute

“Rural”.

(4) Section 2(1)—

(a) definition of *Village*;

(b) definition of *Village Representative*—

Repeal the definitions.

(5) Section 2(1)—

Add in alphabetical order

“*Rural Area* (鄉郊地區) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576);

Rural Representative (鄉郊代表) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576).”.

64. **Section 7 amended (regulations)**

Section 7(1)(a)(ii)—

Repeal sub-subparagraph (C)**Substitute**

“(C) for an election held for electing a Rural Representative for a Rural Area, the appropriate Rural Area or Rural Areas.”.

65. **Section 8 amended (report on elections)**

(1) Section 8(6A)—

Repeal

“village” (wherever appearing)

Substitute

“rural”.

(2) Section 8(7), English text, definition of *subsector by-election*—**Repeal**

“(Cap. 569);”

Substitute

“(Cap. 569).”.

(3) Section 8(7)—

(a) definition of *series of village ordinary elections*;

(b) definition of *village ordinary election*—

Repeal the definitions.

(4) Section 8(7)—

Add in alphabetical order

“*rural ordinary election* (鄉郊一般選舉) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576);

series of rural ordinary elections (系列鄉郊一般選舉) means all the rural ordinary elections to elect the Rural Representatives whose terms of office will commence on the same date under the Rural Representative Election Ordinance (Cap. 576);”.

66. **Section 9A amended (Commission performing functions through Director of Home Affairs)**

Section 9A(1)(a)—

Repeal

“Village Representative for a Village”

Substitute

“Rural Representative for a Rural Area”.

Division 2—Amendments to Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)67. **Section 2 amended (interpretation)**(1) Section 2(1), definition of *appropriate authority*, paragraph (d)—**Repeal**

“Village Representative”

Substitute

“Rural Representative”.

- (2) Section 2(1), definition of *elector*—

Repeal paragraph (g)

Substitute

“(g) in relation to an election to elect a Rural Representative for a Rural Area, means an elector, as defined by section 2(1) of the Rural Representative Election Ordinance (Cap. 576), for the Rural Area;”.

- (3) Section 2(1), definition of *electoral law*, paragraph (e)—

Repeal

“Village”

Substitute

“Rural”.

- (4) Section 2(1), definition of *Electoral Registration Officer*—

Repeal

“Village”

Substitute

“Rural”.

- (5) Section 2(1), definition of *returning officer*—

Repeal paragraph (g)

Substitute

“(g) in relation to an election to elect a Rural Representative for a Rural Area, means a person appointed to be a Returning Officer for the Rural Area under section 54 of the Rural Representative Election Ordinance (Cap. 576),”.

- (6) Section 2(1)—

(a) definition of *Village*;

(b) definition of *Village Representative*—

Repeal the definitions.

- (7) Section 2(1)—

Add in alphabetical order

“*Rural Area* (鄉郊地區) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576);

Rural Representative (鄉郊代表) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576);”.

- (8) Section 2(3)(f)—

Repeal

“Village Representative”

Substitute

“Rural Representative”.

68. Section 3 amended (objects of this Ordinance)

Section 3(a)—

Repeal

“Village Representatives”

Substitute

“Rural Representatives”.

69. Section 4 amended (what elections does this Ordinance apply to?)

Section 4(1)—

Repeal paragraphs (i) and (j)

Substitute

- “(i) a rural ordinary election to elect a Rural Representative for a Rural Area;
- (j) a rural by-election to elect a Rural Representative for a Rural Area.”.

70. Section 28 amended (Court empowered to restrain person from repeating certain illegal conduct)

Section 28(5)(c)—

Repeal

“Village”

Substitute

“Rural Area”.

71. Section 36 amended (interpretation: Part 6)

Section 36(d)—

Repeal

“Village Representative for a Village”

Substitute

“Rural Representative for a Rural Area”.

72. Section 45 amended (Chief Executive in Council may make regulations)

Section 45(2)—

Repeal

“Villages”

Substitute

“Rural Areas”.

73. Schedule amended (limit prescribed for election concerned for purposes of section 37A)

The Schedule, item 9—

Repeal

“Village”

Substitute

“Rural”.

Division 3—Amendments to Subsidiary Legislation under Village Representative Election Ordinance (Cap. 576)

Subdivision 1—Amendments to Village Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576 sub. leg. A)

74. Title amended

The title—

Repeal

“VILLAGE”

Substitute

“RURAL”.

75. Section 1 amended (interpretation)

Section 1, definition of *EAC Regulation*—

Repeal

“Village”

Substitute

“Rural”.

**Subdivision 2—Amendments to Village Representative (Election
Petition) Rules (Cap. 576 sub. leg. B)**

76. Title amended

The title—

Repeal

“VILLAGE”

Substitute

“RURAL”.

77. Section 1 amended (interpretation)

Section 1, definition of *election agent*—

Repeal

“Village”

Substitute

“Rural”.

**78. Section 5 amended (signature and lodgement of election
petition)**

Section 5(4)—

Repeal

“Village concerned in Schedule 1, 2 or 3”

Substitute

“Rural Area concerned in Schedule 1, 2, 3 or 3A”.

79. Schedule amended (election petition)

(1) The Schedule—

Repeal

“Village Representative” (wherever appearing)

Substitute

“Rural Representative”.

(2) The Schedule, after “*Indigenous Inhabitant Representative*”—

Add

“/*Kaifong Representative*”.

(3) The Schedule—

Repeal

“*name of Village*”

Substitute

“*name of Rural Area*”.

(4) The Schedule—

Repeal

“above-mentioned Village” (wherever appearing)

Substitute

“above-mentioned Rural Area”.

Schedule 1

[s. 2]

**Minor Amendments Relating to Replacement of
 “Village Representative” by “Rural Representative”**

Part 1

**Amendments to Village Representative Election
 Ordinance (Cap. 576)**

	Column 1	Column 2	Column 3
	Provision	Repeal	Substitution
1.	Section 1(1)	Village Representative	Rural Representative
2.	Section 2(1), definition of <i>candidate</i>	Village Representative	Rural Representative
3.	Section 2(1), definition of <i>elected</i>	Village Representative	Rural Representative
4.	Part 2, heading	VILLAGE REPRESENTATIVE	RURAL REPRESENTATIVE
5.	Section 7, heading	Village Representative	Rural Representative

	Column 1	Column 2	Column 3
	Provision	Repeal	Substitution
6.	Section 7	(a) Village Representative (wherever appearing) (b) village representative	Rural Representative rural representative
7.	Section 8, heading	Village Representative	Rural Representative
8.	Section 8	(a) Village Representative (b) village representative (wherever appearing)	Rural Representative rural representative
9.	Section 9, heading	Village Representative	Rural Representative
10.	Section 9(1), (3) and (4)	Village Representative	Rural Representative
11.	Section 10, heading	Village Representative	Rural Representative
12.	Section 10(1)	(a) Village Representative	Rural Representative

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
	(b) village representative	rural representative
13. Section 11, heading	village representative	rural representative
14. Section 11	(a) village representative (wherever appearing)	rural representative
	(b) Village Representative	Rural Representative
15. Section 12, heading	village representative	rural representative
16. Section 12	village representative	rural representative
17. Section 20	(a) Village Representative (wherever appearing)	Rural Representative
	(b) village representative	rural representative
18. Section 21, heading	village representative	rural representative

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
19. Section 21	(a) village representative (wherever appearing)	rural representative
	(b) Village Representative	Rural Representative
20. Section 22(3)	Village Representative	Rural Representative
21. Section 23, heading	Village Representative	Rural Representative
22. Section 23(1) and (3)	Village Representative (wherever appearing)	Rural Representative
23. Section 25(7)	Village Representatives	Rural Representatives
24. Section 28(3) and (6)	Village Representative	Rural Representative
25. Section 29	(a) Village Representatives (wherever appearing)	Rural Representatives

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
	(b) Village Representative (wherever appearing)	Rural Representative
26. Section 30(3)	(a) Village Representative	Rural Representative
	(b) Village Representatives	Rural Representatives
27. Section 31	(a) Village Representatives (wherever appearing)	Rural Representatives
	(b) Village Representative (wherever appearing)	Rural Representative
28. Section 36(1)	Village Representative	Rural Representative
29. Section 36A	Village Representative (wherever appearing)	Rural Representative
30. Section 39(1)	Village Representative	Rural Representative

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
31. Section 48(1)	village representative	rural representative
32. Section 49	Village Representative (wherever appearing)	Rural Representative
33. Section 50, heading	Village Representative	Rural Representative
34. Section 50	Village Representative (wherever appearing)	Rural Representative
35. Section 58	(a) Village Representative (wherever appearing)	Rural Representative
	(b) village representative	rural representative
36. Section 61, heading	Village Representative	Rural Representative

Part 2

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

	Column 1	Column 2	Column 3
	Provision	Repeal	Substitution
1.	Title	Village Representative	Rural Representative
2.	Section 1(1), definition of <i>Election Ordinance</i>	Village Representative	Rural Representative
3.	Section 23(2A)	Village Representative	Rural Representative
4.	Section 25(3A)	Village Representative	Rural Representative

Part 3

**Amendments to Electoral Procedure (Village
 Representative Election) Regulation (Cap. 541 sub. leg.
 L)**

	Column 1	Column 2	Column 3
	Provision	Repeal	Substitution
1.	Title	Village Representative	Rural Representative
2.	Section 2(1), definition of <i>Election Ordinance</i>	Village Representative	Rural Representative
3.	Section 4(1)	Village Representatives (wherever appearing)	Rural Representatives
4.	Section 6	Village Representatives (wherever appearing)	Rural Representatives
5.	Section 17(6)	Village Representative	Rural Representative
6.	Section 18(6)	Village Representative	Rural Representative
7.	Section 19	(a) Village Representatives (wherever appearing)	Rural Representatives

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
	(b) Village Representative (wherever appearing)	Rural Representative
8. Section 21(5)	Village Representatives	Rural Representatives
9. Section 35(2)	Village Representatives	Rural Representatives
10. Section 38(5)	Village Representatives	Rural Representatives
11. Section 59(3)	Village Representatives	Rural Representatives
12. Section 91(4)	Village Representative	Rural Representative
13. Schedule 1, Form 1	(a) 村代表 (b) VILLAGE REPRESENTATIVE	鄉郊代表 RURAL REPRESENTATIVE
14. Schedule 1, Form 2(a)	(a) 村代表 (b) VILLAGE REPRESENTATIVE	鄉郊代表 RURAL REPRESENTATIVE
15. Schedule 1, Form 2(b)	(a) 村代表 (b) VILLAGE REPRESENTATIVE	鄉郊代表 RURAL REPRESENTATIVE
16. Schedule 1, Form 3	(a) 村代表 (b) VILLAGE	鄉郊代表 RURAL

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
	REPRESENTATIVE	REPRESENTATIVE
17. Schedule 2, heading	VILLAGE REPRESENTATIVE	RURAL REPRESENTATIVE
18. Schedule 2, Form 1	(a) 村代表 (b) VILLAGE REPRESENTATIVE	鄉郊代表 RURAL REPRESENTATIVE
19. Schedule 2, Form 2	(a) 村代表 (b) VILLAGE REPRESENTATIVE	鄉郊代表 RURAL REPRESENTATIVE
20. Schedule 2, Form 3	(a) 村代表 (b) VILLAGE REPRESENTATIVE	鄉郊代表 RURAL REPRESENTATIVE

Part 4

**Other Amendments Relating to Replacement of
 “Village Representative” by “Rural Representative”**

**Division 1—Amendment to Rules of the High Court (Cap. 4
 sub. leg. A)**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Order 1, rule 2(5)	Village Representative (wherever appearing)	Rural Representative

**Division 2—Amendment to Sex Discrimination Ordinance
 (Cap. 480)**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 35(2)	Village Representative	Rural Representative

**Division 3—Amendment to Hong Kong Court of Final
 Appeal Ordinance (Cap. 484)**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 22(1)	Village Representative (wherever appearing)	Rural Representative

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

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 104(4)	Village Representative	Rural Representative

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

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 105(4)	Village	Rural Representative

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
	Representative	

**Division 6—Amendment to Electoral Affairs Commission
(Electoral Procedure) (Election Committee) Regulation
(Cap. 541 sub. leg. I)**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 107(4)	Village Representative	Rural Representative

**Division 7—Amendment to Electoral Procedure (Chief
Executive Election) Regulation (Cap. 541 sub. leg. J)**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 86(4)	Village Representative	Rural Representative

**Division 8—Amendments to Electronic Transactions
(Exclusion) Order (Cap. 553 sub. leg. B)**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Schedule 1, item 68	Village Representative	Rural Representative
2. Schedule 2, item 24	Village Representative	Rural Representative

**Division 9—Amendment to Heung Yee Kuk Ordinance
(Cap. 1097)**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 3(2)(b)	Village Representatives	Rural Representatives
2. Section 3(3)(a)	(a) Village Representative” (村 (b) the Village Representative (wherever appearing)	Rural Representative” (鄉郊 the Rural Representative

Schedule 2

[s. 2]

**Minor Amendments Relating to Replacement of
 “Village” by “Rural Area”**

Part 1

**Amendments to Village Representative Election
 Ordinance (Cap. 576)**

	Column 1	Column 2	Column 3
	Provision	Repeal	Substitution
1.	Section 2(1), definition of <i>elector</i>	Village (wherever appearing)	Rural Area
2.	Section 2(1), definition of <i>final register</i>	Village (wherever appearing)	Rural Area
3.	Section 2(1), definition of <i>provisional register</i>	Village (wherever appearing)	Rural Area
4.	Section 2(1), definition of <i>registered</i>	Village	Rural Area

	Column 1	Column 2	Column 3
	Provision	Repeal	Substitution
5.	Section 2(1), definition of <i>Returning Officer</i>	Village (wherever appearing)	Rural Area
6.	Section 7(3)	for a Village	for a Rural Area
7.	Section 9(4)	(a) for a Village (b) for the Village	for a Rural Area for the Rural Area
8.	Section 11	for a Village (wherever appearing)	for a Rural Area
9.	Section 12	Village	Rural Area
10.	Section 13(1) and (2)	Village (wherever appearing)	Rural Area
11.	Section 14.	Village (wherever appearing)	Rural Area
12.	Section 15(1)	Village (wherever appearing)	Rural Area
13.	Section 16	Village	Rural Area
14.	Section 17	Village (wherever appearing)	Rural Area

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
15. Section 18	Village (wherever appearing)	Rural Area
16. Section 20	(a) for a Village (wherever appearing) (b) for the Village (c) Villages	for a Rural Area for the Rural Area Rural Areas
17. Section 21	(a) for a Village (wherever appearing) (b) for the Village (wherever appearing)	for a Rural Area for the Rural Area
18. Section 22(4)	Village (wherever appearing)	Rural Area
19. Section 23(1)	(a) for a Village (b) for the Village	for a Rural Area for the Rural Area
20. Section 24	Village	Rural Area
21. Section 25(1), (2), (4) and (7)	(a) for a Village (b) for the Village (wherever appearing)	for a Rural Area for the Rural Area

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
22. Section 27	Village (wherever appearing)	Rural Area
23. Section 28	(a) for a Village (b) for the Village (wherever appearing)	for a Rural Area for the Rural Area
24. Section 29, heading	Village	Rural Area
25. Section 29	(a) for a Village (wherever appearing) (b) for the Village (wherever appearing)	for a Rural Area for the Rural Area
26. Section 30	(a) for a Village (wherever appearing) (b) for the Village (wherever appearing)	for a Rural Area for the Rural Area
27. Section 31	(a) for the Village (wherever appearing)	for the Rural Area

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
	(b) for a Village (wherever appearing)	for a Rural Area
28. Section 36(1)	(a) for a Village (b) for the Village (wherever appearing)	for a Rural Area for the Rural Area
29. Section 41(1)	Village	Rural Area
30. Section 49	(a) for a Village (b) for the Village (wherever appearing)	for a Rural Area for the Rural Area
31. Section 50(2)	(a) for a Village (b) for the Village (wherever appearing)	for a Rural Area for the Rural Area
32. Section 54(1)	Village (wherever appearing)	Rural Area
33. Section 58(6)	for a Village	for a Rural Area

Part 2

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

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
1. Section 18	(a) Village (wherever appearing) (b) <i>Village</i>	Rural Area <i>Rural Area</i>

Part 3

**Amendments to Electoral Procedure (Village
 Representative Election) Regulation (Cap. 541 sub. leg.
 L)**

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
1. Section 2(3) and (4)	(a) Village (wherever appearing) (b) Villages (wherever appearing)	Rural Area Rural Areas

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
2. Section 4	(a) the Village (wherever appearing)	the Rural Area
	(b) that Village	that Rural Area
	(c) one Village	one Rural Area
3. Section 6	(a) the Village (wherever appearing)	the Rural Area
	(b) that Village	that Rural Area
4. Section 10(3)	Village (wherever appearing)	Rural Area
5. Section 12(1)	Village	Rural Area
6. Section 15	(a) Village (wherever appearing)	Rural Area
	(b) Villages	Rural Areas
7. Section 16	Village (wherever appearing)	Rural Area
8. Section 17	the Village (wherever appearing)	the Rural Area

Column 1 Provision	Column 2 Repeal	Column 3 Substitution
9. Section 18	the Village (wherever appearing)	the Rural Area
10. Section 19	the Village (wherever appearing)	the Rural Area
11. Section 20	Village (wherever appearing)	Rural Area
12. Section 21	(a) the Village (wherever appearing)	the Rural Area
	(b) that Village	that Rural Area
13. Section 24(1)	Village	Rural Area
14. Section 27	(a) Villages	Rural Areas
	(b) Village (wherever appearing)	Rural Area
15. Section 28	(a) Village (wherever appearing)	Rural Area
	(b) Villages	Rural Areas
	(c) one village	one Rural Area

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
16. Section 29	Village (wherever appearing)	Rural Area
17. Section 30	Village (wherever appearing)	Rural Area
18. Section 31	(a) Village (wherever appearing)	Rural Area
	(b) Villages	Rural Areas
19. Section 32	Village (wherever appearing)	Rural Area
20. Section 33	Village (wherever appearing)	Rural Area
21. Section 34	(a) Village (wherever appearing)	Rural Area
	(b) Villages (wherever appearing)	Rural Areas
22. Section 36(2)	Village	Rural Area
23. Section 41(4)(b)	Villages	Rural Areas

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
24. Section 43(2)(a)	(a) 本村	本鄉郊地區
	(b) Village (wherever appearing)	Rural Area
25. Section 45(1), (2) and (3)	(a) Village (wherever appearing)	Rural Area
	(b) Villages (wherever appearing)	Rural Areas
26. Section 50	Village (wherever appearing)	Rural Area
27. Section 53(1)	Village (wherever appearing)	Rural Area
28. Section 54	(a) one Village	one Rural Area
	(b) each Village (wherever appearing)	each Rural Area
	(c) the Village (wherever appearing)	the Rural Area
29. Section 55	Village (wherever appearing)	Rural Area

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
30. Section 56(1)	Village	Rural Area
31. Section 60A	(a) Village (wherever appearing)	Rural Area
	(b) Villages	Rural Areas
32. Section 68(2)	Village	Rural Area
33. Section 69	Village	Rural Area
34. Section 75(1)	Village (wherever appearing)	Rural Area
35. Section 91(3)	village	Rural Area

Part 4

**Other Amendment to Hong Kong Court of Final Appeal
Ordinance (Cap. 484) Relating to Replacement of
“Village” by “Rural Area”**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 22(1)	village	Rural Area

Schedule 3

[s. 2]

**Minor Amendments Relating to Replacement of “village
ordinary election” by “rural ordinary election”**

Part 1

**Amendments to Village Representative Election
Ordinance (Cap. 576)**

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 2(1), definition of <i>election</i>	village ordinary election	rural ordinary election
2. Section 7(2)	village ordinary election	rural ordinary election
3. Section 20, heading	village ordinary elections	rural ordinary elections
4. Section 20	(a) village ordinary election (wherever appearing)	rural ordinary election
	(b) village ordinary	rural ordinary elections

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
	elections	

Part 2

Amendments to Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L)

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 2(1), definition of <i>polling day</i>	village ordinary election	rural ordinary election
2. Section 3(1)	village ordinary election	rural ordinary election
3. Section 4(1)	village ordinary election (wherever appearing)	rural ordinary election
4. Section 5(2)	village ordinary election	rural ordinary election
5. Section 28(1)	village ordinary election	rural ordinary election

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
6. Schedule 1, heading	VILLAGE ORDINARY ELECTION	RURAL ORDINARY ELECTION
7. Schedule 1, Form 1	(a) 鄉村一般選舉 (b) VILLAGE ORDINARY ELECTION	鄉郊一般選舉 RURAL ORDINARY ELECTION
8. Schedule 1, Form 2(a)	(a) 鄉村一般選舉 (b) VILLAGE ORDINARY ELECTION	鄉郊一般選舉 RURAL ORDINARY ELECTION
9. Schedule 1, Form 2(b)	(a) 鄉村一般選舉 (b) VILLAGE ORDINARY ELECTION	鄉郊一般選舉 RURAL ORDINARY ELECTION
10. Schedule 1, Form 3	(a) 鄉村一般選舉 (b) VILLAGE ORDINARY ELECTION	鄉郊一般選舉 RURAL ORDINARY ELECTION
11. Schedule 2, Form 1	(a) 鄉村一般選舉 (b) VILLAGE ORDINARY ELECTION	鄉郊一般選舉 RURAL ORDINARY ELECTION

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
12. Schedule 2, Form 2	(a) 鄉村一般選舉	鄉郊一般選舉
	(b) VILLAGE ORDINARY ELECTION	RURAL ORDINARY ELECTION
13. Schedule 2, Form 3	(a) 鄉村一般選舉	鄉郊一般選舉
	(b) VILLAGE ORDINARY ELECTION	RURAL ORDINARY ELECTION

Schedule 4

[s. 2]

Minor Amendments Relating to Replacement of “village by-election” by “rural by-election”

Part 1

Amendments to Village Representative Election Ordinance (Cap. 576)

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 2(1), definition of <i>election</i>	village by-election	rural by-election
2. Section 7(3)	village by-election	rural by-election
3. Section 21, heading	Village by-election	Rural by-election
4. Section 21	village by-election (wherever appearing)	rural by-election
5. Section 22(3)	village by-election	rural by-election

Part 2

Amendments to Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L)

	Column 1	Column 2	Column 3
	Provision	Repeal	Substitution
1.	Section 2(1), definition of <i>polling day</i>	village by-election	rural by-election
2.	Section 3	village by-election (wherever appearing)	rural by-election
3.	Section 5(2)	village by-election (wherever appearing)	rural by-election
4.	Section 6, heading	village by-election (wherever appearing)	rural by-election
5.	Section 6	village by-election (wherever appearing)	rural by-election
6.	Section 7(1)	village by-election	rural by-election

	Column 1	Column 2	Column 3
	Provision	Repeal	Substitution
7.	Section 17(6)	village by-election	rural by-election
8.	Section 18(6)	village by-election	rural by-election
9.	Section 19(5)	village by-election	rural by-election
10.	Section 20(9)	village by-election	rural by-election
11.	Section 21(6)	village by-election	rural by-election
12.	Section 28(1)	village by-election	rural by-election
13.	Section 77(6)	village by-election	rural by-election
14.	Schedule 1, heading	VILLAGE BY-ELECTION	RURAL BY-ELECTION
15.	Schedule 1, Form 1	(a) 鄉村補選 (b) VILLAGE BY-ELECTION	鄉郊補選 RURAL BY-ELECTION
16.	Schedule 1, Form 2(a)	(a) 鄉村補選 (b) VILLAGE BY-ELECTION	鄉郊補選 RURAL BY-ELECTION

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
17. Schedule 1, Form 2(b)	(a) 鄉村補選 (b) VILLAGE BY-ELECTION	鄉郊補選 RURAL BY-ELECTION
18. Schedule 1, Form 3	(a) 鄉村補選 (b) VILLAGE BY-ELECTION	鄉郊補選 RURAL BY-ELECTION
19. Schedule 2, Form 1	(a) 鄉村補選 (b) VILLAGE BY-ELECTION	鄉郊補選 RURAL BY-ELECTION
20. Schedule 2, Form 2	(a) 鄉村補選 (b) VILLAGE BY-ELECTION	鄉郊補選 RURAL BY-ELECTION
21. Schedule 2, Form 3	(a) 鄉村補選 (b) VILLAGE BY-ELECTION	鄉郊補選 RURAL BY-ELECTION

Schedule 5

[s. 2]

Minor Amendments to Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L) Relating to Replacement of “village election” by “rural election”

Column 1	Column 2	Column 3
Provision	Repeal	Substitution
1. Section 4, heading	village election	rural election
2. Section 5(2)	village election	rural election
3. Section 7(1)	village election	rural election

Explanatory Memorandum

Currently, the elections of Resident Representatives for Existing Villages and Indigenous Inhabitant Representatives for Indigenous Villages or Composite Indigenous Villages are regulated by the Village Representative Election Ordinance (Cap. 576) (*the Ordinance*). The main object of this Bill is to broaden the scope of application of the Ordinance and certain items of legislation relating to village representative elections (collectively *electoral legislation*) so that after the enactment of the Bill, the electoral legislation as amended also regulates the elections of kaifong representatives for Cheung Chau and Peng Chau, the market towns for which elections of kaifong representatives had been held in 2010. The Ordinance is to be renamed as the Rural Representative Election Ordinance.

Part 1—Preliminary

2. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to the Ordinance

3. Clause 3 widens the long title to the Ordinance to provide for the establishment of the office of kaifong representative for Cheung Chau and Peng Chau and to provide for the elections of kaifong representatives.
4. Clause 4 amends section 2 of the Ordinance to add a number of new definitions. In particular—
 - (a) the definitions of *Kaifong Representative* and *Market Town* are added to reflect that the Ordinance is to also regulate the elections of Kaifong Representatives for Market Towns; and

- (b) a new definition of *Rural Representative* is added to cover both a Village Representative and a Kaifong Representative.
5. Clause 5 adds a new section 3A to the Ordinance to require the Director of Home Affairs (*the Director*) to keep a copy of the map on which a Market Town is delineated.
6. Clause 6 adds a new section 6A to the Ordinance to provide for—
 - (a) the establishment of the office of kaifong representative, and the number of persons holding that office, for a Market Town; and
 - (b) the function of a Kaifong Representative.
7. Section 9 of the Ordinance sets out the grounds on which a person elected as a Rural Representative is disqualified from holding office. Clause 7 adds a new subsection (6) to that section so that a person elected as a Kaifong Representative who ceases to be a resident of the Market Town after the election is disqualified from holding office.
8. Section 15 of the Ordinance sets out the eligibility criteria for a person to be registered as an elector. Clause 8 adds new subsections (3A) and (5A) to that section to set out further eligibility criteria for a person to be registered as an elector for a Market Town.
9. Clause 9 amends section 22 of the Ordinance to set out the eligibility criteria for a person to be nominated as a candidate at an election for a Market Town.
10. Section 23 of the Ordinance sets out the grounds on which a person is disqualified from being nominated as a candidate at an election and from being elected as a Rural Representative. Clause 10 adds a new subsection (5) to that section to set out the grounds on which a person is disqualified from being elected as a Kaifong Representative.

11. Clause 11 adds a new subsection (6A) to section 25 of the Ordinance to clarify the interpretation of section 25(2).
 12. Clause 12 adds a new subsection (4) to section 61 of the Ordinance to provide that a Kaifong Representative is, by virtue of being such a Kaifong Representative, a member of the relevant Rural Committee.
 13. Clause 13 amends section 67 of the Ordinance to empower the Secretary for Home Affairs to amend the new Schedule 3A to the Ordinance (added by clause 16).
 14. Clauses 14 and 17 repeal provisions in the Ordinance which have become spent.
 15. Clause 15 and the new Schedule 6 to the Ordinance (added by clause 18) provide for the transitional provisions relating to the registration of electors and compilation of the provisional register for the elections of Kaifong Representatives to be held in 2015.
 16. Clause 16 adds a new Schedule 3A to the Ordinance. Schedule 3A contains the name of Market Towns, the date of establishment of the office of kaifong representative for a Market Town, the number of persons holding that office and the membership of Rural Committee relevant to the Kaifong Representative for a Market Town.
- Part 3—Amendments to Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (Cap. 541 sub. leg. K) (Registration Regulation)**
17. Clause 19 adds new definitions of *final register for Market Towns*, *Market Towns provisional register* and *Market Towns register* to section 1 of the Registration Regulation.
 18. Sections 3 and 4 of the Registration Regulation deal with the form of the registers. Clause 20 adds a new section 3A to the Registration Regulation to provide that the Market Towns register

- is to contain a separate division for each Market Town. Clause 21 amends section 4 of the Registration Regulation so that in the Market Towns register, an elector is registered by recording his or her name and principal residential address.
19. Part 4 of the Registration Regulation (which Part contains sections 11 to 22) sets out how the Electoral Registration Officer (*ERO*) is to compile a provisional register. Clauses 22, 24, 25, 26, 27, 28 and 29 respectively amend sections 11, 15, 16, 17, 18, 20 and 21 of the Registration Regulation to extend the application of those sections to the compilation of the Market Towns provisional register.
 20. Clause 23 adds a new section 14A to the Registration Regulation to provide that the ERO must record an applicant's personal particulars in the Market Towns provisional register if the ERO determines that the applicant is eligible to be registered.
 21. Part 5 of the Registration Regulation (which Part contains sections 23 to 28) contains provisions for making objections and claims for entries in the provisional register and correcting the provisional register when compiling the final register. Clauses 30, 31 and 32 respectively amend sections 23, 24 and 27 of the Registration Regulation to extend the application of those sections to the entries in a Market Towns provisional register and to the compilation of a final register for Market Towns.
 22. Section 29 of the Registration Regulation sets out what is to be contained in a final register. Clause 33 amends that section to provide for the particulars that is to be contained in a final register for Market Towns.
 23. Clause 35 and the new Schedule to the Registration Regulation (added by clause 36) provide for the transitional provisions relating to the compilation of the first Market Towns provisional register for the elections of Kaifong Representatives to be held in 2015.

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

24. Clause 37 amends section 2 of the Procedure Regulation as a consequence of the amendments made to section 2 of the Ordinance. Clause 37 also adds a new definition of *computer* to section 2 of the Procedure Regulation.
25. Part 2 of the Procedure Regulation (which Part contains sections 4 to 21) provides for nomination of candidates and withdrawal of candidature. Clauses 38, 39, 40, 41 and 42 respectively amend sections 4, 6, 16, 17 and 18 of the Procedure Regulation to extend the application of those sections to elections of Kaifong Representatives.
26. Section 41 of the Procedure Regulation provides for the form of ballot papers. Clause 45 adds a new subsection (3A) to that section to provide for the form of ballot papers to be used for an election for a Market Town. Clause 45 also amends section 41(4) of the Procedure Regulation to clarify that the Director may decide the design of a ballot paper.
27. Section 45 of the Procedure Regulation prescribes the procedures for issuing ballot papers. Clause 47 amends that section to extend the application of that section to issuing ballot papers to be used for an election for a Market Town.
28. Clause 48 re-enacts section 47 of the Procedure Regulation which provides for voting procedure to be observed by an elector.
29. Clause 49 amends section 48 of the Procedure Regulation to specify how ballot papers to be used for an election for a Market Town are to be marked.
30. Clause 50 amends section 49 of the Procedure Regulation as a consequence of the re-enactment of section 47 of the Procedure Regulation.

31. Part 6 of the Procedure Regulation (which Part contains sections 55 to 67) provides for counting of the votes. Section 61(1) specifies the manner in which ballot papers are to be counted. Clause 52 adds 2 new paragraphs to that section, namely new paragraph (c) (computer counting) and new paragraph (d) (recording the choices in a specified form and counting accordingly).
32. Section 62 of the Procedure Regulation specifies the ballot papers that are not to be counted. Clause 53 amends that section to clarify that a ballot paper which is not marked with a chop issued under section 45 of the Procedure Regulation and a ballot paper which contains votes for a number of candidates exceeding the number of Rural Representatives to be returned at the relevant election are not to be counted.
33. Clause 54 amends section 63 of the Procedure Regulation as a consequence of the amendments made to sections 61 and 62 of the Procedure Regulation.
34. Section 67 of the Procedure Regulation requires the Returning Officer to publish notice of election result. Clause 55 amends section 67(3) to provide for the notice to be used for an election for a Market Town.
35. Clause 56 amends section 89 of the Procedure Regulation to provide that a person who removes a ballot paper from a polling station in contravention of new section 47(8) commits an offence.
36. Clause 58 sets out the forms of ballot papers for a Market Town and clause 59 sets out the forms of notice of election result for a Market Town.

**Part 5—Amendments to Maximum Amount of Election Expenses
(Village Representative Election) Regulation (Cap. 554 sub. leg.
B) (*Expenses Regulation*)**

37. Clause 62 amends section 2 of the Expenses Regulation to specify the maximum amount of election expenses that can be incurred at an election of Rural Representative with over 5,000 electors.

Part 6—Related and consequential amendments

38. Part 6 contains related and consequential amendments to various enactments.

Schedules 1 to 5

39. Schedules 1 to 5 contain minor textual amendments to various enactments relating to—
- (a) replacement of “Village Representative” by “Rural Representative” (Schedule 1);
 - (b) replacement of “Village” by “Rural Area” (Schedule 2);
 - (c) replacement of “village ordinary election” by “rural ordinary election” (Schedule 3);
 - (d) replacement of “village by-election” by “rural by-election” (Schedule 4); and
 - (e) replacement of “village election” by “rural election” (Schedule 5).

Salient Features of the Proposed Statutory Kaifong Representative Election

The salient features of the statute-based Kaifong Representative (KFR) election are proposed as follows:

I. General

1.1 The term of office of KFRs of Cheung Chau Rural Committee (RC) and Peng Chau RC will run on a four-year basis. The first statutory term is expected to run from 1 April 2015 to 31 March 2019.

1.2 The election will be conducted by the Director of Home Affairs under the supervision of the Electoral Affairs Commission.

1.3 The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) will apply to KFR election.

II. Registration of Electors

Qualification of electors

2.1 A person is eligible to be registered as an elector of KFR election only if the person is –

- (i) aged 18 or above on or before 20 October next following the person's application for registration;
- (ii) a Hong Kong permanent resident;
- (iii) a resident of Cheung Chau / Peng Chau¹ for the three years immediately before the date of application for registration; and
- (iv) is not disqualified to register as an elector.

Compilation of elector registers

2.2 An Electoral Registration Officer (ERO) will compile and publish a provisional register of electors for public inspection no later than 27

¹ Resident in relation to Cheung Chau/ Peng Chau means a person whose principal residential address is on Cheung Chau / Peng Chau. A principal residential address means the address of the dwelling place at which a person resides and which constitutes the person's sole or main home.

August in each year, and a final register of electors no later than 20 October in each year.

Appeals against registration of electors

2.3 A person who is dissatisfied with ERO's decision may appeal against the decision to a Revising Officer (i.e. a magistrate appointed by the Chief Justice) whose determination is final.

III. Conduct of Election

Ordinary election

3.1 Ordinary election should be held no earlier than three months and no later than one month before the new term of office of KFRs is to begin.

Qualification of candidates

3.2 A person is eligible to be nominated as a candidate if the person is –

- (i) a registered and eligible elector for KFR election;
- (ii) aged 21 or above;
- (iii) a Hong Kong permanent resident;
- (iv) a resident of Cheung Chau / Peng Chau for the six years immediately preceding the nomination;
- (v) is not disqualified from voting, being nominated or elected at the KFR election;
- (vi) is nominated by at least five other registered electors of Cheung Chau / Peng Chau respectively; and
- (vii) on the date of nomination, or of the election, is not serving a sentence of imprisonment.

By-election

3.3 A vacancy will occur in the following circumstances –

- (i) an elected KFR becomes disqualified;
- (ii) an elected KFR dies; or
- (iii) an elected KFR resigns or is taken to have resigned.

3.4 No by-election shall be held within the four months preceding the end of the current term of office of the KFRs.

Voting and counting arrangements

3.5 Each elector may vote for a number of candidates not exceeding the number of KFRs to be returned at the election concerned (i.e. a maximum of 39 for Cheung Chau and 17 for Peng Chau). The votes shall be given and counted in accordance with the “first past the post” system.

3.6 Computer counting will be introduced. The form of the ballot paper and voting procedure will be suitably amended.

IV. Election Petition

4.1 An election petition questioning an election may be lodged within two months after the date on which the election result is published in the Gazette.

4.2 The election petition should be triable in open court.

V. Election Expenses

5.1 The maximum amount of election expenses that can be incurred by or on behalf of a candidate at an election is –

- (i) where there are not more than 1 000 electors, \$18,000;
- (ii) where there are over 1 000 electors, \$28,000; or
- (iii) where there are over 5 000 electors, \$38,000.

Financial and Civil Service Implications

The financial and civil service implications of the proposal are as follows –

- (a) To conduct the first statutory Kaifong Representative (KFR) ordinary election in 2015, the Home Affairs Department (HAD) is expected to incur around \$8.17 million to conduct the registration of electors afresh, handle claims and objections, introduce an electronic system for counting of votes, process nominations, provide honorarium and training for electoral staff and cater for publicity and other logistical arrangements. For non-ordinary election years that follow, a recurrent expenditure of around \$1.73 million per annum is required for the annual electoral registration exercise, conduct of by-elections, on-going verification of the eligibility of registered electors, etc.
- (b) Each of the 56 KFRs returned by statute will be granted an honorarium of \$2,000 per quarter, incurring a recurrent expenditure of \$448,000 per annum.