

## LEGISLATIVE COUNCIL BRIEF

### ELECTORAL LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2014

#### INTRODUCTION

     A      At the meeting of the Executive Council on 8 April 2014, the Council ADVISED and the Chief Executive ORDERED that the Electoral Legislation (Miscellaneous Amendments) Bill 2014, at **Annex A**, should be introduced into the Legislative Council (“LegCo”).

2.      The Bill amends various pieces of electoral legislation to improve the voter registration (“VR”) arrangements, and the electoral procedures for the LegCo, District Councils (“DC”) and Rural Representative elections. The amendments include technical amendments for improving the clarity of relevant provisions and refining the procedural requirements in the electoral laws in the light of the experience gained from previous elections; amending certain deadlines in the VR timetable, extending the claims and objections period, as well as allowing more time for the Revising Officer to arrange hearings of claims and objections; and making the existing offences on making false or incorrect statement knowingly or recklessly in VR indictable.

#### JUSTIFICATIONS

**(A) Technical amendments for improving the clarity of relevant provisions and refining the procedural requirements in the electoral laws**

*(1) Extension of electoral deadlines in case of inclement weather*

3.      At present, a number of provisions under the electoral legislation stipulate the deadlines or periods for certain acts or proceedings to be done or taken in relation to VR or electoral procedures. Save in the case of postponement or adjournment of an election, poll or count, these provisions currently do not provide for contingency in case of issuance of gale warning or black rainstorm warning. When such inclement weather falls on a statutory deadline or the last day of a

statutory period (generally referred to as “statutory deadline” hereunder), it may affect the operation of the relevant procedures, and may result in hardship in individual cases. We **propose** to introduce specific provisions in the relevant electoral legislation<sup>1</sup> to clarify that the statutory deadlines which fall on a working day should be extended to the following working day when a gale warning<sup>2</sup> or black rainstorm warning is in force throughout or for any part of the ordinary business hours of the relevant authorities on the day of the deadline, to compensate for the time lost for completing the relevant acts or proceedings<sup>3</sup>.

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

4. Under the Electoral Affairs Commission (“EAC”) (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) and the EAC (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B), the omissions list (“OL”) is published together with the provisional register (“PR”) in every VR cycle. Currently, the PR will not include the particulars of (a) electors for whom the Electoral Registration Officer (“ERO”) is satisfied on reasonable grounds that they have ceased to be eligible for registration<sup>4</sup>, and (b) electors who have, (i) in the course of the statutory inquiry or (ii) voluntarily, requested the ERO to remove them from the voter register. However, the current provision only empowers the ERO to include electors in categories (a) and (b)(i) but not (b)(ii) in the OL. To ensure consistency in the compilation of the PR and OL, we **propose** that the entries in respect of electors<sup>5</sup> requesting voluntary de-registration should also be included in the OL. If the elector subsequently changes his or

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<sup>1</sup> Excluding those relating to the Election Committee registers and the Chief Executive (“CE”) election, pending a later amendment exercise to introduce electoral arrangements for the 2017 CE election.

<sup>2</sup> For the purpose of the proposal, a gale warning would mean any of the tropical cyclone warning signals commonly referred to as No. 8, 9 and 10 issued by the Hong Kong Observatory.

<sup>3</sup> The proposed extension will in some cases have knock-on effect on the time available for the performance of the electoral processes immediately following. In order to preserve the overall electoral timetable as far as practicable and to keep the arrangements simple and easy to administer, we do not propose to correspondingly extend the deadlines of these subsequent processes. The only exception is that where the deadline for submission of written representations to the Revising Officer for VR claims and objections cases has been extended to the date of the hearing on a statutory deadline or a date of hearing which has been extended to fall on or beyond a statutory deadline, discretion will be granted to the Revising Officer to extend the date of hearing to the next working day after the new deadline for submitting the written representations.

<sup>4</sup> For example, electors who have passed away, and electors who have changed their principal residential address but the new address is not known to the ERO.

<sup>5</sup> In the case of functional constituencies, such elector could be a natural person or a body.

her mind and wants to be included in the final register, he or she may lodge a notice of claim to request reinstatement of his or her registration after publication of the OL in accordance with the existing procedures. A de-registered elector may also apply for registration as an elector again any time in future.

*(3) Handling of applications by existing geographical constituency (“GC”) electors for registration in the DC (second) functional constituency (“FC”)*

5. When the DC(second)FC was established, Cap. 541B was amended to facilitate the automatic registration in the DC(second)FC of a large number of GC electors who at the time were not registered electors in any FC, in order to facilitate the compilation of the first DC(second)FC register in the 2012 VR cycle. However, the provisions have not provided an avenue for existing GC electors who currently are not registered in any FC, to apply for registration in the DC(second)FC in subsequent VR cycles<sup>6</sup>. As such, we **propose** to amend Cap. 541B to provide for applications by existing GC electors for registration in the DC(second)FC.

*(4) Removal of the requirement for prior notice of appointment of polling and counting agents*

6. Currently under the EAC (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) and the EAC (Electoral Procedure) (District Councils) Regulation (Cap. 541F), in general, notices of appointment of polling and counting agents should be either submitted to the specified coordinating officer (Chief Electoral Officer (“CEO”) or the Returning Officer (“RO”), as applicable) at least one week before the polling day, or delivered in person by the candidates or the election agents to the specified supervisory officer of the polling/counting stations concerned (Presiding Officers (“PROs”) or ROs, as applicable) on the polling day. For revocation of appointment of polling and counting agents, the candidates or the election agents must either give notice of the revocation to the specified coordinating officer before the polling day, or serve the notice in person to the specified supervisory officer of the polling/counting stations concerned on the polling day<sup>7</sup>.

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<sup>6</sup> This group tend to be those who have previously elected not to be registered in the DC(second)FC or who are existing electors of one of the other 28 FCs but have recently applied for de-registration from their respective FC. Currently, when they approach the ERO for registration for the DC(second)FC, the ERO has to resort to the existing notification arrangements for FCs under section 14 of Cap. 541B to complete such registration.

<sup>7</sup> The only exception to the general rule concerns polling agents for dedicated polling stations

7. To simplify the procedural requirements, we **propose** to only require a polling agent<sup>8</sup> or a counting agent so appointed by a candidate to submit a duly completed notice of appointment direct to the specified supervisory officer onsite for inspection and retention when the agent first seeks admission to a polling station (other than a DPS situated in a prison) or to a counting station on the polling day before polling/counting of the relevant station is completed. For revocation of appointment of polling/counting agents, the candidate concerned should serve a notice of revocation any time on the polling day to the CEO (rather than the PROs/ROs), who will act as the central coordination point to deliver the information to the PROs/ROs of the polling or counting stations concerned.

*(5) Requirement for an elector to cast all his votes at one time in LegCo elections*

8. With the introduction of the DC(second)FC in 2012, most electors have two votes to cast in a LegCo general election, i.e., one vote for the GC and the other vote for the FC. To maintain good order in polling stations and ensure smooth operation, we **propose** to amend Cap. 541D to make it clear that an elector who is entitled to cast two or more votes in a LegCo election will be issued with all the ballot papers together on one occasion, and must cast the ballots in the same visit unless permitted under special circumstances that are already provided for in the current statute. The proposal is in line with the practice adopted in the 2012 LegCo Election.

*(6) Rationalisation of counting procedures at main counting stations*

9. To facilitate early declaration of election results, the poll-cum-count arrangement is presently adopted for the counting of votes in a DC election and a GC election of the LegCo. Under the poll-cum-count arrangement, except for a small polling station (“SPS”)<sup>9</sup>

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(“DPSs”) situated in prisons, which are polling stations situated in prisons to cater for casting of votes by electors detained in prison. Notices of appointment of such kind must be given to the CEO at least one week before polling day unless permitted by the Commissioner of Correctional Services, as lead time is required for obtaining security clearance to arrange for polling agents’ admission to those DPSs. In addition, the notice of revocation of such appointment is only effective when it is given to the CEO, who is responsible for liaison with the Commissioner of Correctional Services.

<sup>8</sup> The notice requirements regarding polling agents for DPSs situated in prisons will remain unchanged for reasons described in footnote 7 above.

<sup>9</sup> A polling station at which fewer than 200 and 500 electors are allocated to vote in a DC election and a LegCo election respectively.

and a DPS, every polling station will be converted into a counting station after the close of poll for the counting of votes cast in that polling station. Moreover, to protect the secrecy of votes, ballot papers cast in a SPS or DPS will be delivered to a polling station designated as the main counting station (“MCS”) for mixing with the ballot papers of that polling station (“the MCS polling station”) before counting of votes. In 2012, legislative amendments were introduced such that the PRO of a MCS must mix the ballot papers received from SPSs and DPSs with the ballot papers in at least one of the ballot boxes at the MCS polling station when counting the votes at the MCS<sup>10</sup>. This was intended to enable the PRO of the MCS to start the vote counting process as early as practicable without waiting for the arrival of all the ballot boxes from SPSs and DPSs. The intended counting steps of the 2012 legislative amendments are at **Annex B**.

B

10. A recent review of the electoral law has revealed that the provisions detailing the counting steps in an MCS currently require counting of the number of ballot papers in each ballot box and verification of the ballot paper account in respect of the MCS before counting of votes. This requirement runs counter to the objective of the 2012 legislative amendments of enabling counting of votes to start early at the MCS. We therefore **propose** to make necessary amendments to the subsidiary legislation under the EAC Ordinance (Cap. 541) to better align it with the intended counting steps as set out at **Annex B**.

B

*(7) Clarification of an election agent’s authority to act on behalf of candidate(s)*

11. As stipulated in the Elections (Corrupt and Illegal Conduct) Ordinance (“ECICO”)(Cap. 554), each candidate at an election must lodge with the appropriate authority an election return setting out the candidate’s election expenses at the election and all election donations received by or on behalf of the candidate in connection with the election. The election return must under the law be accompanied by a statutory declaration signed by the candidate(s) concerned. The design of the existing specified form of the election return requires the candidate to sign the election return personally due to criminal implications for making a false declaration. On the other hand, as Cap. 541D and Cap. 541F now stand, an election agent may do all things which a candidate or the candidates on a nomination list or a list of candidates (“candidate or list of candidates”) may do in connection with an election

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<sup>10</sup> The same arrangement is applicable to the ballot papers received from a ballot paper sorting station, which is set up in a DC ordinary election and a LegCo general election for the sorting of ballot papers cast in DPSs.

unless an act is expressly excluded, and the signing of the election return by the election agent is not expressly excluded. To put the matter beyond doubt, we **propose** to amend Cap. 541D and Cap. 541F to clarify that the acts which an election agent is authorised to perform on behalf of a candidate or list of candidates are those acts which the candidate or list of candidates is required to do under the respective electoral procedure regulation. The signing of election return as required under Cap. 554 is hence excluded.

*(8) Improvement to the provisions about postponement or adjournment of an election, poll or count*

12. Under the existing electoral law governing the LegCo and DC elections, an election, a poll or a count may be postponed or adjourned if it appears to the CE, the EAC, the PRO or RO (as the case may be) that the election, the poll or the count is likely to be obstructed, disrupted, undermined or seriously affected by –

- (a) a typhoon or other climatic condition of a serious nature;
- (b) riot, open violence or other occurrence of public danger; or
- (c) an occurrence which appears to be a material irregularity relating to the election, the poll or the counting of votes.

For scenarios (a) and (b) above, the existing provisions require that the postponed/adjourned election, poll or count be held not later than 14 days from the date on which it would have been held. For scenario (c), the relevant provisions require that the election, poll or count be conducted or resumed not later than two days (“the two-day fallback arrangement”). At present, the LegCo and DC elections are held on a Sunday. Having thoroughly reviewed past experience and present day circumstances, the Registration and Electoral Office (“REO”) considers that there are insurmountable practical difficulties to implement the two-day fallback arrangement<sup>11</sup>. Although the two-day fallback arrangement has not been triggered before, given the above constraints and concerns, it is considered impractical and undesirable. We **propose** that the fallback period for scenario (c) above be changed to 14 days in order to provide sufficient flexibility in conducting or resuming the event, and to be in line with the fallback timeframe for scenarios (a) and (b).

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<sup>11</sup> The reasons are (a) school premises, which are the location of the majority of the polling stations, are normally not available for use as polling stations on weekdays; (b) only a very small number of electoral staff from Government bureaux/departments are available to take up electoral duties on weekdays; and (c) the material irregularity might not be resolved in time for the electoral process to resume within two days.

13. When the LegCo Panel on Constitutional Affairs (“CA Panel”) was consulted on this proposal at its meeting on 15 April 2013, there was an enquiry as to whether the existing provisions can cater for the postponement of an election and adjournment of poll or count caused by a major outbreak of disease. The existing provision provides for postponement of an election and adjournment of poll/count caused by “occurrence of public danger”, and this may arguably be construed to cover serious danger due to a public health incident. This notwithstanding, we see merit in and **propose** spelling out more clearly in the law to cater for postponement of an election and adjournment of poll/count owing to an occurrence of public health danger of such severity as to obstruct, disrupt, undermine or seriously affect an election, poll or count.

*(9) Inclusion of other minor or technical amendments*

C 14. We will also take the opportunity to include the minor or technical amendments at **Annex C**.

C 15. Except for proposals (3), (5) and items (d)-(g) in **Annex C**, similar amendments will be made to the corresponding provisions governing the elections under the Rural Representative Election Ordinance (Cap. 576)<sup>12</sup>.

**(B) Extending the claims and objections period during a VR cycle, and setting aside additional time for the Revising Officer to arrange hearings of claims and objections**

D 16. At present, the key dates of a VR cycle are expressly set out in the electoral law (see **Annex D**). There have been proposals to advance the VR deadlines so that more time can be allowed for the public to inspect the PR or OL and make claims and objections. Having considered the views received during the public consultation on improvement measures of the VR system in 2012, we **propose** to extend the current two-week claims and objections period to provide greater facilitation to the public. After studying several possible options, we consider extending such period by advancing the deadline for VR application by 14 calendar days more feasible, i.e., the VR application deadline should be advanced from 16 May to 2 May in a non-DC election year; and from 16 July to 2 July in a DC election year.

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<sup>12</sup> Because these proposals are not relevant to elections under the Rural Representative Election Ordinance (Cap. 576).

17. The Revising Officer currently has less than two weeks to fix a hearing and make ruling for each claim or objection received. In order to allow sufficient time for the Revising Officer to complete his or her review process, in extending the claims and objections period by 14 calendar days, 10 calendar days should be provided to the public to inspect the PR and OL, and 4 calendar days should be provided to the Revising Officer to process the expected increase in claims and objections as a result of the extension of the claims and objections period.

18. The proposed amendments to various VR statutory deadlines as contained in the election ordinances and the EAC regulations<sup>13</sup> are set out in **Annex D**. Subject to the LegCo's approval of the Bill, transitional provisions are provided on the basis that the new deadlines will apply after publication of the 2014 final register.

D

**(C) Making the existing offences on making false or incorrect statement knowingly or recklessly in voter registration indictable**

19. At present, there are two different sets of offences related to VR. They are respectively under the EAC regulations in Cap. 541A and Cap. 541B<sup>14</sup> and section 42 of the ECICO (Cap. 554)<sup>15</sup>. Pursuant to section 26 of the Magistrates Ordinance (Cap. 227), in any case of offence other than an indictable offence, where no time is limited by any enactment for making any complaint or laying any information in respect of such offence, such complaint shall be made within six months when the matter

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<sup>13</sup> The amendments do not apply to VR for elections under Cap. 576 as the electorate of the Rural Representative election is much smaller in size, and the existing claims and objections period for VR is considered sufficient.

<sup>14</sup> Under section 22 of Cap. 541A and section 42 of Cap. 541B, it is an offence for a person to make any statement which the person knows to be false in a material particular or recklessly make any statement which is incorrect in a material particular or knowingly omit any material particular from such an application in VR and it is also an offence for a person to cause another person to make such a false statement or to provide information which the first-mentioned person knows to be wrong in a material particular in VR. These provisions are enforced by the Hong Kong Police Force ("the Police"). The maximum penalty is a fine at level 2 (i.e. \$5,000) and imprisonment for six months according to section 7(5) of the EAC Ordinance (Cap. 541).

<sup>15</sup> Under section 16 of the ECICO, a person engages in corrupt conduct if he votes at the election knowing that he is not entitled to do so; or votes at the election after having knowingly or recklessly given to an electoral officer information that were materially false or misleading, or knowingly omitted to give material information to an electoral officer. A person also engages in corrupt conduct if a person invites or induces another person to vote at the election knowing that the other person is not entitled to do so; or invites or induces another person to vote at the election knowing that the other person has given to an electoral officer information that was materially false or misleading, or has omitted to give material information to an electoral officer. These provisions under the ECICO are enforced by the Independent Commission Against Corruption ("ICAC"). The maximum penalty is a fine of \$500,000 and imprisonment for seven years according to section 6(1) of the ECICO (Cap. 554).



of such complaint arose. As the offences under Cap. 541A and Cap. 541B are not indictable offences and no time limit is provided for in these regulations, the time bar imposed by section 26 of the Magistrates Ordinance is applicable to the offences under the two regulations. As such, under the existing arrangement, prosecution in relation to offences under Cap. 541A and Cap. 541B needs to be made within six months after the cases concerned arose. There is a similar VR offence regime for Rural Representative elections in EAC (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K)<sup>16</sup>. On the other hand, as the offences under the ECICO are indictable, they are not subject to any time bar.

20. We conducted an internal review of the issues with the Police, the ICAC, the REO, the Department of Justice and the Home Affairs Department. Having considered the views of the above parties and consulted the EAC, we **propose** to remove the six-month time bar applicable to the relevant provisions on making false or incorrect statement knowingly or recklessly or making material omissions knowingly in relation to VR under Cap. 541A, Cap. 541B and Cap. 541K by making these offences indictable. The Administration has also decided to maintain the current level of penalty for the concerned offences under the EAC Ordinance and relevant EAC regulations in order not to dampen the will of the public to register as electors.

## **THE BILL**

21. The main provisions are summarised below -:

- (a) **Part 1** sets out the short title of the Bill and provides for commencement of the Bill;
- (b) **Part 2** amends various electoral legislation to extend deadlines in case of inclement weather; **Part 3** amends various electoral legislation to provide for the inclusion of electors or voters who have voluntarily requested de-registration in the OL; **Part 4** amends Cap. 541B to

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<sup>16</sup> Under section 32 of Cap. 541K, it is an offence for a person to make any statement which the person knows to be false in a material particular or recklessly make any statement which is incorrect in a material particular or knowingly omit any material particular from such an application in VR and it is also an offence for a person to cause another person to make such a false statement or to provide information which the first-mentioned person knows to be wrong in a material particular in VR. These provisions are enforced by the Police. The maximum penalty is a fine at level 2 (i.e. \$5,000) and imprisonment for six months according to section 7(5) of the EAC Ordinance (Cap. 541).

provide for the handling of registration applications in respect of the DC(second)FC; **Parts 5 and 6** amend various EAC regulations and the Electronic Transactions (Exclusion) Order (Cap. 553B) to simplify and improve the notice requirements and procedures in relation to electoral matters; **Part 7** amends Cap. 541D to better reflect the requirement for a voter to cast all his/her votes in one go in LegCo elections; **Part 8** amends various EAC regulations to rationalise the counting procedures at a main counting station; **Part 9** amends various EAC regulations to clarify an election agent's authority; **Part 10** amends various electoral legislation to improve the provisions about postponement or adjournment of an election, poll or count; **Parts 11 to 13** contain certain minor or technical amendments to various electoral legislation;

- (c) **Part 14** amends various electoral legislation (other than relating to Rural Representative elections) to change certain deadlines in the VR timetable, extend the claims and objections period during a VR cycle and allow more time for the Revising Officer to arrange hearings of claims and objections; and
- (d) **Part 15** amends EAC Ordinance and VR regulations to make certain VR-related offences indictable.

E The existing provisions being amended are at **Annex E**.

#### **LEGISLATIVE TIMETABLE**

22. The legislative timetable is as follows:

Publication in the Gazette	11 April 2014
First reading and commencement of Second Reading debate	16 April 2014
Resumption of Second Reading debate, Committee Stage and Third Reading	To be notified

### **IMPLICATIONS OF THE PROPOSAL**

23. The Bill is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, civil service, economic, productivity, environmental, sustainability or family implications. The proposed amendments will not affect the current binding effect of the Ordinances and subsidiary legislation which the Bill seeks to amend.

### **PUBLIC CONSULTATION**

24. We consulted the CA Panel on the main proposals and provisions of the Bill on 15 April 2013, 21 October 2013 and 18 November 2013 respectively and the CA Panel did not express objection to our proposals.

### **PUBLICITY**

25. A spokesperson will be made available to address media enquiries, if any.

### **ENQUIRY**

26. Any enquiry on this brief can be addressed to Miss Helen Chung, Principal Assistant Secretary for Constitutional and Mainland Affairs, at 2810 2908.

**Constitutional and Mainland Affairs Bureau**  
**9 April 2014**

**Electoral Legislation (Miscellaneous Amendments) Bill  
2014**

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# A BILL To

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

Enacted by the Legislative Council.

## Part 1

### Preliminary

#### 1. Short title and commencement

- (1) This Ordinance may be cited as the Electoral Legislation (Miscellaneous Amendments) Ordinance 2014.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.

- (3) Division 5 of Part 5 comes into operation on 1 January 2015.

## Part 2

### Amendments Relating to Effect of Inclement Weather on Date and Period

#### Division 1—Enactments Amended

#### 2. Enactments amended

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

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

#### 3. Section 2A added

After section 2—

Add

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

(1) In this section—

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

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

*Office* (有關辦事處) means—

- (a) the office of the Electoral Registration Officer; or
- (b) for section 19(5), the office of a Revising Officer;

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

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

(2) If—

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

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather



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

(4) If—

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

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

Table 1

<u>Column 1</u>	<u>Column 2</u>
section 4(1)(a)(i)	sections 4(2)(b) and 17(9)(a)(i)
section 4(1)(a)(ii)	sections 4(2)(c) and 17(9)(a)(ii)
section 13(1)(a)	section 19(5)(a)
section 13(1)(b)	section 19(5)(b)
section 13(3)(a)	sections 11(5)(b)(ii)(A) and 17(9)(b)(i)
section 13(3)(b)	sections 11(5)(b)(i) and (ii)(B) and 17(9)(b)(ii)

(5) Subsections (6) and (7) apply if—

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

Table 2

<u>Column 1</u>	<u>Column 2</u>
section 4(1)(a)(i)	section 12(c)(ii)(B)(I)
section 4(1)(a)(ii)	section 12(c)(ii)(A) and (B)(II)

- (6) The next working day, which is not an inclement weather warning day, following the date mentioned in subsection (5)(a) is taken to be prescribed in relation to the year instead for the former provision.
- (7) The day following the working day mentioned in subsection (6) is taken to be prescribed in relation to the year instead for the provision specified in subsection (5)(b).”.

**Division 3—Amendment to Electoral Affairs Commission  
(Registration) (Electors for Legislative Council Functional  
Constituencies) (Voters for Election Committee Subsectors)  
(Members of Election Committee) Regulation (Cap. 541 sub.  
leg. B)**

**4. Section 2A added**

Part I, after section 2—

**Add****“2A. Effect of inclement weather warning on date and period****(1) In this section—**

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

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

***Office*** (有關辦事處) means—

- (a) the office of the Electoral Registration Officer; or
- (b) for sections 35(5) and 36(5), the office of a Revising Officer;

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

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

**(2) If—**

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

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

**(3) If—**

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,

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

**(4) If—**

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

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

Table 1

<u>Column 1</u>	<u>Column 2</u>
section 19(1)(a)(i)	sections 19(4)(b) and 33(10)(a)(i)(A)
section 19(1)(a)(ii)	sections 19(4)(c) and 33(10)(a)(i)(B)
section 29(1)(a)(i)	sections 35(5)(a) and 36(5)(a)
section 29(1)(a)(ii)	sections 35(5)(b) and 36(5)(b)
section 29(3)(a)(i)	section 26(5)(b)(ii)(A)
section 29(3)(a)(ii)	section 26(5)(b)(i) and (ii)(B)

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

Table 2

<u>Column 1</u>	<u>Column 2</u>
section 19(1)(a)(i)	sections 27(1)(c)(i)(B)(II)(aa) and (ii)(B)(II)(aa) and 28(1)(a)(i)(B)(II)(aa) and (ii)(B)(II)(aa)
section 19(1)(a)(ii)	sections 27(1)(c)(i)(B)(I) and (II)(bb) and (ii)(B)(I) and (II)(bb) and 28(1)(a)(i)(B)(I) and (II)(bb) and (ii)(B)(I) and (II)(bb)

- The next working day, which is not an inclement weather warning day, following the date mentioned in subsection (5)(a) is taken to be prescribed in relation to the year instead for the former provision.
- The day following the working day mentioned in subsection (6) is taken to be prescribed in relation to the year instead for the provisions specified in subsection (5)(b).
- This section does not apply in relation to provisions in this Regulation to the extent that they relate to an Election Committee register or Election Committee omissions list.”.

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

**5. Section 2A added**

After section 2—

Add

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

(1) In this section—

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

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

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

***working day*** (工作日) means—

- (a) any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday;
- (b) a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 4(1), 5(1) or 8(1) in respect of an election; and
  - (ii) the date of publication of the result of the election under the Legislative Council

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

(2) If—

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

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,

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

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

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

After section 7(3)—

**Add**

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

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

Section 24(6)—

**Repeal**

“period of 10 days”

**Substitute**

“notice period”.

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

8. **Section 2A added**

After section 2—

**Add**

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

(1) In this section—

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

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

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

***working day*** (工作日) means—

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

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

(i) the date of publication of a notice under section 8(1) or 10(1) in respect of an election; and

(ii) the date of publication of the result of the election under the District Councils Ordinance (Cap. 547) or the date of the declaration of the failure or termination of the election under that Ordinance, as may be appropriate.

(2) If—

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

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

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

(3) If—

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

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

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

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

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

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

After section 9(3)—

**Add**

“(4) Despite subsections (2) and (3), the nomination period may be longer than 21 days and may end during the period of 28 days before the date on which the relevant

election is to be held if the nomination period is extended under section 2A(3).”.

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

Section 27(4)—

**Repeal**

“period of 10 days”

**Substitute**

“notice period”.

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

**11. Section 1A added**

Part 1, after section 1—

**Add**

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

(1) In this section—

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

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

***Office*** (有關辦事處) means—

(a) the office of the ERO; or

- (b) for section 29(5), the office of a Revising Officer; *rainstorm warning* (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);
- working day* (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.
- (2) If—
- (a) a date is prescribed in this Regulation (whether by reference to a specific day of a specific month or to a day otherwise ascertainable under this Regulation) or is fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done not later than, or on or before, the date or on the date; and
- (c) the date falls on an inclement weather warning day, the next working day, which is not an inclement weather warning day, following the date is taken to be prescribed or fixed in relation to the act instead for the provision.
- (3) If—
- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,
- the period is extended, in relation to the act, to end on the next working day, which is not an inclement weather

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

- (4) If—
- (a) a date is prescribed by reference to a specific day of a specific month in a provision (*former provision*) specified in column 1 of the Table;
- (b) the same date is prescribed in the provision specified opposite to the former provision in column 2 of the Table; and
- (c) the date falls on an inclement weather warning day in a year,

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

Table

<u>Column 1</u>	<u>Column 2</u>
section 9(1)	section 9(2)
section 22(2)	section 29(5)
section 27(10)(b)	section 20(7)

- (5) If in any year 16 July falls on an inclement weather warning day, sections 21(2)(c) and 27(10)(a) have effect in relation to that year as if the references to “17 July” in those sections are substituted by references to the day immediately after the first working day, which is not an inclement weather warning day, following 16 July.”.

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

Section 22(4)(a)—

**Repeal**

everything after “for a period”

**Substitute**

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

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

#### **13. Section 2A added**

After section 2—

**Add**

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

(1) In this section—

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

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

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

***working day*** (工作日) means—

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

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

- (i) the date of publication of a notice under section 4(1) or 6 in respect of an election; and
- (ii) the date of publication of the result of the election under the Rural Representative Election Ordinance (Cap. 576) or the date of the declaration of the failure or termination of the election under that Ordinance, whichever is the later.

(2) If—

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

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,



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

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

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

After section 5(3)—

**Add**

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

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

**15. Section 3A added**

Part 1, after section 3—

**Add**

**“3A. Effect of inclement weather warning on date**

- (1) In this section—

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

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

business hours of the office of the Electoral Registration Officer;

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

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

- (2) If—

(a) the Electoral Registration Officer is required by section 32 to do an act not later than a date; and

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

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

**16. Section 1A added**

After section 1—

**Add**

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

- (1) In this section—

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

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

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

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

(2) If—

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

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,

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

(4) If—

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

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

Table 1

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

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In this Table—

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

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

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

Table 2

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

In this Table—

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

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

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

Table 3

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

Column 1Column 2

8 July section 2(4)(b)(iii) and (iv)

11 September sections 4(a) and 6(2)(a)

11 July sections 4(b) and 6(2)(b)

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

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

After section 2(4)—

**Add**

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

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

(i) is the last day of the period specified in subsection (3)(a), (b) or (c)(i) or (ii) or (4)(a) or (b)(i), (ii), (iii) or (iv)(A) or (B); or

(ii) is postponed under section 1A to or beyond the last day of the period mentioned in subparagraph (i); and

- (b) the deadline for the making of representations in writing to the Revising Officer under this section is postponed under section 1A to that hearing day,

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

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

- (1) Section 4(c)—

**Repeal**

“of 21 days as”.

- (2) Section 4(d)—

**Repeal**

“of 27 days as”.

- (3) Section 4(e)—

**Repeal**

“of 28 days as”.

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

- (1) Section 6(2)(c)—

**Repeal**

“of 21 days as”.

- (2) Section 6(2)(d)—

**Repeal**

“of 27 days as”.

- (3) Section 6(2)(e)—

**Repeal**

“of 28 days as”.

- (4) After section 6(2)—

**Add**

“(2A) Despite subsection (2), if the conditions under section 2(4A)(a)(i) or (ii) and (b) are met, the period for a review of the ruling in respect of the appeal, claim or objection in question is extended to the next working

day following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 2(4A) in relation to that ruling.

- (2B) A ruling made or reviewed after 11 September in a District Council election year because of an extension under subsection (2A) is deemed, for the following provisions, to be made on 11 September in that year—
- (a) section 19(5)(a) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); and
  - (b) sections 35(5)(a) and 36(5)(a) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B).
- (2C) A ruling made or reviewed after 11 July in a year which is not a District Council election year because of an extension under subsection (2A) is deemed, for the following provisions, to be made on 11 July in that year—
- (a) section 19(5)(b) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); and
  - (b) sections 35(5)(b) and 36(5)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors)

(Members of Election Committee) Regulation (Cap. 541 sub. leg. B).”.

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

#### 20. Section 5A added

Part 1, after section 5—

Add

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

(1) In this section—

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

*inclement weather warning day* (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the appropriate returning officer or the appropriate authority, as may be appropriate;

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

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

(2) If—

- (a) an act is required by section 34(3) or (4), 37(2)(a)(i)(A), (B) or (C) or (ii)(A), (B) or (C) or

37A(6)(a) to be done not later than or within a specified number of days after—

- (i) an event; or
  - (ii) a date on which an event occurs; and
- (b) the last day of those days falls on an inclement weather warning day,

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

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

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

#### 21. Schedule, section 1A added

The Schedule, Part 1, after section 1—

Add

#### “1A. Effect of inclement weather warning on date

- (1) In this section—

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

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

business hours of the office of the Electoral Registration Officer;

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

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

- (2) If—

(a) the Electoral Registration Officer is required by section 14 to do an act not later than a date; and

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

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

#### 22. Section 2A added

After section 2—

Add

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

- (1) In this section—

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

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

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

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

(2) If—

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

(3) If—

- (a) a period is prescribed in or fixed under this Regulation;
- (b) an act is required or permitted by a provision of this Regulation to be done in, during or within the period; and
- (c) the last day of the period falls on an inclement weather warning day,

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

(4) If—

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

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

Table 1

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

In this Table—

**Cap. 541B** stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council

Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B).

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

Table 2

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

In this Table—

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

- (6) The next working day, which is not an inclement weather warning day, following the date mentioned in subsection (5)(a) is taken to be prescribed in relation to the year instead for the former provision.

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

Table 3

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

- (9) Subsections (2) and (3) are subject to any specific provision relating to transaction of business during bad weather in this Regulation.
- (10) This section does not apply in relation to provisions in this Regulation to the extent that they relate to an Election Committee register.”.



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

After section 3(5)—

**Add**

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

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

(i) is the last day of the period specified in subsection (3)(a) or (b)(i), (ii), (iii) or (iv)(A) or (B) or (4)(ab), (b) or (c)(i) or (ii); or

(ii) is postponed under section 2A to or beyond the last day of the period mentioned in subparagraph (i); and

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

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

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

(1) Section 5(a)—

**Repeal**

“of 21 days as”.

(2) Section 5(b)—

**Repeal**

“of 27 days as”.

(3) Section 5(c)—

**Repeal**

“of 28 days as”.

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

(1) Section 7(2)(a)—

**Repeal**

“of 21 days as”.

(2) Section 7(2)(b)—

**Repeal**

“of 27 days as”.

(3) Section 7(2)(c)—

**Repeal**

“of 28 days as”.

(4) After section 7(2)—

**Add**

“(2A) Despite subsection (2), if the conditions under section 3(5A)(a)(i) or (ii) and (b) are met, the period for a review of the ruling in respect of the appeal, claim or objection in question is extended to the next working day following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 3(5A) in relation to that ruling.

(2B) A ruling made or reviewed after 11 September in a District Council election year because of an extension under subsection (2A) is deemed, for sections 35(5)(a) and 36(5)(a) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election

Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B), to be made on 11 September in that year.

- (2C) A ruling made or reviewed after 11 July in a year which is not a District Council election year because of an extension under subsection (2A) is deemed, for sections 35(5)(b) and 36(5)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B), to be made on 11 July in that year.”.

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

#### 26. Section 2A added

After section 2—

**Add**

#### “2A. Effect of inclement weather warning on date

- (1) In this section—

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

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

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

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

- (2) If—

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

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

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

#### 27. Section 1A added

After section 1—

**Add**

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

- (1) In this section—

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

*inclement weather warning day* (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm

warning is in force at any time during the ordinary business hours of the office of a Revising Officer;

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

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

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

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

- (4) If in any year 9 September falls on an inclement weather warning day, section 2(5) has effect in relation to that year as if the reference to “9 September” in that section is substituted by a reference to the next working day, which is not an inclement weather warning day, following 9 September.
- (5) Subsections (2) and (3) are subject to any specific provision relating to transaction of business during bad weather in this Regulation.”

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

After section 2(2)—

**Add**

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

- (a) the date fixed under subsection (1)(a) for a hearing—
  - (i) is the last day of the period specified in subsection (5)(a); or
  - (ii) is postponed under section 1A to or beyond the last day of the period specified in subsection (5)(a); and
- (b) the deadline for the making of representations in writing to the Revising Officer under section 3(1)(b)(iii) is postponed under section 1A to that hearing day,

the Revising Officer may, in his or her discretion, postpone the hearing to the next working day, which is

not an inclement weather warning day, following that postponed deadline.”.

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

Section 6(3)—

**Repeal**

“last day of the relevant period”

**Substitute**

“date”.

**Part 3**

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

**Division 1—Enactments Amended**

**30. Enactments amended**

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

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

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

(1) Section 9(1)(a)—

**Repeal subparagraph (ii).**

(2) After section 9(1)(a)—

**Add**

“(ab) any person—

(i) whose name is recorded in the existing final register; and

(ii) who has, by a signed written notice, informed the Electoral Registration Officer on or before the relevant date specified in subsection (5) that he or she does not wish to be registered in the register;”.

- (3) Section 9(4)(a)—

**Repeal**

“; or”

**Substitute a full stop.**

- (4) Section 9(4)—

**Repeal paragraph (b).**

- (5) After section 9(4)—

**Add**

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

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

**Add**

“, (ab)(ii)”.

**Division 3—Amendments to Electoral Affairs Commission  
(Registration) (Electors for Legislative Council Functional  
Constituencies) (Voters for Election Committee Subsectors)  
(Members of Election Committee) Regulation (Cap. 541 sub.  
leg. B)**

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

- (1) Section 24(1)(i) —

**Repeal subparagraph (B).**

- (2) After section 24(1)(i)—

**Add**

“(ia) any natural person—

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

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

- (3) After section 24(3)—

**Add**

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

- (a) the name of which is recorded in the existing functional constituencies final register or the existing subsector final register; and

- (b) which has, by a written notice signed by the responsible person of the body, informed the Electoral Registration Officer on or before the relevant date specified in subsection (7) that it does not wish to be registered in the register.”.

- (4) Section 24(5)(a)—

**Repeal**

“subsection (7); and”

**Substitute**

“subsection (7).”.

- (5) Section 24(5)—

**Repeal paragraph (b).**

- (6) Section 24(7)—

**Repeal**

“and (ii), (3)(i)”

**Substitute**

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

- (7) After section 24(7)—

**Add**

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

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

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

- (1) Section 18(2)—

**Repeal paragraph (b).**

- (2) After section 18(2)—

**Add**

“(2A) The ERO must enter on the omissions list the name and other relevant particulars of any person—

- (a) whose name is recorded in the existing final register; and
- (b) who has, by a signed written notice, informed the ERO on or before 16 July of the current year that he or she does not wish to be registered in the register.”.

- (3) Section 18—

**Repeal subsection (7).**

- (4) Before section 18(8)—

**Add**

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

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

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

- (1) Section 32(4)—

**Repeal paragraph (a)**

**Substitute**

- “(a) strike out the names and other relevant particulars of all those persons—
- (i) whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the register; or
  - (ii) who have, by signed written notices, informed the Electoral Registration Officer that they do not wish to be registered in the register;”.

- (2) Section 32(5)—

**Repeal**

everything after “Officer must”

**Substitute**

“publish a notice to the effect that the names and other relevant particulars of the following persons have been entered on an omissions list—

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

- (b) persons who have, by signed written notices, informed the Electoral Registration Officer that they do not wish to be registered in the register.”
- (3) After section 32(5)—
- Add**
- “(5A) The notice—
- (a) must specify the time and the place at which the omissions list may be inspected; and
- (b) must be published—
- (i) in the Gazette; and
- (ii) in other publications (if any) as are prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).”

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

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

- (1) Section 17(4)(a)—
- Repeal**
- everything after “particulars of”
- Substitute**
- “the persons—
- (i) whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the final register for the Rural Area; or

- (ii) who have, by signed written notices, informed the Electoral Registration Officer that they do not wish to be registered in the register;”
- (2) Section 17(5)—
- Repeal**
- everything after “Registration Officer”
- Substitute**
- “must publish a notice to the effect that the names and other relevant particulars of the following persons have been entered on an omissions list—
- (a) persons who are no longer eligible to have their names included in the final register for the Rural Area; and
- (b) persons who have, by signed written notices, informed the Electoral Registration Officer that they do not wish to be registered in the register.”
- (3) After section 17(5)—
- Add**
- “(5A) The notice—
- (a) must specify the time and the place at which the omissions list may be inspected; and
- (b) must be published in the Gazette and other publications (if any) as are prescribed by the EAC Regulations.”
-

## Part 4

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

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

The Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) is amended as set out in section 37.

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

Section 19(1)—

#### Repeal

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

## Part 5

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

#### Division 1—Enactments Amended

38. **Enactments amended**

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

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

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

- (1) Section 42—

#### Repeal subsection (8)

#### Substitute

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

- (2) After section 42(8)—

#### Add

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

- (a) if—



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

- “and”.
- (6) Section 42(8A)(c)—  
**Repeal**  
 “; and”  
**Substitute a full stop.**
- (7) Section 42(8A)—  
**Repeal paragraph (d).**
- (8) Section 42—  
**Repeal subsection (8B).**
- (9) Section 42(8C)—  
**Repeal**  
 “of Correctional Services refuses to give consent under subsection (8A)(d)”  
**Substitute**  
 “refuses to give consent under subsection (8AA)”.
- (10) Section 42—  
**Repeal subsections (9) and (10).**
- (11) Section 42(11)—  
**Repeal**  
 “for the purposes of this section”  
**Substitute**  
 “of appointment”.
- (12) After section 42(11)—  
**Add**  
 “(11A) Subject to subsection (11B), a notice of appointment must be delivered by hand.

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

(13) Section 42—

**Repeal subsection (12)**

**Substitute**

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

(14) Section 42—

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

(15) At the end of section 42—

**Add**

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

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

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

(1) Section 66—

**Repeal subsection (5)**

**Substitute**

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

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

(2) Section 66—

**Repeal subsection (6)**

**Substitute**

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

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

(3) Section 66(7)—

**Repeal**

“for the purposes of this section”

**Substitute**

“of appointment”.

(4) Section 66—

**Repeal subsection (8).**

(5) Section 66—

**Repeal subsection (9)**

**Substitute**

“(9) The appointment of a counting agent for a counting station is revoked if a notice of the revocation is delivered to the Chief Electoral Officer in accordance

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

- (6) Section 66—

**Repeal subsections (11) and (12).**

- (7) At the end of section 66—

**Add**

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

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

- (1) Section 98(2)(e), after “paper;”—

**Add**

“and”.

- (2) Section 98(2)—

**Repeal paragraphs (f) and (g).**

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

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

- (1) Section 45—

**Repeal subsection (5)**

**Substitute**

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

Presiding Officer before the close of the poll for the station.”.

- (2) After section 45(5)—

**Add**

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

- (a) if—

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

- (b) if—

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

- (3) Section 45(5A)—

**Repeal**

“, (3) and (5)”

**Substitute**

- “and (3)”.
- (4) Section 45(5A)(b)—  
**Repeal**  
“of Correctional Services”.
- (5) Section 45(5A)(b), after “station;”—  
**Add**  
“and”.
- (6) Section 45(5A)(c)—  
**Repeal**  
“; and”  
**Substitute a full stop.**
- (7) Section 45(5A)—  
**Repeal paragraph (d).**
- (8) Section 45—  
**Repeal subsection (5B).**
- (9) Section 45(5C)—  
**Repeal**  
“of Correctional Services refuses to give consent under subsection (5A)(d)”  
**Substitute**  
“refuses to give consent under subsection (5AA)”.
- (10) Section 45—  
**Repeal subsections (6) and (7).**
- (11) Section 45(8)—  
**Repeal**  
“for the purposes of this section”

- Substitute**  
“of appointment”.
- (12) After section 45(8)—  
**Add**  
“(8A) Subject to subsection (8B), a notice of appointment must be delivered by hand.  
(8B) A notice of appointment of a polling agent for a dedicated polling station situated in a prison may also be delivered by post, by electronic mail or by facsimile transmission.”.
- (13) Section 45—  
**Repeal subsection (9)**  
**Substitute**  
“(9) The appointment of a polling agent for a polling station is revoked if a notice of the revocation is delivered to the Chief Electoral Officer in accordance with this section before the close of the poll for the station.”.
- (14) Section 45—  
**Repeal subsections (11), (11A) and (12).**
- (15) At the end of section 45—  
**Add**  
“(13) Subject to subsection (14), a notice of revocation must be delivered by hand, by electronic mail or by facsimile transmission.  
(14) A notice of revocation which is delivered by post is also effective if it is received by the Chief Electoral Officer before polling day.”.

**43. Section 66 amended (candidates may appoint counting agents)****(1) Section 66—****Repeal subsection (4)****Substitute**

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

**(2) Section 66—****Repeal subsection (5)****Substitute**

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

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

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

**(3) Section 66(6)—****Repeal**

“for the purposes of this section”

**Substitute**

“of appointment”.

**(4) Section 66—****Repeal subsection (7).****(5) Section 66—****Repeal subsection (8)****Substitute**

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

**(6) Section 66—****Repeal subsections (10) and (11).****(7) At the end of section 66—****Add**

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

**44. Section 98 amended (publication and display of notices, etc.)****(1) Section 98(2)(g), after “paper;”—****Add**

“and”.

**(2) Section 98(2)—****Repeal paragraphs (h) and (i).****Division 4—Amendments to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)****45. Section 36 amended (polling agents)****(1) Section 36—****Repeal subsection (1)****Substitute**

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

**(2) Section 36—**

**Repeal subsection (4)****Substitute**

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

(3) After section 36(4)—

**Add**

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

(a) if—

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

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

(b) if—

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

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

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

(4B) Despite subsection (1)—

(a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate for a dedicated polling station situated in a prison;

(b) no polling agent may be appointed by a candidate for a dedicated polling station situated in a prison if the Commissioner has consented under section 22(3)(h) to the presence of the election agent of that candidate in that polling station; and

(c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison.

(4C) If the Commissioner refuses to give consent under subsection (4A), the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable.”.

(4) Section 36(5), English text—

**Repeal**

“shall”

**Substitute**

“must”.

(5) Section 36(5)—

**Repeal paragraph (b).**

(6) After section 36(5)—

**Add**

“(5A) Subject to subsection (5B), a notice of appointment must be delivered by hand.

(5B) A notice of appointment of a polling agent for a dedicated polling station situated in a prison may also be delivered by post, by electronic mail or by facsimile transmission.”.

(7) Section 36—

**Repeal subsection (6)**

**Substitute**

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

(8) Section 36(7), English text—

**Repeal**

“shall”

**Substitute**

“must”.

(9) Section 36(7)—

**Repeal paragraph (b)**

**Substitute**

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

(10) Section 36—

**Repeal subsections (9) and (10).**

**46. Section 37 amended (admission to polling station)**

(1) Section 37(1)(k)—

**Repeal**

“(1A), (3), (4), (6), (6B) and (8)”

**Substitute**

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

(2) Section 37—

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

**47. Section 56 amended (appointment of counting agent)**

(1) Section 56—

**Repeal subsection (4)**

**Substitute**

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

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

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

(2) After section 56(4)—

**Add**

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

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

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

(3) Section 56(5)—

**Repeal paragraph (b).**

- (4) Section 56—

**Repeal subsection (6)****Substitute**

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

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

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

- (5) Section 56(7)—

**Repeal paragraph (b)****Substitute**

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

- (6) Section 56—

**Repeal subsections (9) and (10).****48. Section 83 amended (manner of giving notice)**

- (1) Section 83(1)—

**Repeal paragraphs (h) and (i).**

- (2) Section 83(1)(j), after “lots;”—

**Add**

“or”.

- (3) Section 83(1)(k)—

**Repeal the semicolon****Substitute a full stop.**

- (4) Section 83(1)—

**Repeal paragraphs (l) and (m).****Division 5—Amendments to Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B)****49. Schedule 1 amended (provisions excluded from application of section 5 of Ordinance)**

- (1) Schedule 1—

**Repeal items 54 and 55.**

- (2) Schedule 1, item 57, column 3—

**Repeal**

everything after “Sections”

**Substitute**

“42(11) (to the extent to which it relates to a notice of appointment of a polling agent for a polling station other than a dedicated polling station situated in a prison) and 66(7)”.

- (3) Schedule 1, item 59, column 3—

**Repeal**

everything after “Sections”

**Substitute**

“45(8) (to the extent to which it relates to a notice of appointment of a polling agent for a polling station other than a dedicated polling station situated in a prison), 66(6) and 102(4)”.

- (4) Schedule 1, item 60, column 3—

**Repeal**



“26(6),”.

- (5) Schedule 1, item 65, column 3—

**Repeal**

“, 13(6)”.

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

- (1) Schedule 2, item 14, column 3—

**Repeal**

everything after “Sections”

**Substitute**

“30(2), 31(7) and 31A(2)”.

- (2) Schedule 2, item 16, column 3—

**Repeal**

everything after “20(2),”

**Substitute**

“42(11) (to the extent to which it relates to a notice of appointment of a polling agent for a polling station other than a dedicated polling station situated in a prison) and 66(7)”.

- (3) Schedule 2, item 18, column 3—

**Repeal**

everything after “20(2),”

**Substitute**

“45(8) (to the extent to which it relates to a notice of appointment of a polling agent for a polling station other than a dedicated polling station situated in a prison), 66(6) and 102(4)”.

## Part 6

### Amendments Relating to Manner of Delivery

#### Division 1—Enactments Amended

51. **Enactments amended**

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

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

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

- (1) Section 23(8)—

**Repeal**

“for the purposes of this section”

**Substitute**

“of appointment”.

- (2) Section 23(16)—

**Repeal**

everything after “must”

**Substitute**

“be—

(a) in the specified form; and

(b) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or

(except a notice of an appointment or a revocation of appointment made on polling day) by post.”.

- (3) Section 23(18)(d)—

**Repeal**

“lodged with”

**Substitute**

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

- (4) Section 23(20)—

**Repeal**

“lodged” (wherever appearing)

**Substitute**

“made”.

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

- (1) Section 25—

**Repeal subsection (10)**

**Substitute**

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

- (2) Section 25—

**Repeal subsection (15A)**

**Substitute**

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

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

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

**Add**

“, by electronic mail”.

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

- (1) Section 98(2)—

**Repeal**

“, sent by post”

**Substitute**

“or sent by post, by electronic mail”.

- (2) Section 98(2)—

**Repeal paragraph (a).**

- (3) Section 98(3), after “by post”—

**Add**

“, by electronic mail”.

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

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

- (1) Section 26(5)—

**Repeal**

“for the purposes of this section”

**Substitute**

“of appointment”.

- (2) Section 26(13)—

**Repeal**

everything after “must”

**Substitute**

“be—

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

- (3) Section 26(15)(d)—

**Repeal**

“lodged with”

**Substitute**

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

- (4) Section 26(17)—

**Repeal**

“lodged” (wherever appearing)

**Substitute**

“made”.

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

- (1) Section 28—

**Repeal subsection (7)****Substitute**

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

- (2) Section 28—

**Repeal subsection (12A)****Substitute**

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

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

- (1) Section 98(2)—

**Repeal**

“, sent by post”

**Substitute**

“or sent by post, by electronic mail”.

- (2) Section 98(2)—

**Repeal paragraph (c).**

- (3) Section 98(3), after “by post”—

**Add**

“, by electronic mail”.

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

- 59.
- Section 22 amended (appointment of election agent)**

- (1) Section 22(3)(h)—

**Repeal**

“lodged with the Director of Home Affairs”

**Substitute**

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

- (2) Section 22(3A)—

**Repeal**

“37(1A)”

**Substitute**

“36(4A)”.

- (3) Section 22(3B)—

**Repeal**

“lodged” (wherever appearing)

**Substitute**

“made”.

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

- (1) Section 24(3), English text—

**Repeal**

“shall”

**Substitute**

“must”.

- (2) After section 24(3)(a)—

**Add**

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

- (3) Section 24(3)—

**Repeal paragraph (b).**

- (4) Section 24(5), English text—

**Repeal**

“shall”

**Substitute**

“must”.

- (5) After section 24(5)(a)—

**Add**

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

- (6) Section 24(5)—

**Repeal paragraph (b).**

**61. Section 83 amended (manner of giving notice)**

- (1) Section 83(1), after “by post”—

**Add**

“, by electronic mail”.

- (2) Section 83(1)—

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

## Part 7

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

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

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

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

After section 53(4)—

**Add**

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

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

(1) Section 53A, heading—

**Repeal**

everything after “may”

**Substitute**

“not return to cast vote unless permitted”.

(2) Section 53A(1)(a)—

**Repeal**

“a ballot paper”

**Substitute**

“one or more ballot papers”.

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

**Add**

“or any or all of the votes”.

(4) Section 53A(1)—

**Repeal**

“cast the vote when”

**Substitute**

“cast the uncast vote or votes when”.

(5) Section 53A(1)(c)(i)—

**Repeal**

“the vote”

**Substitute**

“the uncast vote or votes”.

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

**Add**

“or any or all of the votes”.

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

**Add**

“or papers”.

(8) Section 53A(3)(a), after “paper”—

**Add**

“or papers”.

(9) Section 53A(3)(b)—

**Repeal**

“the vote, re-issue the ballot paper”

**Substitute**

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

- (10) Section 53A(4), after “paper”—

**Add**

“or papers”.

- (11) Section 53A(5)(a)—

**Repeal**

“a ballot paper”

**Substitute**

“one or more ballot papers”.

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

**Add**

“or completing the voting”.

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

**Add**

“or any or all of the ballot papers”.

- (14) Section 53A(5)(c)(ii)—

**Repeal**

everything after “leaving the ballot paper”

**Substitute**

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

- (15) Section 53A(5)—

**Repeal**

“the vote”

**Substitute**

“the uncast vote or votes”.

## Part 8

### Amendments Relating to Counting Procedures at Main Counting Stations

#### Division 1—Enactments Amended

##### 65. Enactments amended

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

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

##### 66. Section 2 amended (interpretation)

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

**Repeal**

“74A(1)(a) or (b)(iii)”

**Substitute**

“74A(1)(a) or (b)(i)(C) or (ii)(B)”.

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

**Repeal**

“74B(1)(c) or (1A) or (1B)(b)”

**Substitute**

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

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

Section 74A(1)—

**Repeal paragraph (b)**

**Substitute**

“(b) a main counting station must—

- (i) at the counting zone—

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

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

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

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

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

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

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

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

Section 74B(1B)—

**Repeal**

everything after “the Presiding Officer”

**Substitute**

“must—

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

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

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

- (1) Section 75(1)(a)—

**Repeal**

“whose numbers are counted and recorded under”

**Substitute**

“referred to in”.

- (2) Section 75(1)(b)—

**Repeal**

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

**Substitute**

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

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

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

Section 75(1A)—

**Repeal**



everything after “main counting”

**Substitute**

“station—

(a) must—

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

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

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

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

**71. Section 2 amended (interpretation)**

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

**Repeal**

“61(1A)(d)”

**Substitute**

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

**72. Section 61 amended (counting of votes)**

(1) Section 61(1A)—

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

**Substitute**

“(a) at the counting zone—

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

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

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

- (2) After section 61(1A)—

**Add**

“(1B) If there are any ballot papers in respect of elections for other Rural Areas in the ballot boxes or receptacles, the Returning Officer must—

- (a) sort the ballot papers according to each Rural Area;
- (b) count and record the number of ballot papers for each Rural Area;
- (c) prepare a statement in writing as to the number of ballot papers recorded for each Rural Area;
- (d) make into separate bundles the sorted ballot papers together with the relevant statement prepared under paragraph (c);
- (e) place each bundle into a separate receptacle and seal it in the presence of those present at the counting zone; and
- (f) arrange the receptacles to be delivered to the Returning Officers of the respective counting stations of the relevant Rural Areas.

(1C) The Returning Officer appointed for a Rural Area who receives a receptacle delivered under subsection (1B) at a counting zone must, before counting the votes in accordance with subsection (1)—

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

- (3) Section 61(1)—

**Repeal**

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

**Substitute**

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

- (4) After section 61(2)—

**Add**

“(3) The Returning Officer must, after counting the votes in accordance with subsection (1), at the counting zone—

- (a) verify the number of ballot papers cast at the polling station other than a dedicated polling station by comparing it with the ballot paper account for that station; and
- (b) prepare a statement in writing as to the result of the verification under paragraph (a).”

## Part 9

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

#### Division 1—Enactments Amended

**73. Enactments amended**

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

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

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

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

**Add**

“under this Regulation”.

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

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

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

**Add**

“under this Regulation”.

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

**76. Section 22 amended (appointment of election agent)**

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

**Add**

“under this Regulation”.

## Part 10

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

#### Division 1—Enactments Amended

**77. Enactments amended**

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

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

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

(1) Section 7(2)(ii)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“danger to public health or safety”.

(2) Section 7(4)(a)(ii)—

**Repeal**

“2 days from”

**Substitute**

“14 days after”.

(3) Section 7(4)(a)(ii)—

**Repeal**

everything after “the case may be”

Substitute a semicolon.

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

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

Schedule 2, section 2(3)(b)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“any danger to public health or safety”.

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

Schedule 2, section 3(2)(b) —

**Repeal**

“other occurrence of public danger”

**Substitute**

“any danger to public health or safety”.

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

Schedule 2, section 7—

**Repeal subsection (3)**

**Substitute**

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

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

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

Schedule 1, section 2(3)(b)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“any danger to public health or safety”.

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

Schedule 1, section 3(2)(b) —

**Repeal**

“other occurrence of public danger”

**Substitute**

“any danger to public health or safety”.

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

Schedule 1, section 7—

**Repeal subsection (3)**

**Substitute**

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

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

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

Section 72(1)(d) and (2)(d)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“danger to public health or safety”.

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

Section 73(1)(b) and (2)(b)—

**Repeal**

“other occurrence of public danger”

**Substitute**

“danger to public health or safety”.

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

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

**Repeal**

“the prescribed period”

**Substitute**

“14 days”.

- (2) Section 77—

**Repeal subsection (7).**

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

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

- (1) Section 44(1) and (2)—

**Repeal**

“occurrence of public danger”

**Substitute**

“danger to public health or safety”.

- (2) Section 44(4)—

**Repeal**

“14 days from”

**Substitute**

“14 days after”.

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

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

- (1) Section 38(1) and (2)—

**Repeal**

“occurrence of public danger”

**Substitute**

“danger to public health or safety”.

- (2) Section 38(4)—

**Repeal**

“14 days from”

**Substitute**

“14 days after”.

## Part 11

### Amendments Relating to Ordinary Business Hours

#### Division 1—Enactments Amended

##### 90. Enactments amended

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

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

##### 91. Section 2 amended (interpretation)

Section 2(1)—

Repeal the definition of *ordinary business hours*

Substitute

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

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 4(1), 5(1) or 8(1) in respect of an election; and
  - (ii) the date of publication of the result of the election under the Legislative Council

Ordinance (Cap. 542) or the date of the declaration of the failure or termination of the election under that Ordinance, whichever is the later;”.

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

##### 92. Section 2 amended (interpretation)

Section 2(1)—

Repeal the definition of *ordinary business hours*

Substitute

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

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 8(1) or 10(1) in respect of an election; and
  - (ii) the date of publication of the result of the election under the District Councils Ordinance (Cap. 547) or the date of the declaration of the failure or termination of the election under that Ordinance, as may be appropriate;”.

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

93. **Section 2 amended (interpretation)**

Section 2(1)—

Repeal the definition of *ordinary business hours*

Substitute

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

- (a) between 9 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday (other than a general holiday); and
- (b) between 9 a.m. and 12 noon on a Saturday (other than a general holiday) during the period between—
  - (i) the date of publication of a notice under section 4(1) or 6 in respect of an election; and
  - (ii) the date of publication of the result of the election under the Rural Representative Election Ordinance (Cap. 576) or the date of the declaration of the failure or termination of the election under that Ordinance, whichever is the later;”.

**Part 12**

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

**Division 1—Enactments Amended**

94. **Enactments amended**

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

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

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

Section 28(1), after “Gazette”—

**Add**

“at least 10 days before polling day”.

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

(1) Section 29—

**Repeal subsection (1)**

**Substitute**

“(1) If the polling station or polling stations designated by the Chief Electoral Officer for a constituency would be difficult of access for persons with a disability, the Chief Electoral Officer must designate one or more polling



stations as special polling station or stations to be used for voting by them.”.

- (2) Section 29—

**Repeal subsection (3)**

**Substitute**

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

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

- (3) Section 29—

**Repeal subsection (4).**

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

Section 65(5)—

**Repeal**

“1 working day”

**Substitute**

“10 days”.

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

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

Section 31(1), after “Gazette”—

**Add**

“at least 10 days before polling day”.

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

- (1) Section 32—

**Repeal subsection (1)**

**Substitute**

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

- (2) Section 32—

**Repeal subsection (3)**

**Substitute**

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

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

- (3) Section 32—

**Repeal subsection (4).**

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

Section 65(4)—

**Repeal**

“1 working day”

**Substitute**

“10 days”.

**Division 4—Amendments to Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)****101. Section 28 amended (designation of polling stations, ballot paper sorting stations and counting stations)**

- (1) Section 28(1), after “Gazette”—

**Add**

“at least 10 days before polling day”.

- (2) After section 28(1)—

**Add**

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

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

Section 55(4)(c)—

**Repeal**

everything after “at least”

**Substitute**

“10 days before polling day.”.

**Part 13****Technical Amendments****Division 1—Enactments Amended****103. Enactments amended**

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

**Division 2—Amendments to Electoral Affairs Commission Ordinance (Cap. 541)****104. Section 2 amended (interpretation)**

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

**Repeal paragraph (a)****Substitute**

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

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

**Add**

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

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

**Repeal paragraph (c)****Substitute**

“(c) 選出鄉郊代表的選舉;”.

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

**Repeal**

“a public body”

**Substitute**

“the Legislative Council”.

(5) Section 2(1)—

**Repeal the definition of *public body*.**

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

Before section 7(7)(a)—

**Add**

“(aa) a District Council constituency;”.

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

**106. Section 100 amended (Commission to specify forms)**

Section 100(4), after “to”—

**Add**

“be”.

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

**107. Rule 3 amended (filing of documents)**

Rule 3(2)—

**Repeal**

“Supreme Court”

**Substitute**

“High Court”.

**108. Rule 20 amended (witnesses' expenses)**

Rule 20—

**Repeal**

“Supreme Court”

**Substitute**

“High Court”.

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

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

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

**Repeal**

“選舉廣告印刷品” (wherever appearing)

**Substitute**

“印刷選舉廣告”.

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

Section 35(1), Chinese text—

**Repeal**

“選舉廣告印刷品”

**Substitute**

“印刷選舉廣告”.

## Part 14

### Amendments Relating to Statutory Deadlines of Elector or Voter Registration

#### Division 1—Enactments Amended

##### 111. Enactments amended

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

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

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

###### (1) Section 4(1)(a)(i)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

###### (2) Section 4(1)(a)(ii)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

###### (3) Section 4(2)(a)—

**Repeal**

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

**Substitute**

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

###### (4) Section 4(2)(a)—

**Repeal**

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

**Substitute**

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

###### (5) Section 4(2)(b)—

**Repeal**

“16 July in any year subsequent to 2002”

**Substitute**

“2 July in any year subsequent to 2014”.

###### (6) Section 4(2)(b)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

###### (7) Section 4(2)(c)—

**Repeal**

“16 May in any year subsequent to 2002”

**Substitute**

“2 May in any year subsequent to 2014”.

###### (8) Section 4(2)(c)(i)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

- (9) Section 4(2)(c)(ii)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 5(11)(a)—

**Repeal**

“25 July” (wherever appearing)

**Substitute**

“11 July”.

- (2) Section 5(11)(b)—

**Repeal**

“25 May”

**Substitute**

“11 May”.

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

- (1) Section 7(3)(a)—

**Repeal**

“30 June”

**Substitute**

“16 June”.

- (2) Section 7(3)(b)—

**Repeal**

“30 April”

**Substitute**

“16 April”.

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

- (1) Section 9(5)(a)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

- (2) Section 9(5)(b)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 10(2)(a)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

- (2) Section 10(2)(b)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

- (1) Section 11(5)(a)—

**Repeal**

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

**Substitute**

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

- (2) Section 11(5)(b)(i)—

**Repeal**

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

**Substitute**

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

- (3) Section 11(5)(b)(ii)(A)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

- (4) Section 11(5)(b)(ii)(A)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (5) Section 11(5)(b)(ii)(B)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

- (6) Section 11(5)(b)(ii)(B)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 12(c)(i)—

**Repeal**

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

**Substitute**

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

- (2) Section 12(c)(ii)(A)—

**Repeal**

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

**Substitute**

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

- (3) Section 12(c)(ii)(B)(I)—

**Repeal**

“17 July”

**Substitute**

“3 July”.

- (4) Section 12(c)(ii)(B)(I)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (5) Section 12(c)(ii)(B)(II)—

**Repeal**

“17 May”

**Substitute**

“3 May”.

- (6) Section 12(c)(ii)(B)(II)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 13(1)(a)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (2) Section 13(1)(b)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

- (3) Section 13(3)(a)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

- (4) Section 13(3)(b)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

- (1) Section 14(2)(c)(i)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

(2) Section 14(2)(c)(ii)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

(1) Section 15(7)(a)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

(2) Section 15(7)(b)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

(1) Section 17(7)(a)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

(2) Section 17(7)(b)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

(3) Section 17(9)(a)(i)—

**Repeal**

“16 July but not later than 29 August”

**Substitute**

“2 July but not later than 25 August”.

(4) Section 17(9)(a)(ii)—

**Repeal**

“16 May but not later than 29 June”

**Substitute**

“2 May but not later than 25 June”.

(5) Section 17(9)(b)(i)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

(6) Section 17(9)(b)(ii)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

(1) Section 19(5)(a)—

**Repeal**



“15 August”

**Substitute**

“1 August”.

- (2) Section 19(5)(b)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

**Division 3—Amendments to Electoral Affairs Commission  
(Registration) (Electors for Legislative Council Functional  
Constituencies) (Voters for Election Committee Subsectors)  
(Members of Election Committee) Regulation (Cap. 541 sub.  
leg. B)**

**124. Section 11 amended (interpretation of Part IV)**

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

**Repeal**

“16 July” (wherever appearing)

**Substitute**

“2 July”.

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

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 12(2)(a)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

- (2) Section 12(2)(b)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 18(1)(a)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

- (2) Section 18(1)(b)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 19(1)(a)(i)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

- (2) Section 19(1)(a)(ii)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (3) Before section 19(4)(b)—

**Add**

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

- (4) Section 19(4)(b)—

**Repeal**

“16 July in a District Council election year”

**Substitute**

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

- (5) Section 19(4)(b)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (6) Section 19(4)(c)—

**Repeal**

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

**Substitute**

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

- (7) Section 19(4)(c)(i)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

- (8) Section 19(4)(c)(ii)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 20(2)(a)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

- (2) Section 20(2)(b)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 21(12)(b)(i)—

**Repeal**

“25 July” (wherever appearing)

**Substitute**

“11 July”.

- (2) Section 21(12)(b)(ii)—

**Repeal**

“25 May”

**Substitute**

“11 May”.

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

- (1) Section 22(5)(a)—

**Repeal**

“30 June”

**Substitute**

“16 June”.

- (2) Section 22(5)(b)—

**Repeal**

“30 April”

**Substitute**

“16 April”.

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

- (1) Section 24(7)(a)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

- (2) Section 24(7)(b)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 25(2)(a)(i)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

- (2) Section 25(2)(a)(ii)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

- (1) Before section 26(5)(b)—

**Add**

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

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

**Add**

“subsequent”.

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

**Add**

“subsequent”.

- (4) Section 26(5)(b)(i)—

**Repeal**

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

**Substitute**

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

- (5) Section 26(5)(b)(ii)(A)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

- (6) Section 26(5)(b)(ii)(A)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (7) Section 26(5)(b)(ii)(B)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

- (8) Section 26(5)(b)(ii)(B)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Before section 27(1)(c)(i)(B)—

**Add**

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

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

**Add**

“subsequent”.

- (3) Section 27(1)(c)(i)(B)(I)—

**Repeal**

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

**Substitute**

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

- (4) Section 27(1)(c)(i)(B)(II)(aa)—

**Repeal**

“17 July”

**Substitute**

“3 July”.

- (5) Section 27(1)(c)(i)(B)(II)(aa)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (6) Section 27(1)(c)(i)(B)(II)(bb)—

**Repeal**

“17 May”

**Substitute**

“3 May”.

- (7) Section 27(1)(c)(i)(B)(II)(bb) —

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (8) Before section 27(1)(c)(ii)(B)—

**Add**

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

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

**Add**

“subsequent”.

- (10) Section 27(1)(c)(ii)(B)(I)—

**Repeal**

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

**Substitute**

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

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

**Repeal**

“17 July”

**Substitute**

“3 July”.

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

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

**Repeal**

“17 May”

**Substitute**

“3 May”.

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

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Before section 28(1)(a)(i)(B)—

**Add**

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

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

**Add**

“subsequent”.

- (3) Section 28(1)(a)(i)(B)(I)—

**Repeal**

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

**Substitute**

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

- (4) Section 28(1)(a)(i)(B)(II)(aa)—

**Repeal**

“17 July”

**Substitute**

“3 July”.

- (5) Section 28(1)(a)(i)(B)(II)(aa)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (6) Section 28(1)(a)(i)(B)(II)(bb)—

**Repeal**

“17 May”

**Substitute**

“3 May”.

- (7) Section 28(1)(a)(i)(B)(II)(bb)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

- (8) Before section 28(1)(a)(ii)(B)—

**Add**

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

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

**Add**

“subsequent”.

- (10) Section 28(1)(a)(ii)(B)(I)—

**Repeal**

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

**Substitute**

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

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

**Repeal**

“17 July”

**Substitute**

“3 July”.

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

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

**Repeal**

“17 May”

**Substitute**

“3 May”.

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

**Repeal**

“16 May”

**Substitute**

“2 May”.

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

- (1) Section 29(1)(a)(i)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (2) Section 29(1)(a)(ii)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

- (3) Section 29(3)(a)(i)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

- (4) Section 29(3)(a)(ii)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

- (1) Section 30(2)(c)(i)(A)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

(2) Section 30(2)(c)(i)(B)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

(1) Section 31(8)(a)(i)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

(2) Section 31(8)(a)(ii)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

(1) Section 33(7)(a)(i)—

**Repeal**

“16 July”

**Substitute**

“2 July”.

(2) Section 33(7)(a)(ii)—

**Repeal**

“16 May”

**Substitute**

“2 May”.

(3) Section 33(10)(a)(i)(A)—

**Repeal**

“16 July but not later than 29 August”

**Substitute**

“2 July but not later than 25 August”.

(4) Section 33(10)(a)(i)(B)—

**Repeal**

“16 May but not later than 29 June”

**Substitute**

“2 May but not later than 25 June”.

(5) Section 33(10)(b)(i)—

**Repeal**

“29 August”

**Substitute**

“25 August”.

(6) Section 33(10)(b)(ii)—

**Repeal**

“29 June”

**Substitute**

“25 June”.

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

(1) Section 35(5)(a)—



**Repeal**

“15 August”

**Substitute**

“1 August”.

- (2) Section 35(5)(b)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

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

- (1) Section 36(5)(a)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (2) Section 36(5)(b)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

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

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

- (1) Section 32(1)(a)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

- (2) Section 32(1A)(a)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

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

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

- (1) Section 2(3)(a)—

**Repeal**

“3 May 2002 and ending on 2 September 2003”

**Substitute**

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

- (2) Section 2(3)(a)—

**Repeal**

“15 August 2003 and 11 September 2003”

**Substitute**

“1 August 2015 and 11 September 2015”.

- (3) Section 2(3)(b)—

**Repeal**

“2002”

**Substitute**

“2014”.

- (4) Section 2(3)(b)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

- (5) Section 2(3)(c)—

**Repeal**

“2002”

**Substitute**

“2014”.

- (6) Section 2(3)(c)(i)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (7) Section 2(3)(c)(ii)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

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

- (1) Section 4(a)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (2) Section 4(b)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

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

- (1) Section 6(2)(a)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (2) Section 6(2)(b)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

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

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

- (1) The Schedule, section 14(1)(a)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

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

**Repeal**

“15 August”

**Substitute**

“1 August”.

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

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

- (1) Before section 3(4)(b)—

**Add**

“(ab) during the period beginning on 3 July 2014 and ending on 2 September 2015, the date fixed under subsection (1)(a) as regards that notice must be a date between 1 August 2015 and 11 September 2015 (both dates inclusive);”.

- (2) Section 3(4)(b)—

**Repeal**

“2002”

**Substitute**

“2014”.

- (3) Section 3(4)(b)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

- (4) Section 3(4)(c)—

**Repeal**

“2002”

**Substitute**

“2014”.

- (5) Section 3(4)(c)(i)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (6) Section 3(4)(c)(ii)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

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

- (1) Section 5(aa)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (2) Section 5(ab)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

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

- (1) Section 7(2)(aa)—

**Repeal**

“15 August”

**Substitute**

“1 August”.

- (2) Section 7(2)(ab)—

**Repeal**

“15 June”

**Substitute**

“1 June”.

**Part 15****Amendments Relating to Prosecution of Certain Offences Concerning Elections****Division 1—Enactments Amended****150. Enactments amended**

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

**Division 2—Amendment to Electoral Affairs Commission Ordinance (Cap. 541)****151. Section 7 amended (regulations)**

Section 7(5), before “offence”—

**Add**

“indictable or summary”.

**Division 3—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)****152. Section 22 amended (offences and penalties)**

- (1) Section 22(1), after “is liable” —

**Add**

“on conviction on indictment”.

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

**Add**

“on conviction on indictment”.

**Division 4—Amendments to Electoral Affairs Commission  
(Registration) (Electors for Legislative Council Functional  
Constituencies) (Voters for Election Committee Subsectors)  
(Members of Election Committee) Regulation (Cap. 541 sub.  
leg. B)**

**153. Section 42 amended (offences and penalties)**

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

**Add**

“on conviction on indictment”.

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

**Add**

“on conviction on indictment”.

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

**154. Section 32 amended (offences and penalties)**

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

**Add**

“on conviction on indictment”.

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

**Add**

“on conviction on indictment”.

**Explanatory Memorandum**

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

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

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

**Intended counting steps at counting stations**

- (a) For a counting station other than a main counting station (“MCS”), the Presiding Officer (“PRO”) will –
  - (i) open the ballot boxes of the polling station one by one and count the votes as marked on the ballot papers therein; and
  - (ii) verify the number of ballot papers so counted against the ballot paper account in respect of the polling station.
  
- (b) For a counting station which is an MCS, the PRO will –
  - (i) open the ballot boxes in respect of the MCS polling station, count the votes as marked on the ballot papers therein, but leave at least one ballot box unopened for mixing with the ballot papers to be received from the small polling stations (“SPSs”)/dedicated polling stations (“DPSs”)/ballot paper sorting station (“BPSS”);
  - (ii) open the ballot boxes received from an SPS/DPS, count and record the number of ballot papers therein, and verify the number of ballot papers so counted and recorded against the relevant ballot paper account;
  - (iii) open each receptacle received from a BPSS, count and record the number of ballot papers therein, and verify the number of ballot papers so counted and recorded against the relevant ballot paper statement attached to the receptacle;
  - (iv) mix the ballot papers from (ii) and (iii) above with the ballot papers from at least one ballot box of the MCS polling station before counting of votes thereon; and
  - (v) after completion of counting of votes under (i) and (iv), verify the number of ballot papers at the MCS polling station so counted against the relevant ballot paper account.

**Other minor or technical amendments**

The minor or technical amendments included are –

- (a) amending the definition of “ordinary business hours” in the Electoral Affairs Commission (“EAC”) (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), EAC (Electoral Procedure) (District Councils) Regulation (Cap. 541F) and Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) to better reflect and accommodate practical needs. Under our proposal, the existing definition of “ordinary business hours” under the statute, which includes Saturday mornings, would apply to the period from the date of gazettal of an election or by-election notice to the date of gazettal of election result or the date of declaration of the failure or termination of the election, whichever is the later (or, in the case of District Council (“DC”) elections, as may be appropriate). For other times, the Chief Electoral Officer (“CEO”)’s and the Returning Officer (“RO”)’s offices would open for business from Monday to Friday (other than a general holiday);
- (b) specifying the deadline (at least 10 days before polling day) for publishing a list of polling stations and counting stations in the Gazette and indicating on the list the special polling stations or polling stations suitable for disabled voters; and advancing the deadline for the RO to give notice to candidates about place(s) of counting from at least one working day before polling day to at least 10 days before polling day;
- (c) adding transmission by electronic mail as a means of delivery for certain notices between the CEO / the ROs and candidates and certain applications to the CEO;
- (d) removing certain items from the Electronic Transactions (Exclusion) Order (Cap. 553B) when the Registration and Electoral Office launches a platform for receiving electronic submission of certain electoral documents;
- (e) making amendments to the relevant parts of the EAC Ordinance (Cap. 541) to make clear that the relevant references to “electoral law” and “constituency” will cover that for DC elections as well, hence removing any doubt as to whether the EAC has the necessary power to make regulations in so far as it is related to DC elections;
- (f) updating the reference to the Supreme Court Ordinance and its subsidiary legislation in the Legislative Council (Election Petition)



Rules (Cap. 542F) by replacing “Supreme Court” with “High Court”;  
and

- (g) tallying the Chinese translation of “printed election advertisement” under different provisions in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

**Proposed Amendments to the Voter Registration Statutory Deadlines**

<b>Major Event</b>	<b>Statutory deadline in a non-District Council election year</b>		<b>Statutory deadline in a District Council election year</b>	
	<b>Existing</b>	<b>Proposed</b>	<b>Existing</b>	<b>Proposed</b>
The statutory deadline for the Electoral Registration Officer (“ERO”) to make inquiries regarding existing electors in compiling the provisional register (“PR”)	30 Apr	16 Apr	30 Jun	16 Jun
The statutory deadline for an applicant to apply to the ERO for registration in the PR	16 May	2 May	16 Jul	2 Jul
If the ERO requires an applicant to provide further particulars relating to the application, the statutory deadline for an applicant to provide such particulars	25 May	11 May	25 Jul	11 Jul
The statutory deadline for the ERO to publish and make available the PR and omissions list (“OL”) for public inspection	15 Jun	1 Jun	15 Aug	1 Aug
After inspecting the PR and OL, the statutory deadline for the public to make an objection to or make a claim on the registration in the PR, or to apply for updating the registration particulars in the final register (“FR”)	29 Jun	25 Jun	29 Aug	25 Aug
The statutory deadline for the Revising Officer to fix a hearing for and rule each notice of objection or notice of claim received	11 Jul	11 Jul	11 Sept	11 Sept
The statutory deadline for the ERO to publish and make available the FR for public inspection	25 Jul	25 Jul	25 Sept	25 Sept
Relevant election	September (LegCo general election, if any)		November	

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

**by-election** (補選) means-

- (a) a by-election within the meaning of section 3(1) of the Legislative Council Ordinance (Cap 542);
- (b) a by-election within the meaning of section 2 of the District Councils Ordinance (Cap 547); (Amended 2 of 2003 s. 68)
- (c) a subsector by-election within the meaning of section 1 of the Schedule to the Chief Executive Election Ordinance (Cap 569); or (Replaced 21 of 2001 s. 54. Amended 2 of 2003 s. 68)
- (d) a village by-election within the meaning of section 2(1) of the Village Representative Election Ordinance (Cap 576); (Added 2 of 2003 s. 68)

**Chairman** (主席) means the person appointed under section 3(2) or the person acting for him under paragraph 1(5) of Schedule 2;

**Chief Electoral Officer** (總選舉事務主任) means the person appointed as such under section 9;

**Commission** (選管會) means the Electoral Affairs Commission established by section 3;

**District Council** (區議會) has the meaning assigned to it by the District Councils Ordinance (Cap 547); (Added 8 of 1999 s. 89)

**District Council constituency** (區議會選區) means a constituency within the meaning of section 2 of the District Councils Ordinance (Cap 547); (Added 8 of 1999 s. 89)

**election** (選舉), subject to section 17, means an election held for the purpose of-

- (aa) electing the Chief Executive; (Added 21 of 2001 s. 54)
- (a) electing the members of-
  - (i) the Legislative Council; or (Amended 78 of 1999 s. 7)
  - (ii) (Repealed 78 of 1999 s. 7)
  - (iii) the District Councils; (Replaced 8 of 1999 s. 89)
- (b) electing the members of the Election Committee; or (Amended 21 of 2001 s. 54; 2 of 2003 s. 68)
- (c) electing a Village Representative for a Village; (Added 2 of 2003 s. 68)

**Election Committee** (選舉委員會) has the meaning assigned to it by the Chief Executive Election Ordinance (Cap 569); (Replaced 21 of 2001 s. 54)

**elector** (選民) means a person whose name appears on a register of persons entitled, under any electoral law, to vote at an election;

**electoral law** (選舉法) means any law in force providing for the election of-

- (aa) the Chief Executive; (Added 21 of 2001 s. 54)
- (a) the members of a public body; (Amended 2 of 2003 s. 68)
- (b) the members of the Election Committee; or (Amended 21 of 2001 s. 54; 2 of 2003 s. 68)
- (c) Village Representatives; (Added 2 of 2003 s. 68)

**function** (職能) includes a power and a duty;

**general election** (換屆選舉) has the meaning assigned to it by the Legislative Council Ordinance (Cap 542); (Replaced 8 of 1999 s. 89)

**geographical constituency** (地方選區) subject to section 17, means a geographical area having separate representation (whether by one or more members) in a public body;

**Legislative Council** (立法會) means the legislative Council of the Hong Kong Special Administrative Region;

**member of the Commission** (選管會成員) includes the Chairman;

**ordinary election** (一般選舉) has the meaning assigned to it by the District Councils Ordinance (Cap 547); (Added 8 of 1999 s. 89)

**political body** (政治性團體) means-

- (a) a political party or an organization that purports to be a political party; or
- (b) an organization whose principal function or main object is to promote or prepare a candidate for an election;

**Provisional District Board** (臨時區議會) has the meaning assigned to it by the Provisional District Boards Ordinance (Cap 366);

**Provisional Legislative Council** (臨時立法會) means the Provisional Legislative Council of the Hong Kong Special Administrative Region;

**public body** (公眾議會) means a body referred to in paragraph (a)(i) of the definition of **election**; (Amended 8 of 1999 s. 89; 78 of 1999 s. 7; 2 of 2003 s. 68)

**Village** (鄉村) has the meaning assigned to it by the Village Representative Election Ordinance (Cap 576); (Added 2 of 2003 s. 68)

**Village Representative** (村代表) has the meaning assigned to it by the Village Representative Election Ordinance (Cap 576). (Added 2 of 2003 s. 68)

(Amended 48 of 1999 s. 50; 78 of 1999 s. 7)

- (2) For the avoidance of doubt it is declared that an election includes a by-election. (Amended 21 of 2001 s. 54)
- (3) Any reference in this Ordinance to the performance of a function includes a reference to the performance of a duty or exercise of a power, as the case may require.

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Section:	7	Regulations	E.R. 2 of 2012	02/08/2012
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(1) The Commission may, by regulation, provide for the following-

(a) the-

- (i) registration of electors;
- (ii) determination (where applicable) of-
  - (A) the appropriate constituency; (Amended 2 of 2003 s. 68)
  - (B) in the case of the Election Committee, the appropriate sectors or subsectors; or (Amended 21 of 2001 s. 59; 2 of 2003 s. 68)
  - (C) in the case of an election held for the purpose of electing a Village

Representative for a Village, the appropriate Village or Villages, (Added 2 of 2003 s. 68)

for such registration;

- (iii) form, compilation, revision and correction, and the manner of publication of the register of persons entitled under any electoral law to vote at an election; and
- (iv) ascertainment of qualifications of electors;
- (b) the conduct or supervision of, and procedure at any election;
- (c) the conduct or supervision of, and procedure for the formation of, or the filling of vacancies in the membership of, the Election Committee; (Amended 21 of 2001 s. 59)
- (d) without limiting the generality of paragraphs (b) and (c)-
  - (i) the procedure for the nomination of candidates in an election, including provision for consent by a candidate for nomination, and withdrawal of a nomination;
  - (ii) the procedure for lodging a deposit in respect of the nomination of a candidate;
  - (iii) the appointment by the candidate, of agents and other persons to assist him in an election and matters relating to such appointments;
  - (iv) the designation of polling stations;
  - (v) the supervision of polling stations and the regulation of the ballot;
  - (vi) the procedure or procedures for voting and counting at an election;
  - (vii) the designation and supervision of counting stations;
  - (viii) the declaration and publication of results of an election;
  - (ix) the disposal of ballot or other papers after an election; and
  - (x) the making of a report to the Commission by any person, or any person specified in the regulations, regarding any occurrence considered by such a person as an irregularity relating to an election, the poll or a counting of the votes;
- (e) the appointment and conduct of persons authorized to incur election expenses on behalf of candidates; (Amended 11 of 2012 s. 5)
- (ea) the matters relating to the display or use of election advertisements or other publicity materials relating to an election and matters relating to grant of relief by the Court of First Instance in respect of election advertisements; (Added 11 of 2012 s. 5)
- (f) the Commission or such other person specified in the regulations to require any information reasonably required in respect of any matter referred to in paragraph (a), from a person or a class or description of persons specified in the regulations;
- (g) the establishment or appointment of committees (including or consisting of a person or persons other than members of the Commission) and provide for the functions, proceedings and regulation of those committees;
- (h) the termination of proceedings for an election on the ground of the death or disqualification of a candidate; (Amended 8 of 1999 s. 89)
- (ha) the declaration of failure of an election; (Added 48 of 1999 s. 51)
- (hb) the procedure to implement the scheme for the payment of financial assistance set out in Part 6A of the Legislative Council Ordinance (Cap 542), including, in particular, the procedure for-
  - (i) making or withdrawing claims for financial assistance;
  - (ii) repaying to the Government amounts or parts of amounts paid as financial assistance;
  - (iii) supporting and verifying claims for financial assistance;
  - (iv) making a payment of financial assistance to a candidate or in respect of a list of candidates;
  - (v) making a claim for financial assistance in respect of the estate of a deceased

- person, the payment of financial assistance on such a claim, and the taking of any action for those purposes by a legal personal representative of a deceased person or by such other person as specified in the regulations; (Added 25 of 2003 s. 52)
- (hc) the procedure to implement the scheme for the payment of financial assistance set out in Part VA of the District Councils Ordinance (Cap 547), including, in particular, the procedure for-
- (i) making or withdrawing claims for financial assistance;
  - (ii) repaying to the Government amounts or parts of amounts paid as financial assistance;
  - (iii) supporting and verifying claims for financial assistance;
  - (iv) making a payment of financial assistance to a candidate; and
  - (v) making a claim for financial assistance in respect of the estate of a deceased person, the payment of financial assistance on such a claim, and the taking of any action for those purposes by a legal personal representative of a deceased person or by such other person as specified in the regulations; (Added 1 of 2007 s. 10)
- (i) the determination or specification of forms; and
  - (j) generally providing for the better carrying into effect the provisions and purposes of this Ordinance or any electoral law.
- (1A) The Commission may by regulation-
- (a) prescribe offences for the purposes of section 14(h) of the Chief Executive Election Ordinance (Cap 569);
  - (b) specify the form and manner of nomination of a candidate for the purposes of section 16(1) of the Chief Executive Election Ordinance (Cap 569);
  - (c) provide for withdrawal of candidature for the purposes of section 19(2) of the Chief Executive Election Ordinance (Cap 569);
  - (d) provide for the postponement or adjournment of a poll or the counting of votes in respect of a poll under section 21 of the Chief Executive Election Ordinance (Cap 569) and the appointment of a new date for the poll or the count. (Added 21 of 2001 s. 59)
- (2) Subject to subsection (3), the Commission may make regulations to provide for the postponement or adjournment of-
- (a) an election;
  - (b) the poll; or
  - (c) the counting of votes (*the count*),  
where the Commission or any person specified in the regulations is of the opinion that the election, the poll or the count is likely to be or is being obstructed, disrupted or undermined or seriously affected by-
    - (i) a typhoon or other climatic condition of a serious nature;
    - (ii) riot or open violence or any other occurrence of public danger; or
    - (iii) an occurrence which appears to the Commission or the specified person to be a material irregularity relating to the election, the poll or the count.
- (3) Subsection (2) shall not be construed as empowering the Commission to postpone or adjourn-
- (a) a general election;
  - (b) (Repealed 78 of 1999 s. 7)
  - (ba) an ordinary election; or (Added 8 of 1999 s. 89)
  - (c) the poll (at all the polling stations) or the count in respect of a general election or an ordinary election, (Amended 78 of 1999 s. 7)
- on any ground referred to in subsection (2)(ii). (Amended 8 of 1999 s. 89)
- (4) The Commission may by regulation provide for-

- (a) the appointment of a new date-
  - (i) for an election, the poll or the count postponed or adjourned pursuant to subsection (2); and
  - (ii) which shall be not later than 2 days from the original date fixed for the election, the poll or the count, as the case may be, in the case of a postponement or adjournment on a ground referred to in subsection (2)(iii) and not later than 14 days from the original date in any other case;
- (b) the procedure for the postponement or adjournment of a general election or an ordinary election or the poll or the count in respect of a general election or an ordinary election, on any ground referred to in subsection (2)(ii) by the authority or person who has power under any electoral law to effect the postponement or adjournment, and the procedure for the appointment of a new date for the election, the poll or the count by that authority or person. (Amended 8 of 1999 s. 89; 48 of 1999 s. 51; 78 of 1999 s. 7)
- (c) (Repealed 48 of 1999 s. 51)
- (5) Regulations under this section may provide that any contravention of a requirement in or made under the regulations is an offence and is punishable by a fine not exceeding level 2 and imprisonment not exceeding 6 months. (Amended 8 of 1999 s. 89)
- (6) Regulations under this section may provide that-
  - (a) where a body corporate is convicted of an offence under these regulations and the offence is proved to have been committed with the consent, connivance of, or was attributable to the neglect or omission on the part of a director, manager, secretary or any other person concerned in the management of the body corporate, the director, manager or secretary or that other person is liable for the offence; and
  - (b) where a partner of a partnership is convicted of an offence and it is proved that the offence was committed with the consent or connivance of, or was attributable to the neglect or omission on the part of any other partner or person concerned in the management of the partnership, the partner or that other person is liable for the offence.
- (7) In this section, *constituency* (選區或選舉界別) means-
  - (a) a geographical constituency; or
  - (b) a constituency of any other description by which one or more members may be returned to the Legislative Council under any electoral law.

(Amended E.R. 2 of 2012)

Chapter:	541A	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation	Gazette Number	Version Date
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Section:	4	How to apply for registration in provisional register	E.R. 2 of 2012	02/08/2012
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- (1) The following applies in respect of an application by a person for registration in a provisional register-
- (a) the application must be made to the Electoral Registration Officer to be received by that Officer- (L.N. 254 of 2002)
    - (i) if the provisional register is being compiled for a District Council election year, not later than 16 July in that year; or
    - (ii) if the provisional register is being compiled for a year which is not a District Council election year, not later than 16 May in that year; (L.N. 254 of 2002)
  - (b) the application must be made on the specified form;
  - (c) the specified form must be completed in either Chinese or English; and
  - (d) the application must be signed by that person.
  - (e) (Repealed L.N. 284 of 1999)
- (2) An application received by the Electoral Registration Officer-
- (a) after 16 March 2002 but not later than 16 July 2003 must be treated by that Officer as an application received on or before 16 July 2003 for registration in the provisional register for 2003; (Repealed L.N. 284 of 1999. Added L.N. 254 of 2002)
  - (b) after 16 July in any year subsequent to 2002, if that subsequent year is a District Council election year, must be treated by that Officer as an application received on or before 16 May in the year following that subsequent year for registration in the provisional register to be compiled for that following year; or (Repealed L.N. 284 of 1999. Added L.N. 254 of 2002)
  - (ba) (Repealed L.N. 254 of 2002)
  - (c) after 16 May in any year subsequent to 2002, if that subsequent year is not a District Council election year, must be treated by that Officer as an application received-
    - (i) on or before 16 July in the year following that subsequent year, if that following year is a District Council election year, for registration in the provisional register to be compiled for that following year; or
    - (ii) on or before 16 May in the year following that subsequent year, if that following year is not a District Council election year, for registration in the provisional register to be compiled for that following year. (L.N. 254 of 2002)

(L.N. 284 of 1999)



Chapter:	541A	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation	Gazette Number	Version Date
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Section:	5	Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information	E.R. 2 of 2012	02/08/2012
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- (1) When the Electoral Registration Officer receives an application, that Officer must, as soon as practicable, but subject to this section, determine either-
  - (a) that the applicant is eligible to be registered; or
  - (b) that the applicant is not eligible to be registered.
- (2) The Electoral Registration Officer may, before making a determination under subsection (1), require in writing the applicant to-
  - (a) furnish in writing either-
    - (i) further particulars relating to the application as specified by the Electoral Registration Officer; or
    - (ii) proof that the applicant is eligible to be registered; or
  - (b) furnish in writing both such particulars and proof, within the specified period. (L.N. 284 of 1999; L.N. 254 of 2002)
- (3) When the Electoral Registration Officer makes a requirement under subsection (2), that Officer must also inform the applicant, in writing, that-
  - (a) if the applicant does not furnish the particulars or proof within the specified period; or
  - (b) if the Electoral Registration Officer is not satisfied with the furnished particulars or proof,
 that Officer may decide not to consider the application further.
- (4) If an applicant of whom a requirement is made under subsection (2)-
  - (a) does not furnish the particulars or proof within the specified period; or
  - (b) does not furnish particulars or proof to the satisfaction of the Electoral Registration Officer,
 that Officer may decide not to consider the application further. In any other case the Electoral Registration Officer must determine whether the applicant is eligible to be registered or not eligible to be registered.
- (5) The Electoral Registration Officer must not consider an application further if that Officer is satisfied on reasonable grounds that the application is manifestly an abuse of the registration procedure.
- (6) If the Electoral Registration Officer is satisfied on reasonable grounds that an applicant is already registered in the existing final register, that Officer may decide not to consider the application further.
- (7) If the Electoral Registration Officer determines under subsection (1)(a) that an applicant is eligible to be registered, that Officer-
  - (a) must also determine, having regard to the address furnished by the applicant as the principal residential address, the section, and the subsection under it, of the provisional register in which to register the applicant; and
  - (b) must record the applicant's name and principal residential address in that section under that subsection. (L.N. 284 of 1999)
- (8) When the Electoral Registration Officer determines that an applicant is eligible to be

registered and the section, and the subsection under it, of the provisional register in which the applicant is to be registered, that Officer must inform the applicant in writing of the determination as soon as practicable. (L.N. 284 of 1999)

- (9) If the Electoral Registration Officer determines under subsection (1)(b) that an applicant is not eligible to be registered, that Officer must inform the applicant in writing of the determination as soon as practicable by registered post.
- (10) If the Electoral Registration Officer makes a decision under subsection (4) not to consider an application further, that Officer must inform the applicant in writing of the decision as soon as practicable by registered post.
- (11) In this section, *specified period* (指明期間), in relation to a requirement made under subsection (2), means-
- (a) if the first 25 July that follows the making of the requirement falls in a District Council election year, a period ending not later than that 25 July; or
  - (b) in any other case, a period ending not later than the first 25 May that follows the making of the requirement,
- specified by the Electoral Registration Officer. (L.N. 254 of 2002)

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Section:	7	Electoral Registration Officer may make inquiries regarding persons registered in the existing final register	E.R. 2 of 2012	02/08/2012
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- (1) In compiling a provisional register, the Electoral Registration Officer may, in accordance with this section, make inquiries that Officer considers fit, to ascertain-
- (a) whether a person whose name or other personal particulars are recorded in the existing final register- (L.N. 284 of 1999)
    - (i) is dead;
    - (ii) is not entitled to be registered under section 24(2) of the Legislative Council Ordinance (Cap 542);
    - (iii) is not eligible to be registered under section 27, 28, 29 or 30 of the Legislative Council Ordinance (Cap 542); or
    - (iv) is disqualified from being registered as an elector under section 31 of the Legislative Council Ordinance (Cap 542); or
  - (b) whether the address recorded in the existing final register against a person's name is no longer that person's principal residential address.
- (2) An inquiry must be made in writing. It must be sent by registered post addressed to the person from whom it is made.
- (3) The Electoral Registration Officer may make an inquiry from a person whose name is recorded in an existing final register- (L.N. 254 of 2002)
- (a) in relation to the compilation of a provisional register for a District Council election year, only on or before 30 June in that year; or
  - (b) in relation to the compilation of a provisional register for a year which is not a District Council election year, only on or before 30 April in that year. (L.N. 284 of 1999; L.N. 254 of 2002)

- (4) The Electoral Registration Officer may make an inquiry from any other source that Officer considers appropriate, at any time.
- (5) Section 6(5) and (6) applies to an inquiry made under this section and information obtained under this section subject to necessary modifications.

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Section:	9	Electoral Registration Officer to prepare an omissions list	E.R. 2 of 2012	02/08/2012
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- (1) Subject to subsection (4), in compiling a provisional register, the Electoral Registration Officer must, for the purposes of section 32(4)(a) and (b) of the Legislative Council Ordinance (Cap 542), enter on a list (*the omissions list*) the names and principal residential address of-
- (L.N. 534 of 1997; L.N. 254 of 2002)
  - (a) any person regarding whom the Electoral Registration Officer has made an inquiry under section 7 on or before the date referred to in section 7(3)(a) or (b), as the case may be, if the result of the inquiry was as follows- (L.N. 254 of 2002)
    - (i) the information asked for was not received by the Electoral Registration Officer on or before the relevant date specified in subsection (5); (L.N. 254 of 2002)
    - (ii) the person, in response to the inquiry, has informed the Electoral Registration Officer that he or she does not wish to be registered;
    - (iii) the Electoral Registration Officer is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is dead;
    - (iv) the Electoral Registration Officer is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is disqualified from being registered or not qualified to be so registered;
    - (v) the Electoral Registration Officer is satisfied on reasonable grounds and notwithstanding any information to the contrary received by that Officer, that the person is dead; or
    - (vi) the Electoral Registration Officer is satisfied on reasonable grounds and notwithstanding any information to the contrary received by that Officer, that the person is disqualified from being registered or not qualified to be so registered;
  - (b) any person whose name is recorded in the existing final register, if the Registrar of Births and Deaths has informed the Electoral Registration Officer, on or before the relevant date specified in subsection (5), that the person is dead; and (L.N. 254 of 2002)
  - (c) any person referred to in subsection (2).
- (2) If-
- (a) the Electoral Registration Officer has reason to believe-
    - (i) from information received in response to a requirement under section 6 or an inquiry under section 7 or otherwise; and
    - (ii) notwithstanding any information to the contrary received by that Officer, that the address recorded in the existing final register against a person's name is no longer the person's principal residential address; and (L.N. 534 of 1997)

(b) the principal residential address of that person is not known to the Electoral Registration Officer at the time the omissions list is prepared, that Officer must, for the purposes of subsection (1)(c), enter the name and principal residential address of that person on the omissions list.

(2A) Despite subsection (1), if-

(a) the Electoral Registration Officer is satisfied on reasonable grounds that-

- (i) a person has served a sentence of imprisonment in Hong Kong;
- (ii) the person used, under section 28(1B) of the Legislative Council Ordinance (Cap 542), an address for the purpose of registration; and
- (iii) the imprisonment has terminated; and

that Officer must enter the name and the principal residential address on the omissions list without making an inquiry under section 7 in respect of the person. (L.N. 156 of 2009)

(3) The Electoral Registration Officer must, in a manner that Officer considers appropriate, show on the omissions list that the persons whose names and principal residential address are entered on the omissions list are those whose personal particulars that the Officer proposes to omit from the next final register.

(4) The Electoral Registration Officer may enter on the omissions list, the name and principal residential address of a person under-

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

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

that the Electoral Registration Officer proposes to omit that person's name and other personal particulars from the next final register if the relevant information is not received by that Officer on or before the relevant date specified in subsection (5); or (L.N. 254 of 2002)

(b) subsection (1)(a)(ii), only if the inquiry was made from the person who is the subject of the inquiry.

(5) For the purposes of subsections (1)(a)(i) and (b) and (4)(a), the relevant date is, in relation to the compilation of-

- (a) a provisional register for a District Council election year, 16 July in that year; or
- (b) a provisional register for a year which is not a District Council election year, 16 May in that year. (L.N. 254 of 2002)

(L.N. 284 of 1999)

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Section:	10	Electoral Registration Officer to publish a notice that omissions list is available for public inspection	E.R. 2 of 2012	02/08/2012
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(1) As soon as practicable after the omissions list is prepared, the Electoral Registration Officer must publish a notice which complies with section 32(5) of the Legislative Council Ordinance (Cap 542)- (L.N. 534 of 1997; L.N. 254 of 2002)

- (a) in the Gazette; and
- (b) in at least one Chinese language daily newspaper and one English language daily

newspaper in circulation in Hong Kong.

- (2) The period for which the omissions list is to be available for public inspection at the Electoral Registration Officer's office during its ordinary business hours, for the purposes of section 32(6) of the Legislative Council Ordinance (Cap 542), is- (L.N. 254 of 2002)
  - (a) in the case of an omissions list prepared in compiling a provisional register for a District Council election year, the period beginning on the date the notice under subsection (1) is published and ending on 29 August in the same year; or
  - (b) in the case of an omissions list prepared in compiling a provisional register for a year which is not a District Council election year, the period beginning on the date the notice under subsection (1) is published and ending on 29 June in the same year. (L.N. 534 of 1997; L.N. 284 of 1999; L.N. 254 of 2002)
- (3) The Electoral Registration Officer may make available for public inspection, a copy of the omissions list or a specific part of it at a place additional to a place specified in a notice published under this section, if that Officer considers it appropriate to do so. The Electoral Registration Officer may determine the period during which and the times at which it may be so inspected.
- (4) The Electoral Registration Officer may require a person who wishes to inspect a copy of the omissions list or any part of it to produce to that Officer his or her identity document and to complete a form furnished by the Officer.

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Section:	11	Electoral Registration Officer to correct entries in existing final register in compiling next provisional register	E.R. 2 of 2012	02/08/2012
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- (1) A person whose name or other personal particulars are recorded in the existing final register may make a written request of the Electoral Registration Officer to alter the entry relating to him or her and supply information as to how it should be altered. (L.N. 284 of 1999)
- (2) If the Electoral Registration Officer-
  - (a) receives a request under subsection (1) during the relevant period specified in subsection (5); and
  - (b) is satisfied that the entry is incorrect and should be corrected,
 that Officer must, when compiling the next provisional register, record in the appropriate place in the register the personal particulars of the person corrected in accordance with the information supplied by him or her. If the Electoral Registration Officer is satisfied that the entry is correct, that Officer must not alter it.
- (3) If it appears to the Electoral Registration Officer, from information obtained during the relevant period specified in subsection (5), as a result of an inquiry or otherwise, that a particular in an entry in the existing final register is incorrect, that Officer may, when compiling the next provisional register, record the corrected particular in the appropriate place in the register.
- (4) If the Electoral Registration Officer makes a correction under subsection (2) or (3), that Officer must inform the person concerned of the correction in writing. If the Electoral Registration Officer decides not to alter an entry when requested to do so under subsection

- (1), that Officer must notify the person concerned, by registered post, of the decision.
- (5) For the purposes of subsections (2) and (3), the relevant period is, in relation to the compilation of-
- (a) the provisional register for 2003, after 29 April 2002 but not later than 16 July 2003; or (Repealed L.N. 284 of 1999. Added L.N. 254 of 2002)
  - (b) any subsequent provisional register for-
    - (i) a District Council election year, after 29 June in the preceding year but not later than 16 July in the current year; or
    - (ii) a year which is not a District Council election year-
      - (A) after 29 August in the preceding year, if that preceding year is a District Council election year, but not later than 16 May in the current year; or
      - (B) after 29 June in the preceding year, if that preceding year is not a District Council election year, but not later than 16 May in the current year. (Repealed L.N. 284 of 1999. Added L.N. 254 of 2002)
  - (ba) (Repealed L.N. 254 of 2002)
  - (c) (Repealed L.N. 254 of 2002)

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Section:	12	What is to be contained in provisional register	E.R. 2 of 2012	02/08/2012
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The provisional register is to consist of the following-

- (a) subject to sections 9, 11 and 19(3) and (4), the names and principal residential address recorded in the existing final register;
- (b) if the name and principal residential address of a person are corrected under section 15(8)(a), those particulars, as corrected;
- (c) the names and principal residential address of persons whom the Electoral Registration Officer has determined to be eligible to be registered in the provisional register, on applications received by that Officer-
  - (i) in the case of the provisional register for 2003, during the period beginning on 17 March 2002 and ending on 16 July 2003; or (Repealed L.N. 284 of 1999. Added L.N. 254 of 2002)
  - (ia) (Repealed L.N. 254 of 2002)
  - (ii) in the case of any subsequent provisional register to be compiled for-
    - (A) a District Council election year, during the period beginning on 17 May in the preceding year and ending on 16 July in the current year; or
    - (B) a year which is not a District Council election year-
      - (I) during the period beginning on 17 July in the preceding year, if that preceding year is a District Council election year, and ending on 16 May in the current year; or
      - (II) during the period beginning on 17 May in the preceding year, if that preceding year is not a District Council election year, and ending on 16 May in the current year. (L.N. 254 of 2002)

(L.N. 284 of 1999)

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Section:	13	Electoral Registration Officer to publish a notice that provisional register is available for public inspection	E.R. 2 of 2012	02/08/2012
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- (1) The Electoral Registration Officer must publish, every year- (L.N. 254 of 2002)
    - (a) in the case of a provisional register compiled for a District Council election year, not later than 15 August; or
    - (b) in the case of a provisional register compiled for a year which is not a District Council election year, not later than 15 June, in the Gazette and at least one Chinese language daily newspaper and one English language daily newspaper, in circulation in Hong Kong, a notice which complies with subsection (2). (L.N. 254 of 2002)
  - (2) A notice under subsection (1) must specify-
    - (a) that a copy of the provisional register is available for public inspection during ordinary business hours during the relevant period referred to in subsection (3); and (L.N. 254 of 2002)
    - (b) the place or places at which a copy of the provisional register may be so inspected by the public.
  - (3) The Electoral Registration Officer must make available for public inspection, a copy of the provisional register- (L.N. 254 of 2002)
    - (a) in the case of a provisional register compiled for a District Council election year, during the period beginning on the date the notice under subsection (1) is published and ending on 29 August in the same year; or
    - (b) in the case of a provisional register compiled for a year which is not a District Council election year, during the period beginning on the date the notice under subsection (1) is published and ending on 29 June in the same year, at the place or places specified in the notice during ordinary business hours. (L.N. 254 of 2002)
  - (4) The Electoral Registration Officer may make available for public inspection, a copy of a specific section or subsection of the provisional register at a place additional to a place specified in a notice published under this section, if that Officer considers it appropriate to do so. The Electoral Registration Officer may determine the period during which and the times at which it may be so inspected.
  - (4A) For the purposes of subsections (3) and (4), the Electoral Registration Officer may further make available for public inspection an additional copy of the provisional register or an additional copy of a specific section or subsection of the provisional register, in which entries are arranged in a manner that the Electoral Registration Officer considers appropriate for public inspection. (11 of 2012 s. 41)
  - (5) The Electoral Registration Officer may require a person who wishes to inspect a copy of the provisional register or any section or subsection of it to produce to that Officer his or her identity document and to complete a form furnished by the Officer.
  - (6) Publication of a notice under subsection (1) is to be treated as the publication of the provisional register for the purposes of section 32(1)(a)(i) or (1A)(a)(i), as the case may be, of the Legislative Council Ordinance (Cap 542). (L.N. 254 of 2002)
- (L.N. 284 of 1999)

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Section:	14	Person may object to registration of registered person in the provisional register	E.R. 2 of 2012	02/08/2012
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- (1) A person who considers that a registered person is not eligible to be registered-
- (a) as an elector; or
  - (b) in the section or subsection in which that person's name and principal residential address are recorded, (L.N. 284 of 1999)
- may make an objection to the registration of that person in the final register by lodging a notice (***notice of objection***) in accordance with subsection (2).
- (2) A notice of objection must be-
- (a) in the specified form;
  - (b) addressed to the Electoral Registration Officer; and
  - (c) delivered by the objector in person at the office of the Electoral Registration Officer- (L.N. 254 of 2002)
    - (i) if the objection relates to a person registered in a provisional register compiled for a District Council election year, not later than 29 August in that year; or
    - (ii) if the objection relates to a person registered in a provisional register compiled for a year which is not a District Council election year, not later than 29 June in that year. (L.N. 284 of 1999; L.N. 254 of 2002)
- (2A) If the objector is in custody within the meaning of section 2(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D), a notice sent by post by the objector is deemed, for the purposes of subsection (2)(c), to be a notice delivered by the objector in person. (L.N. 156 of 2009)
- (3) The Electoral Registration Officer may require any person who lodges a notice of objection to identify himself or herself by such means as that Officer considers appropriate.
- (4) In this section-
- elector*** (選民) means any person whose name is included in the existing final register; (L.N. 254 of 2002)
- registered person*** (已登記的人) means a person whose name is recorded in a provisional register. (L.N. 284 of 1999)

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Section:	15	Who may lodge a notice of claim	E.R. 2 of 2012	02/08/2012
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- (1) Any person-
- (a) who has been determined by the Electoral Registration Officer under section 5(1)(b) to be not eligible to be registered;



- (b) whose application for registration was not considered further by the Electoral Registration Officer under section 5(4); or
- (c) who-
  - (i) has made an application for registration; and
  - (ii) is not a person described in paragraph (a) or (b), but whose name is not recorded in the provisional register, (L.N. 284 of 1999)
 may make a claim that he or she is entitled to be registered as an elector.
- (2) Any person whose name is included in an omissions list may make a claim that he or she is entitled to be registered in the final register. (L.N. 284 of 1999)
- (3) Any person (other than a person referred to in subsection (2)) whose name is recorded in a section under a subsection of a provisional register, may make a claim that he or she is entitled to have his or her name and principal residential address recorded in a different section or subsection of that register. (L.N. 284 of 1999)
- (4) Any person whose request under section 11(1) to alter a particular in an entry relating to that person has been refused by the Electoral Registration Officer may make a claim to have that particular altered as requested.
- (5) Any person whose particulars in an entry have been altered by the Electoral Registration Officer under section 11(3) may make a claim objecting to the alteration.
- (6) A claim under this section is to be made-
  - (a) by a notice in the specified form (*notice of claim*); and
  - (b) addressed to the Electoral Registration Officer.
- (7) A notice of claim must be delivered by the claimant in person at the office of the Electoral Registration Officer- (L.N. 254 of 2002)
  - (a) if the claim relates to a register compiled, or an omissions list prepared in compiling a provisional register, for a District Council election year, not later than 29 August in that year; or
  - (b) if the claim relates to a register compiled, or an omissions list prepared in compiling a provisional register, for a year which is not a District Council election year, not later than 29 June in that year. (L.N. 284 of 1999; L.N. 254 of 2002)
- (7A) If the claimant is in custody within the meaning of section 2(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D), a notice sent by post by the claimant is deemed, for the purposes of subsection (7), to be a notice delivered by the claimant in person. (L.N. 156 of 2009)
- (8) If the Electoral Registration Officer receives a claim after the date referred to in subsection (7)(a) or (b), as the case may be, the Electoral Registration Officer may, having regard to the nature of the claim, treat it- (L.N. 574 of 1997; L.N. 284 of 1999; L.N. 254 of 2002)
  - (a) as a request for alteration of registered particulars relating to a person for the purpose of compiling the next provisional register and section 11(2), (4) and (5)(a) and (b) applies; or (L.N. 254 of 2002)
  - (b) as a claim, for the purpose of compiling the final register for the year following that in which the claim is submitted, and such a claim must be referred to the Revising Officer.
- (9) The Electoral Registration Officer may require any person who delivers a notice of claim to identify himself or herself by such means as that Officer considers appropriate.
- (10) If a person, subsequent to making a claim referred to in subsection (8), makes any further claim or application, the latest claim or application, as the case may be, prevails.
- (11) In this section, *elector* (選民) has the meaning assigned to it by section 14(4). (L.N. 254 of 2002)

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Section:	17	Electoral Registration Officer to correct entries in a provisional register in compiling final register	E.R. 2 of 2012	02/08/2012
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- (1) A person whose name is or is to be recorded in a provisional register may make a written request of the Electoral Registration Officer to make an alteration in relation to the particulars recorded or to be recorded for him or her or the section or subsection in which they are or are to be recorded and supply information regarding the requested alteration. (L.N. 534 of 1997)
- (2) If the Electoral Registration Officer-
  - (a) receives a request under subsection (1) during the relevant period specified in subsection (9)(a); and
  - (b) is satisfied that an alteration should be made,
 that Officer must, when compiling the next final register, record in the appropriate place in that register the personal particulars of the person corrected (if a correction is necessary) in accordance with the information supplied by him or her. If the Electoral Registration Officer is satisfied that an alteration is not necessary, that Officer must not make any. (L.N. 534 of 1997)
- (3) If it appears to the Electoral Registration Officer, from information obtained not later than the relevant date specified in subsection (9)(b), as a result of an inquiry or otherwise, that a particular in an entry in a provisional register is incorrect, that Officer may, when compiling the next final register, record the corrected particular in the appropriate place in that register.
- (4) (Repealed L.N. 254 of 2002)
- (5) If the Electoral Registration Officer makes a correction under subsection (2) or (3), that Officer must inform the person concerned of the correction in writing. If the Electoral Registration Officer decides not to make an alteration when requested to do so under subsection (1), that Officer must notify the person concerned, by registered post, of the decision. (L.N. 534 of 1997)
- (6) Where a request under this section is received by the Electoral Registration Officer after the relevant date specified in subsection (9)(b), that Officer may consider it only for the purpose of compiling the next provisional register.
- (7) Section 11(2) and (4) applies to a request considered by the Electoral Registration Officer under subsection (6) as if the request was received by that Officer- (L.N. 254 of 2002)
  - (a) on or before 16 July in the year following the year in which the request was made in relation to the existing final register for that following year, if that following year is a District Council election year; or
  - (b) on or before 16 May in the year following the year in which the request was made in relation to the existing final register for that following year, if that following year is not a District Council election year. (L.N. 254 of 2002)
- (8) Where the Electoral Registration Officer decides not to make an alteration requested by a person within the relevant period specified in subsection (9)(a), that Officer must refer the matter to the Revising Officer. The reference must be treated as a claim under section 15 made by the person requesting the alteration.

- (9) For the purposes of-
- (a) subsections (2) and (8), the relevant period is, in relation to the compilation of-
    - (i) a final register for a District Council election year, after 16 July but not later than 29 August in that year; or
    - (ii) a final register for a year which is not a District Council election year, after 16 May but not later than 29 June in that year; or
  - (b) subsections (3) and (6), the relevant date is, in relation to the compilation of-
    - (i) a final register for a District Council election year, 29 August in that year; or
    - (ii) a final register for a year which is not a District Council election year, 29 June in that year. (L.N. 254 of 2002)

(L.N. 284 of 1999; L.N. 254 of 2002)

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Section:	19	What is to be contained in final register	E.R. 2 of 2012	02/08/2012
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- (1) A final register is to consist of the following-
  - (a) subject to subsections (2) and (3), the names and principal residential address contained in the provisional register for the year for which the final register is being compiled, as corrected, where appropriate, under section 17 or 18;
  - (b) the name and principal residential address of any person whom the Revising Officer has ruled to be entitled to be registered, on a claim made by that person (including a claim under section 15(8)(b)); and
  - (c) entries, if any, made under section 18(1)(b).
- (2) The Electoral Registration Officer must not include in the final register the names and principal residential address of the following persons-
  - (a) any person in respect of whose registration an objection has been made and the Revising Officer has allowed the objection;
  - (b) any person whose claim under section 15(1) or (2) has not been allowed by the Revising Officer; and
  - (c) any person whose name has been included in an omissions list, and who has not made a claim in respect of it or who has made a claim but the claim has not been allowed by the Revising Officer.
- (3) If, on an objection or a claim made by a person, the Revising Officer has made a ruling as to the section or subsection in which the person is to be registered, the Electoral Registration Officer must ensure that the person's name and principal residential address are recorded in-
  - (a) that section under the appropriate subsection; or
  - (b) that subsection.
- (4) If, on an objection or a claim made by a person, the Revising Officer has made a ruling on the personal particulars of a person, the Electoral Registration Officer must ensure that those particulars are corrected and recorded in accordance with the ruling.
- (5) In relation to the final register to be compiled for- (L.N. 254 of 2002)
  - (a) a District Council election year, only decisions made by the Revising Officer during the period beginning on 15 August and ending on 11 September in that year; or
  - (b) a year which is not a District Council election year, only decisions made by the

Revising Officer during the period beginning on 15 June and ending on 11 July in that year,  
 are to be taken into account for the purposes of subsection (1)(b), (2), (3) or (4). (L.N. 254 of 2002)

(L.N. 284 of 1999)

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- (1) Any person who in any-
  - (a) application made under section 4;
  - (b) response to a requirement for particulars or proof made under section 5;
  - (c) response to a requirement made under section 6;
  - (d) reply to an inquiry made under section 7;
  - (e) request made under section 11 or 17;
  - (f) notice of objection; or
  - (g) notice of claim,
 makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates or persuades another person-
  - (a) to make a false statement in an application, response, reply, request or notice referred to in subsection (1); or
  - (b) to provide information which the first mentioned person knows to be wrong in a material particular, in an application, response, reply, request or notice referred to in paragraph (a),
 commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (3) Any person who-
  - (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or an extract from a register;
  - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling a register;
  - (c) uses or permits another person to use any information relating to a person contained in a register or an extract from a register; or
  - (d) imparts to any other person any information referred to in paragraph (a), (b) or (c), for a purpose other than a purpose related to an election, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (4) Any person who fails to furnish information in response to a requirement under section 6 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (5) Notwithstanding anything to the contrary in subsection (3), any person who contravenes section 21(3) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (6) It is a defence in any prosecution under subsection (4) for the person charged to prove that

he or she did not know or could not have reasonably ascertained or provided the information required of him or her.

- (7) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of-
  - (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap 542); (L.N. 254 of 2002)
  - (b) sections 14, 19, 21, 24 and 30 of the District Councils Ordinance (Cap 547); and (L.N. 284 of 1999; L.N. 254 of 2002)
  - (c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap 569) and sections 9, 18 and 30 of the Schedule to that Ordinance. (L.N. 254 of 2002)
- (8) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of-
  - (a) sections 39 and 40 of the Legislative Council Ordinance (Cap 542); (L.N. 254 of 2002)
  - (b) sections 14, 19, 21 and 24 of the District Councils Ordinance (Cap 547); and (L.N. 284 of 1999; L.N. 254 of 2002)
  - (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap 569) and sections 9 and 18 of the Schedule to that Ordinance. (L.N. 254 of 2002)
- (9) In this section, *election* (選舉) has the meaning assigned to it by section 21(5). (L.N. 254 of 2002)

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Section:	11	Interpretation of Part IV	L.N. 255 of 2002	28/02/2003
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(1) In this Part-

"corresponding subsector" (對等界別分組) means-

- (a) subject to paragraphs (b), (ba), (c), (d) and (e), in relation to a functional constituency with the same name as a subsector, the subsector of that name; (L.N. 307 of 1999; 15 of 2000 s. 5)
- (b) in relation to the Education functional constituency, either the Higher Education subsector or the Education subsector, as may be appropriate;
- (ba) in relation to the Social Welfare functional constituency, subject to subsection (6)(a), the Social Welfare subsector; (15 of 2000 s. 5)
- (c) in relation to the Tourism functional constituency, either the Tourism subsector or the Hotel subsector, as may be appropriate; (L.N. 307 of 1999)
- (d) in relation to the Sports, Performing Arts, Culture and Publication functional constituency-
  - (i) the Sports sub-subsector;
  - (ii) the Performing Arts sub-subsector;
  - (iii) the Culture sub-subsector; or
  - (iv) the Publication sub-subsector,
as may be appropriate having regard to section 12(2) of the Schedule to the Chief Executive Election Ordinance (Cap 569); or (L.N. 307 of 1999; L.N. 200 of 2001)
- (e) in relation to the District Council functional constituency, either the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as may be appropriate; (L.N. 307 of 1999)

"due date" (到期日), in relation to a notification, means- (L.N. 255 of 2002)

- (a) if the first 16 July that follows the sending of the notification falls in a District Council election year, that 16 July; or
- (b) in any other case, the first 16 May that follows the sending of the notification; (L.N. 307 of 1999; L.N. 255 of 2002)

"existing geographical constituencies final register" (現有的地方選區正式選民登記冊), in relation to the compilation of a functional constituencies provisional register or a subsector provisional register, means the final register of electors for geographical constituencies compiled under section 32(1)(b)(i) or (1A)(b)(i) of the Legislative Council Ordinance (Cap 542) published in the preceding year and which is in effect under section 33 of that Ordinance, at the time of such compilation; (L.N. 307 of 1999; L.N. 200 of 2001; L.N. 255 of 2002)

"listed subsector" (列明界別分組) means the-

- (a) Hong Kong Chinese Enterprises Association subsector;
- (b) Employers' Federation of Hong Kong subsector; and (L.N. 307 of 1999)
- (c) Chinese People's Political Consultative Conference subsector;
- (d)-(f) (Repealed L.N. 307 of 1999)

"member" (議員), in relation to the Heung Yee Kuk, means the Chairman and Vice-Chairmen of the Heung Yee Kuk and Ex-Officio, Special and Co-opted Councillors of the Full Council of the Kuk;

"optional subsector" (可選擇的界別分組) means the-

- (a) Hong Kong Chinese Enterprises Association subsector;
- (b) Employers' Federation of Hong Kong subsector;
- (c) Chinese People's Political Consultative Conference subsector; (L.N. 307 of 1999; 15 of 2000 s. 5)
- (d)-(f) (Repealed L.N. 307 of 1999)
- (g) Chinese Medicine subsector; and (L.N. 307 of 1999; 15 of 2000 s. 5)
- (h) (Repealed L.N. 307 of 1999)
- (i) subject to subsection (6)(b), the Social Welfare subsector; (15 of 2000 s. 5)

"recipient" (收件人) means the person to whom a notification is sent.

(L.N. 307 of 1999)

(2) In this Part, in relation to a recipient, "elects not to be registered" (選擇不登記) means that the recipient gives a written notice-

- (a) to the Electoral Registration Officer;
- (b) so that it reaches that Officer on or before the due date; and
- (c) to the effect that the recipient does not elect to be registered-
  - (i) as an elector or voter; or
  - (ii) as an elector and voter,
 as the case may be, as stated in the notification.

(3) Subject to subsection (4), for the purposes of this Part, "elects to be registered" (選擇登記) means that the recipient-

- (a) does not comply with the procedure specified in subsection (2);
- (b) does not respond to the notification; or
- (c) gives a written notice to the Electoral Registration Officer to reach that Officer on or before the due date, to the effect that the recipient wishes to be registered as proposed in the notification.

(4) For the purposes of section 15(2)(b)(ii), (3)(b) and (5), a recipient is to be treated as having elected to be registered for the optional subsector or corresponding subsector (as may be applicable) only if the recipient gives a written notice to the Electoral Registration Officer to reach that Officer on or before the due date to the effect that the recipient wishes to be registered as a voter for that subsector. (L.N. 575 of 1997)

(5) (Repealed L.N. 307 of 1999)

(6) For the purpose of this Part and Part V-

- (a) a person is eligible to be registered as a voter for a corresponding subsector within the meaning of paragraph (ba) of the definition of "corresponding subsector" in subsection (1), if that person is eligible to be so registered by virtue of section 12(5)(a) or (b) of the Schedule to the Chief Executive Election Ordinance (Cap 569);
- (b) a person is eligible to be registered as a voter for an optional subsector within the

meaning of paragraph (i) of the definition of "optional subsector" in subsection (1), if that person is eligible to be so registered by virtue of section 12(5)(c) or (d) of that Schedule. (15 of 2000 s. 5; L.N. 200 of 2001)

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Section:	12	Electoral Registration Officer may send notifications	L.N. 255 of 2002	28/02/2003
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- (1) To compile a functional constituencies provisional register or a subsector provisional register, the Electoral Registration Officer may send notifications in accordance with this Part.
- (2) Any notification under subsection (1) must be sent, by post- (L.N. 255 of 2002)
  - (a) in the case of a functional constituencies provisional register or a subsector provisional register being compiled for a District Council election year, at least 14 days before 16 July in that year; or
  - (b) in the case of a functional constituencies provisional register or a subsector provisional register being compiled for a year which is not a District Council election year, at least 14 days before 16 May in that year. (L.N. 307 of 1999; L.N. 255 of 2002)
- (3) A notification must be in writing and contain the name of the natural person to whom it is sent. (L.N. 200 of 2001)
- (4) (Repealed L.N. 200 of 2001)

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Section:	18	When Electoral Registration Officer cannot register persons under a notification	L.N. 71 of 2011	08/07/2011
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- (1) If the Electoral Registration Officer is satisfied- (L.N. 255 of 2002)
  - (a) in the case of a functional constituencies provisional register or a subsector provisional register being compiled for a District Council election year, not later than 16 July in that year; or
  - (b) in the case of a functional constituencies provisional register or a subsector provisional register being compiled for a year which is not a District Council election year, not later than 16 May in that year,
 that a notification sent to a person has not reached that person, the Electoral Registration Officer must not register that person under this Part on the basis that he or she has not elected not to be registered (within the meaning of section 11(2)) or has elected to be registered (within the meaning of section 11(3)). (L.N. 307 of 1999; L.N. 200 of 2001;



L.N. 255 of 2002; L.N. 71 of 2011)

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

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Section:	19	How to apply for registration in functional constituencies provisional register and subsector provisional register	L.N. 71 of 2011	08/07/2011
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- (1) The following applies in respect of an application by a person for registration in a functional constituencies provisional register (other than a provisional register for the District Council (second) functional constituency) or a subsector provisional register- (L.N. 71 of 2011)
- (a) the application must be made to the Electoral Registration Officer to be received by that Officer-
  - (ia) (Repealed L.N. 255 of 2002)
    - (i) if the relevant provisional register is being compiled for a District Council election year, not later than 16 July in that year; or (L.N. 255 of 2002)
    - (ii) if the relevant provisional register is being compiled for a year which is not a District Council election year, not later than 16 May in that year; (Repealed L.N. 200 of 2001. Added L.N. 255 of 2002)
  - (b) the application must be made on the specified form;
  - (c) the specified form must be completed in either Chinese or English;
  - (d) in the case of a natural person seeking registration as an elector or voter, the application must be signed by that person; and (L.N. 307 of 1999)
  - (e) in the case of a body seeking registration as an elector or voter, the application must be signed by a responsible person. (L.N. 307 of 1999)
  - (f) (Repealed L.N. 307 of 1999)
- (1A) A person applying for registration in a geographical constituencies provisional register under section 4 of the GC Register Regulation is also regarded as having applied for registration as an elector for the District Council (second) functional constituency, unless the person indicates otherwise in the manner specified by the Electoral Registration Officer. (L.N. 71 of 2011)
- (2) Subject to subsection (3), a person applying for registration as an elector for a functional constituency which has a corresponding subsector (within the meaning of section 11), must on the same specified form, apply for registration as a voter for that subsector. (L.N. 200 of 2001)
- (3) Subsection (2) does not apply if the person applying for registration as an elector for a functional constituency is eligible to be registered for an optional subsector (within the meaning of section 11) and has chosen to be registered as a voter for that subsector.
- (4) An application received by the Electoral Registration Officer for registration as an elector for a functional constituency or as a voter for a subsector- (L.N. 255 of 2002)
- (a) (Repealed L.N. 112 of 2006)
  - (b) after 16 July in a District Council election year must be treated by that Officer as an

application received on or before 16 May in the following year for registration in the functional constituencies provisional register or the subsector provisional register, as the case may be, to be compiled for that following year; or (L.N. 112 of 2006)

- (c) after 16 May in a year which is not a District Council election year must be treated by that Officer as an application received- (L.N. 112 of 2006)
  - (i) on or before 16 July in the following year, if that following year is a District Council election year, for registration in the functional constituencies provisional register or the subsector provisional register, as the case may be, to be compiled for that following year; or
  - (ii) on or before 16 May in the following year, if that following year is not a District Council election year, for registration in the functional constituencies provisional register or the subsector provisional register, as the case may be, to be compiled for that following year. (L.N. 307 of 1999; L.N. 200 of 2001; L.N. 255 of 2002; L.N. 112 of 2006)

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

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

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Section:	20	A corporate elector or corporate voter to appoint an authorized representative	L.N. 71 of 2011	08/07/2011
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- (1) A person who applies for registration under this Part or elects to be registered under Part IV-
  - (a) as a corporate elector in a functional constituencies provisional register must appoint a natural person as its authorized representative; or
  - (b) as a corporate voter in a subsector provisional register must appoint a natural person as its authorized representative. (L.N. 200 of 2001)
- (2) The corporate elector or corporate voter must give notice of the appointment and the personal particulars of the authorized representative to the Electoral Registration Officer on the specified form for registration as such an elector or voter. That form must be sent to the Electoral Registration Officer to reach that Officer- (L.N. 307 of 1999; L.N. 200 of 2001; L.N. 255 of 2002)
  - (a) in the case of a form for registration in a functional constituencies provisional register or a subsector provisional register being compiled for a District Council election year, not later than 16 July in that year; or (L.N. 255 of 2002)
  - (b) in the case of a form for registration in a functional constituencies provisional register or a subsector provisional register being compiled for a year which is not a District Council election year, not later than 16 May in that year. (L.N. 255 of 2002)
- (3) An authorized representative appointed under subsection (1) must sign the specified form referred to in subsection (2) to declare that he or she-
  - (a) is registered as an elector for a geographical constituency; or
  - (b) is eligible and has applied to be so registered, as may be applicable.

- (4) A corporate elector or a corporate voter may, subject to subsections (5) and (6), from time to time replace an authorized representative appointed by it.
- (5) Subject to subsection (6), if a corporate elector or corporate voter replaces its authorized representative, notice (on the specified form) of the replacement and the personal particulars of the new authorized representative must be given to the Electoral Registration Officer to reach that Officer not later than 14 days before the polling date for the functional constituency or the subsector concerned. (L.N. 307 of 1999)
- (6) A replacement may be appointed after the time limit specified in subsection (5) only if the Electoral Registration Officer is satisfied that the authorized representative has died or has suffered a serious illness or has suffered physical or mental incapacity. Notice of the replacement and the personal particulars of the new authorized representative (on the specified form) must be given to the Electoral Registration Officer to reach that Officer not later than 3 working days before the polling date for the functional constituency or the subsector concerned. (L.N. 307 of 1999; L.N. 200 of 2001)
- (7) If-
  - (a) the Electoral Registration Officer has under section 26(7) of the Legislative Council Ordinance (Cap 542) or section 13(7) of the Schedule to the Chief Executive Election Ordinance (Cap 569) refused to register as an authorized representative a person appointed under subsection (1), and no claim is made in relation thereto under section 31(2); or (L.N. 200 of 2001)
  - (b) on a claim or objection, the Revising Officer rules that a person appointed as an authorized representative should not be registered as such, a substitute may, notwithstanding subsection (2), be appointed by the corporate elector or corporate voter concerned. Notice of the appointment and the personal particulars of the substitute authorized representative (on the specified form) must be given to the Electoral Registration Officer to reach that Officer not later than 14 days before the polling date for the functional constituency or subsector concerned. (L.N. 307 of 1999)
- (8) An authorized representative appointed as a replacement under subsection (5) or (6) or as a substitute under subsection (7) must sign the specified form to declare that he or she-
  - (a) is registered as an elector for a geographical constituency; or
  - (b) is eligible for such registration and has applied for registration in accordance with section 4(1) of the GC Register Regulation, (L.N. 307 of 1999; L.N. 71 of 2011) as may be applicable.
- (9) The Electoral Registration Officer must make the necessary alterations or entries in a register to reflect the appointment of a replacement or a substitute under this section as soon as practicable after receiving notice of the relevant appointment.
- (10) If the Electoral Registration Officer decides not to register as an authorized representative a person appointed as a replacement under subsection (5) or a substitute under subsection (7), that Officer must inform the corporate elector or corporate voter concerned of the decision within 3 days of making it. (L.N. 200 of 2001)

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Section:	21	Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information	L.N. 255 of 2002	28/02/2003

(1) When the Electoral Registration Officer receives an application for registration in a functional constituencies provisional register or a subsector provisional register, that Officer must, as soon as practicable, but subject to this section, determine either-

- (a) that the applicant is eligible to be registered; or
- (b) that the applicant is not eligible to be registered.

(2) The Electoral Registration Officer may, before making a determination under subsection (1), require in writing the applicant to-

- (a) furnish in writing-
  - (i) further particulars relating to the application as specified by the Electoral Registration Officer; or
  - (ii) proof that the applicant is eligible to be registered; or
- (b) furnish in writing both such particulars and proof,

within the specified period. (L.N. 307 of 1999; L.N. 200 of 2001)

(3) When the Electoral Registration Officer makes a requirement under subsection (2), that Officer must also inform the applicant, in writing, that-

- (a) if the applicant does not furnish the particulars or proof within the specified period; or
- (b) if the Electoral Registration Officer is not satisfied with the furnished particulars or proof,

that Officer may decide not to consider the application further.

(4) If an applicant of whom a requirement is made under subsection (2)-

- (a) does not furnish the particulars or proof within the specified period; or
- (b) does not furnish particulars or proof to the satisfaction of the Electoral Registration Officer,

that Officer may decide not to consider the application further. In any other case the Electoral Registration Officer must determine whether the applicant is eligible to be registered or not eligible to be registered.

(5) If, on an application for registration in a functional constituencies provisional register or a subsector provisional register, the Electoral Registration Officer is satisfied on reasonable grounds that the application is manifestly an abuse of the registration procedure, that Officer must not consider that application further. (L.N. 575 of 1997)

(6) (a) If the Electoral Registration Officer is satisfied that-

- (i) an applicant for registration as an elector for a functional constituency is already registered as an elector for that functional constituency; or
- (ii) an applicant for registration as a voter for a subsector is already registered as a voter for that subsector,

that Officer may decide not to consider the application further.

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

(7) If the Electoral Registration Officer determines under subsection (1)(a) that an applicant is eligible to be registered, that Officer-

(a) must also determine, the functional constituency or the subsector, as the case may be, for which to register the applicant; and

(b) must record the applicant's personal particulars or relevant particulars under that functional constituency or subsector, as the case may be.

(7A) If an applicant who is determined under this section to be eligible to be registered as an elector for a functional constituency has not applied for registration as a voter for a subsector, the Electoral Registration Officer-

(a) must also determine whether the applicant is eligible to be registered as a voter for the corresponding subsector (within the meaning of section 11); and

(b) must record under that corresponding subsector the personal particulars or relevant particulars of the applicant who is determined to be so eligible. (L.N. 200 of 2001)

(8) When the Electoral Registration Officer determines that an applicant is eligible to be registered and the functional constituency or the subsector for which the applicant is to be registered, that Officer must inform the applicant in writing of the determination as soon as practicable.

(9) If the Electoral Registration Officer determines under subsection (1)(b) that an applicant is not eligible to be registered, that Officer must inform the applicant in writing, by registered post, of the determination as soon as practicable.

(10) If the Electoral Registration Officer makes a decision under subsection (4) not to consider an application further, that Officer must inform the applicant in writing, by registered post, of the decision as soon as practicable.

(11) If the applicant is a body, the requirement under subsection (2) may be directed to the responsible person. (L.N. 200 of 2001)

(12) In this section-

(a) a reference to "registered" is to be construed as a reference to recording the personal particulars or relevant particulars of the applicant for a functional constituency or a subsector, as the case may be;

(b) "specified period" (指明期間), in relation to a requirement made under subsection (2), means- (L.N. 255 of 2002)

(i) if the first 25 July that follows the making of the requirement falls in a District Council election year, a period ending not later than that 25 July; or

(ii) in any other case, a period ending not later than the first 25 May that follows the making of the requirement,

specified by the Electoral Registration Officer. (L.N. 200 of 2001; L.N. 255 of 2002)

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Section:	22	Electoral Registration Officer may make inquiries regarding persons registered in the existing functional constituencies or subsector final register	L.N. 71 of 2011	08/07/2011
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- (1) In compiling a functional constituencies provisional register or a subsector provisional register, the Electoral Registration Officer may, in accordance with this section, make inquiries that Officer considers fit, to ascertain- (L.N. 307 of 1999; L.N. 200 of 2001)
- (a) (i) in relation to the compilation of a functional constituencies provisional register, whether a natural person whose name is recorded in the existing functional constituencies final register-
- (A) is dead;
- (B) is not eligible to be registered under section 25, 27, 28, 29 or 30 of the Legislative Council Ordinance (Cap 542); or
- (C) is disqualified from being registered as an elector under section 31 of the Legislative Council Ordinance (Cap 542);
- (ii) in relation to the compilation of a subsector provisional register, whether a natural person whose name is recorded in the existing subsector final register-
- (A) is dead; or
- (B) is not eligible to be registered under section 12 of the Schedule to the Chief Executive Election Ordinance (Cap 569); or (L.N. 307 of 1999; L.N. 200 of 2001)
- (b) whether the address recorded in the existing final register against a person's name is no longer that person's principal residential address.
- (2) In compiling a functional constituencies provisional register or a subsector provisional register, the Electoral Registration Officer may, in accordance with this section, make inquiries that Officer considers fit to ascertain whether a body whose relevant particulars are recorded in the existing final register is eligible to be registered in the functional constituencies provisional register or the subsector provisional register (as the case may be). (L.N. 307 of 1999; L.N. 200 of 2001)
- (3) An inquiry must be made in writing. It must be sent by registered post addressed to the person from whom it is made.
- (3A) A letter of inquiry sent to a person under subsection (3) must state that if the result of the inquiry falls under section 24(1)(i)(A), (D) or (F), the Electoral Registration Officer may, in compiling a functional constituencies provisional register, record the personal particulars of the person under the District Council (second) functional constituency unless the person elects not to be registered as an elector for that constituency. (L.N. 71 of 2011)
- (4) An inquiry under subsection (2) may be directed to the responsible person of the body concerned.
- (5) The Electoral Registration Officer may make an inquiry from a person whose name is recorded in an existing final register- (L.N. 307 of 1999; L.N. 200 of 2001; L.N. 255 of

2002)

- (a) in relation to the compilation of a functional constituencies provisional register or a subsector provisional register for a District Council election year, only on or before 30 June in that year; or (L.N. 255 of 2002)
- (b) in relation to the compilation of a functional constituencies provisional register or a subsector provisional register for a year which is not a District Council election year, only on or before 30 April in that year. (L.N. 255 of 2002)
- (6) The Electoral Registration Officer may make an inquiry from any other source that Officer considers appropriate, at any time.
- (7) Section 9(5) and (6) applies to an inquiry made under this section and information obtained under this section subject to necessary modifications.

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

- (ii) any person whose name is recorded in the existing final register, if the Registrar of Births and Deaths has informed the Electoral Registration Officer, on or before the relevant date specified in subsection (7), that the person is dead; and
  - (iii) any person whose name or other particulars are recorded in the existing final register and whose name and principal residential address are entered on the omissions list prepared for the current year under section 9 of the GC Register Regulation. (L.N. 307 of 1999; L.N. 71 of 2011)
- (1A) Subject to subsection (1B), if the Electoral Registration Officer makes an inquiry under section 22(1) and the subject of the inquiry is a person-
- (a) registered in the existing geographical constituencies final register;
  - (b) referred to in section 24(1)(i)(A), (D) or (F); and
  - (c) whose name and principal residential address are not entered on the omissions list prepared for the current year under section 9 of the GC Register Regulation, the Electoral Registration Officer must, in compiling a functional constituencies provisional register, record the personal particulars of the person under the District Council (second) functional constituency unless the person elects not to be registered as an elector for that constituency. (L.N. 71 of 2011)
- (1B) The Electoral Registration Officer must not record the personal particulars of a person under the District Council (second) functional constituency under subsection (1A) if the Electoral Registration Officer is satisfied that the letter of inquiry sent under section 22 has not reached the person. (L.N. 71 of 2011)
- (1C) If a person is registered in the existing functional constituencies final register as an elector for a functional constituency which has a corresponding subsector and the Electoral Registration Officer, in compiling a functional constituencies provisional register, records the personal particulars of the person under the District Council (second) functional constituency-
- (a) under subsection (1A);
  - (b) under section 35A(10) or (14); or
  - (c) by virtue of the person's application under Part V, the Electoral Registration Officer must, in compiling a subsector provisional register, enter the personal particulars of the person on the subsector omissions list prepared for the current year. (L.N. 71 of 2011)
- (2) (Repealed L.N. 200 of 2001)
- (3) If the Electoral Registration Officer has made an inquiry under section 22(2) on or before the date referred to in section 22(5)(a) or (b), as the case may be, regarding a body, and-
- (L.N. 255 of 2002)
  - (i) the information asked for was not received by that Officer on or before the relevant date specified in subsection (7); or
  - (ii) that Officer is satisfied on reasonable grounds, based on information received in response to the inquiry or otherwise or notwithstanding any information to the contrary received in response to the inquiry, that the body is no longer eligible to be registered as an elector or a voter,
- that Officer must, subject to subsection (5), enter-
- (a) on a functional constituencies omissions list the relevant particulars of the body that is no longer eligible to be registered as an elector;
  - (b) on a subsector omissions list the relevant particulars of the body that is no longer eligible to be registered as a voter. (L.N. 307 of 1999)
- (3A) The Electoral Registration Officer must, in compiling an Election Committee provisional register, enter on an Election Committee omissions list the personal particulars



of any person (other than an ex-officio member) whom that Officer is satisfied on reasonable grounds, on the date on which the relevant vacancy declaration within the meaning of section 4(7) of the Schedule to the Chief Executive Election Ordinance (Cap 569) was made, as- (L.N. 112 of 2006)

- (a) being dead;
  - (b) having resigned, or being deemed to have resigned, from the Election Committee under section 3 of the Schedule to the Chief Executive Election Ordinance (Cap 569); or
  - (c) having ceased to be registered, or eligible to be registered, or having been disqualified from being registered, under the Legislative Council Ordinance (Cap 542) as an elector for a geographical constituency. (L.N. 200 of 2001)
- (4) The Electoral Registration Officer must, in a manner that Officer considers appropriate, show on an omissions list, that the personal particulars or relevant particulars entered on the omissions list are those that, that Officer proposes to omit from-
- (a) in the case of a functional constituencies omissions list, the next functional constituencies final register;
  - (b) in the case of a subsector omissions list, the next subsector final register;
  - (c) in the case of an Election Committee omissions list, the next Election Committee final register. (L.N. 200 of 2001)
- (5) The Electoral Registration Officer may enter on a functional constituencies omissions list or a subsector omissions list, the personal particulars or relevant particulars of a person referred to in-
- (a) subsection (1)(i)(A) or (3)(i), only if the inquiry was made from the person who is the subject of the inquiry; and that Officer has informed that person-
    - (i) in writing, by registered post; and
    - (ii) at the address recorded against the person's name in the existing final register and any other address that Officer considers appropriate, that the Electoral Registration Officer proposes to omit that person's name and other particulars from the next functional constituencies final register or the next subsector final register, as may be applicable, if the relevant information is not received by that Officer on or before the relevant date specified in subsection (7); and
  - (b) subsection (1)(i)(B), only if the inquiry was made from the person who is the subject of the inquiry.
- (6) (Repealed L.N. 255 of 2002)
- (7) For the purposes of subsections (1)(i)(A) and (ii), (3)(i) and (5)(a), the relevant date is, in relation to the compilation of-
- (a) a functional constituencies provisional register or a subsector provisional register for a District Council election year, 16 July in that year; or (L.N. 255 of 2002)
  - (b) a functional constituencies provisional register or a subsector provisional register for a year which is not a District Council election year, 16 May in that year. (L.N. 255 of 2002)
- (8) For the purposes of this section, an entry in an omissions list relating to a person whose personal particulars are proposed by the Electoral Registration Officer to be omitted from the next final register for the District Council (second) functional constituency is to be shown in a geographical constituencies omissions list by a note or indication to that effect against the entry relating to the person. (L.N. 71 of 2011)
- (9) In this section-

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

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

- (a) a reference to “recipient” in section 11(2) is to be construed as a reference to a person in respect of whom an inquiry under section 22(1) is made; and
- (b) a reference to “notification” in section 11(2) is to be construed as a reference to a letter of inquiry sent under section 22(3);

*principal residential address* (主要住址), in relation to a person, means the address of the only or principal residence (within the meaning of section 28(1B) or (3) of the Legislative Council Ordinance (Cap 542)) of the person. (L.N. 71 of 2011)  
(L.N. 307 of 1999; L.N. 200 of 2001)

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Section:	25	Electoral Registration Officer to publish a notice that omissions list is available for public inspection	L.N. 214 of 2009	30/10/2009
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(1) As soon as practicable after an omissions list is prepared, the Electoral Registration Officer-

- (a) must publish-
  - (i) in the Gazette; and
  - (ii) in at least one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong, a notice to the effect that the personal particulars or relevant particulars of persons who are no longer eligible to have their names included in the relevant functional constituencies register, subsector register or Election Committee register, as the case may be, have been entered on the omissions list and specifying the times and the place at which the omissions list may be inspected; and (L.N. 200 of 2001)
- (b) must, for the relevant period referred to in subsection (2)-
  - (i) keep the omissions list at that Officer's office; and
  - (ii) at the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge. (L.N. 307 of 1999)

(2) For the purposes of subsection (1)(b), the relevant period is-

- (aa) (Repealed L.N. 255 of 2002)
- (a) in the case of an omissions list prepared in compiling a functional constituencies provisional register or a subsector provisional register for-
  - (i) a District Council election year, the period beginning on the date the notice under subsection (1)(a) is published and ending on 29 August in the same year; or
  - (ii) a year which is not a District Council election year, the period beginning on the date the notice under subsection (1)(a) is published and ending on 29 June in the same year; or (L.N. 255 of 2002)
- (b) in the case of an Election Committee omissions list, the period beginning on the date the notice under subsection (1)(a) is published and ending on the seventh day after that date. (Repealed L.N. 200 of 2001. Added L.N. 255 of 2002)

(3) The relevant period referred to in subsection (2) is the period prescribed for the purposes of section 32(6) of the Legislative Council Ordinance (Cap 542) and sections 4(6) and 14(6) of the Schedule to the Chief Executive Election Ordinance (Cap 569). (L.N. 255 of 2002)

(4) Without affecting subsection (1), the Electoral Registration Officer may, if he or she considers it appropriate to do so, make a copy of a specific part of the functional constituencies omissions list, the subsector omissions list or the Election Committee omissions list available for inspection by members of the public, free of charge. (L.N. 157 of 2009)

(5) The Electoral Registration Officer may determine-

- (a) the period during which; and
- (b) the times and the place at which,

the copy may be inspected under subsection (4). (L.N. 157 of 2009)

(6) The Electoral Registration Officer may require a person who wishes to inspect an omissions list or a copy under subsection (1) or (4) to-

- (a) produce to that Officer the identity document of the person; and
- (b) complete a form furnished by that Officer. (L.N. 157 of 2009)

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Section:	26	Electoral Registration Officer to correct entries in existing final register in compiling next provisional register	L.N. 112 of 2006	14/07/2006
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(1) A person whose name and other particulars are recorded in the existing final register may make a written request of the Electoral Registration Officer to alter the entry relating to that person and supply information as to how it should be altered.

(2) If the Electoral Registration Officer-

- (a) receives a request under subsection (1), during the relevant period specified in subsection (5); and
- (b) is satisfied that the entry is incorrect and should be corrected,

that Officer must, when compiling the next functional constituencies provisional register, the next subsector provisional register or the next Election Committee provisional register (as the case may be), record in the appropriate place in the register the particulars of the person corrected in accordance with the information supplied. If the Electoral Registration Officer is satisfied that the entry is correct, that Officer must not alter it. (L.N. 200 of 2001)

(3) If it appears to the Electoral Registration Officer, from information obtained during the relevant period specified in subsection (5), as a result of an inquiry or otherwise, that a particular in an entry in the existing final register is incorrect, that Officer may, when compiling the next functional constituencies provisional register, the next subsector provisional register or the next Election Committee provisional register (as the case may be), record the corrected particular in the appropriate place in the register. (L.N. 200 of 2001)

(4) If the Electoral Registration Officer makes a correction under subsection (2) or (3) that Officer must inform the person concerned of the correction in writing. If the Electoral Registration Officer decides not to alter an entry when requested to do so under subsection (1),

that Officer must notify the person concerned, by registered post, of the decision.

(5) For the purposes of subsections (2) and (3), the relevant period is, in relation to the compilation of-

- (a) (Repealed L.N. 112 of 2006)
- (b) any functional constituencies provisional register or any subsector provisional register for- (L.N. 112 of 2006)
  - (i) a District Council election year, after 29 June in the preceding year but not later than 16 July in the current year; or
  - (ii) a year which is not a District Council election year-
    - (A) after 29 August in the preceding year, if that preceding year is a District Council election year, but not later than 16 May in the current year; or
    - (B) after 29 June in the preceding year, if that preceding year is not a District Council election year, but not later than 16 May in the current year; or (Repealed L.N. 307 of 1999. Added L.N. 255 of 2002)
- (ba) (Repealed L.N. 200 of 2001)
- (c)-(d) (Repealed L.N. 255 of 2002)
- (e) an Election Committee provisional register ("the first-mentioned Election Committee provisional register")- (L.N. 255 of 2002)
  - (i) if an Election Committee provisional register has been published during the term of office of the Election Committee, after the seventh day after the date on which such a provisional register was last published but not later than the date on which the relevant vacancy declaration within the meaning of section 4(7) of the Schedule to the Chief Executive Election Ordinance (Cap 569) was made in relation to the compilation of the first-mentioned Election Committee provisional register; or
  - (ii) if no Election Committee provisional register has been published during the term of office of the Election Committee, not later than the date on which the relevant vacancy declaration within the meaning of section 4(7) of the Schedule to the Chief Executive Election Ordinance (Cap 569) was made in relation to the compilation of the first-mentioned Election Committee provisional register. (L.N. 200 of 2001; L.N. 255 of 2002; L.N. 112 of 2006)

(6) If the elector referred to in subsection (1) is a body, the request must be signed on its behalf by the responsible person. The Electoral Registration Officer may send any communication referred to in subsection (4) to the responsible person.

(L. N. 307 of 1999)

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Section:	27	What is to be contained in a functional constituencies provisional register	L.N. 71 of 2011	08/07/2011
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(1) A functional constituencies provisional register is to consist of the following- (L.N. 200 of 2001; L.N. 71 of 2011)

- (a) subject to sections 24 and 26, the personal particulars and relevant particulars recorded in the existing functional constituencies final register;
  - (b) if the personal particulars or relevant particulars of a person are corrected under section 31(9)(a), those particulars as corrected;
  - (c) the personal particulars or relevant particulars of-
    - (i) persons whom the Electoral Registration Officer has registered under Part IV- (L.N. 255 of 2002)
      - (A) (Repealed L.N. 112 of 2006)
      - (B) in the case of any functional constituencies provisional register to be compiled for- (L.N. 112 of 2006)
        - (I) a District Council election year, during the period beginning on 17 May in the preceding year and ending on 16 July in the current year; or
        - (II) a year which is not a District Council election year-
          - (aa) during the period beginning on 17 July in the preceding year, if that preceding year is a District Council election year, and ending on 16 May in the current year; or
          - (bb) during the period beginning on 17 May in the preceding year, if that preceding year is not a District Council election year, and ending on 16 May in the current year; and (L.N. 255 of 2002)
    - (ii) persons whom the Electoral Registration Officer has determined under Part V to be eligible to be registered in the functional constituencies provisional register, on applications received by that Officer- (L.N. 255 of 2002)
      - (A) (Repealed L.N. 112 of 2006)
      - (B) in the case of any functional constituencies provisional register to be compiled for- (L.N. 112 of 2006)
        - (I) a District Council election year, during the period beginning on 17 May in the preceding year and ending on 16 July in the current year; or
        - (II) a year which is not a District Council election year-
          - (aa) during the period beginning on 17 July in the preceding year, if that preceding year is a District Council election year, and ending on 16 May in the current year; or
          - (bb) during the period beginning on 17 May in the preceding year, if that preceding year is not a District Council election year, and ending on 16 May in the current year; and (L.N. 255 of 2002)
    - (iii) (Repealed L.N. 307 of 1999)
  - (d) the names of authorized representatives which have been furnished to the Electoral Registration Officer. (L.N. 307 of 1999; L.N. 200 of 2001)
- (2) In addition to the particulars referred to in subsection (1), the functional constituencies provisional register to be compiled for 2012 is to also contain the personal particulars recorded in the first register of electors for the District Council (second) functional constituency compiled in accordance with section 35A. (L.N. 71 of 2011)

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Section:	28	What is to be contained in a subsector provisional register	L.N. 112 of 2006	14/07/2006

- (1) A subsector provisional register is to consist of the following- (L.N. 200 of 2001)
- (aa) subject to sections 24 and 26, the personal particulars and relevant particulars recorded in the existing subsector final register; (L.N. 307 of 1999)
  - (ab) if the personal particulars or relevant particulars of a person are corrected under section 31(9)(a), those particulars as corrected; (L.N. 200 of 2001)
  - (a) the personal particulars or relevant particulars of-
    - (i) persons whom the Electoral Registration Officer has registered under Part IV-
      - (A) (Repealed L.N. 112 of 2006)
      - (B) in the case of any subsector provisional register to be compiled for- (L.N. 112 of 2006)
        - (I) a District Council election year, during the period beginning on 17 May in the preceding year and ending on 16 July in the current year; or
        - (II) a year which is not a District Council election year-
          - (aa) during the period beginning on 17 July in the preceding year, if that preceding year is a District Council election year, and ending on 16 May in the current year; or
          - (bb) during the period beginning on 17 May in the preceding year, if that preceding year is not a District Council election year, and ending on 16 May in the current year; and (L.N. 255 of 2002)
    - (ii) persons whom the Electoral Registration Officer has determined under Part V to be eligible to be registered in the subsector provisional register, on applications received by that Officer- (L.N. 200 of 2001)
      - (A) (Repealed L.N. 112 of 2006)
      - (B) in the case of any subsector provisional register to be compiled for- (L.N. 112 of 2006)
        - (I) a District Council election year, during the period beginning on 17 May in the preceding year and ending on 16 July in the current year; or
        - (II) a year which is not a District Council election year-
          - (aa) during the period beginning on 17 July in the preceding year, if that preceding year is a District Council election year, and ending on 16 May in the current year; or
          - (bb) during the period beginning on 17 May in the preceding year, if that preceding year is not a District Council election year,

and ending on 16 May in the current year; and (L.N. 255 of 2002)

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

(b) the names of authorized representatives which have been furnished to the Electoral Registration Officer. (L.N. 307 of 1999)

(2) The Electoral Registration Officer must not include in a subsector provisional register the personal particulars or relevant particulars of- (L.N. 200 of 2001; L.N. 255 of 2002)

(a) a person who is not registered in the existing geographical constituencies final register; or

(b) a person who is not registered for a functional constituency in the existing functional constituencies final register, unless that person is to be registered for an optional subsector in the subsector provisional register. (L.N. 307 of 1999)

(2A) (Repealed L.N. 255 of 2002)

(3) In this section, "existing geographical constituencies final register" (現有的地方選區正式選民登記冊) and "optional subsector" (可選擇的界別分組) have the meanings assigned to them by section 11. (L.N. 307 of 1999)

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Section:	29	Electoral Registration Officer to publish a notice that provisional register is available for public inspection	L.N. 255 of 2002	28/02/2003
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(1) The Electoral Registration Officer must publish- (L.N. 255 of 2002)

(a) every year-

(i) in the case of a functional constituencies provisional register or a subsector provisional register compiled for a District Council election year, not later than 15 August; or

(ii) in the case of a functional constituencies provisional register or a subsector provisional register compiled for a year which is not a District Council election year, not later than 15 June; or (L.N. 255 of 2002)

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

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

(d) in the case of an Election Committee provisional register, not later than the date by which the provisional register is required to be compiled under section 4 of the Schedule to the Chief Executive Election Ordinance (Cap 569), (L.N. 200 of 2001)

in the Gazette and at least one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong, a notice which complies with subsection (2). (L.N. 307 of 1999; L.N. 255 of 2002)

(2) A notice under subsection (1) must specify that-

(a) a copy of the functional constituencies provisional register, a copy of the subsector provisional register or a copy of the Election Committee provisional register (as the case may be) is available for public inspection during ordinary

business hours during the relevant period referred to in subsection (3); and

- (b) the place or places at which a copy of the functional constituencies provisional register, a copy of the subsector provisional register or a copy of the Election Committee provisional register may be so inspected by the public.

(3) The Electoral Registration Officer must make available for public inspection, a copy of the relevant provisional register-

- (a) in the case of a functional constituencies provisional register or a subsector provisional register compiled for-

- (i) a District Council election year, during the period beginning on the date the notice under subsection (1) is published and ending on 29 August in the same year; or

- (ii) a year which is not a District Council election year, during the period beginning on the date the notice under subsection (1) is published and ending on 29 June in the same year; or (L.N. 255 of 2002)

- (ab) in the case of an Election Committee provisional register, during the period beginning on the date the notice under subsection (1) is published and ending on the seventh day after that date, (L.N. 200 of 2001; L.N. 255 of 2002)

- (b) (Repealed L.N. 255 of 2002)

- (c) (Repealed L.N. 200 of 2001)

at the place or places specified in the notice during ordinary business hours.

(4) The Electoral Registration Officer may make available for public inspection, a copy of a specific part of the functional constituencies provisional register, the subsector provisional register or the Election Committee provisional register at a place additional to a place specified in a notice published under this section, if that Officer considers it appropriate to do so. The Electoral Registration Officer may determine the period during which and the times at which it may be so inspected.

(5) The Electoral Registration Officer may require a person who wishes to inspect a copy of the functional constituencies provisional register, the subsector provisional register or the Election Committee provisional register, or a copy of a part of those registers, to produce his or her identity document to that Officer and complete a form furnished by the Officer.

(5A) Publication of a notice under subsection (1), relating to a functional constituencies provisional register, is to be treated as the publication of the functional constituencies provisional register for the purposes of section 32(1)(a)(ii) or (1A)(a)(ii), as the case may be, of the Legislative Council Ordinance (Cap 542). (L.N. 255 of 2002)

(6) Publication of a notice under subsection (1), relating to a subsector provisional register, is to be treated as the publication of the subsector provisional register for the purposes of section 14(1)(a) or (1A)(a), as the case may be, of the Schedule to the Chief Executive Election Ordinance (Cap 569). (L.N. 200 of 2001; L.N. 255 of 2002)

(7) Publication of a notice under subsection (1), relating to an Election Committee provisional register, is to be treated as the publication of the Election Committee provisional register for the purposes of section 4(1) of the Schedule to the Chief Executive Election Ordinance (Cap 569). (L.N. 200 of 2001)

(L.N. 200 of 2001)



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Section:	30	Person may object to registration of registered person in the register	L.N. 214 of 2009	30/10/2009

- (1) A person who considers-
- (a) that a registered person is not eligible to be registered-
    - (i) as an elector, a voter or an authorized representative; or
    - (ii) in the part in which that person's personal particulars or relevant particulars, as the case may be, are recorded; or
  - (b) that a person who has been registered as a member of the Election Committee or as an authorized representative has been wrongly so registered,
- may object to the registration of that person in the relevant final register by lodging a notice ("notice of objection") in accordance with subsection (2).
- (2) A notice of objection must be-
- (a) in the specified form;
  - (b) addressed to the Electoral Registration Officer; and
  - (c) subject to subsection (4), delivered by the objector in person at the office of the Electoral Registration Officer-
    - (i) if the objection relates to a person registered in a functional constituencies provisional register or a subsector provisional register compiled for-
      - (A) a District Council election year, not later than 29 August in that year; or
      - (B) a year which is not a District Council election year, not later than 29 June in that year; or (Repealed L.N. 307 of 1999. Added L.N. 255 of 2002)
    - (ia) (Repealed L.N. 200 of 2001)
    - (ib) (Repealed L.N. 255 of 2002)
    - (ii) if the objection relates to a person registered in an Election Committee provisional register, not later than the seventh day after the date of publication of the relevant Election Committee provisional register. (L.N. 255 of 2002)
- (2A) If the objector is in custody within the meaning of section 2(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D), a notice sent by post by the objector is deemed, for the purposes of subsection (2)(c), to be a notice delivered by the objector in person. (L.N. 157 of 2009)
- (3) The Electoral Registration Officer may require any person who lodges a notice of objection to identify himself or herself by such means as that Officer considers appropriate. (L.N. 575 of 1997)
- (4) If the person objecting to the registration under subsection (1) is a body, the notice of objection can be signed on its behalf by a responsible person. In such a case the notice of objection must be delivered under subsection (2), by that person.
- (5) In this section, "registered person" (已登記的人) means a person whose personal

particulars or relevant particulars are recorded in a functional constituencies provisional register or a subsector provisional register.

(L.N. 200 of 2001)

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Section:	31	Who may lodge a notice of claim	L.N. 71 of 2011	08/07/2011
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- (1) Any person (except an authorized representative)-
  - (a) who has been determined by the Electoral Registration Officer under Part V to be not eligible to be registered as an elector or voter;
  - (b) whose application for registration was not considered further by the Electoral Registration Officer under section 21(4); or
  - (c) who-
    - (i) has made an application for registration as an elector or voter; and
    - (ii) is not a person described in paragraph (a) or (b), but whose personal particulars or relevant particulars are not recorded in the functional constituencies provisional register or the subsector provisional register (as may be applicable), may claim that he or she or in the case of a body, it, is entitled to be registered as an elector or voter.
- (2) If the Electoral Registration Officer has under section 26(7) of the Legislative Council Ordinance (Cap 542) or section 13(7) of the Schedule to the Chief Executive Election Ordinance (Cap 569) refused to register a person as an authorized representative- (L.N. 200 of 2001)
  - (a) that person may make a claim that he or she is entitled to be registered as an authorized representative; or
  - (b) the corporate elector or the corporate voter who appointed the person as an authorized representative may make a claim that he or she is entitled to be registered as such.
- (3) Any person whose personal particulars or relevant particulars in an entry are included in an omissions list may claim that he or she is entitled to be registered in the relevant functional constituencies final register, subsector final register or Election Committee final register (as the case may be). (L.N. 307 of 1999; L.N. 200 of 2001)
- (4) Any person (other than a person referred to in subsection (2)) whose personal particulars, relevant particulars or specified particulars are recorded in a part or section of a functional constituencies provisional register, a subsector provisional register or an Election Committee provisional register, may claim that he or she or in the case of a body, it, is entitled to have his, her or its personal particulars, relevant particulars or specified particulars, as the case may be, recorded in a different part or section of the relevant register. (L.N. 200 of 2001)
- (5) Any person whose request under section 26(1) to alter a particular in an entry relating to that person has been refused by the Electoral Registration Officer may make a claim to have that particular altered as requested.

- (6) Any person whose particulars in an entry have been altered by the Electoral Registration Officer under section 26(3) may make a claim objecting to the alteration.
- (6A) A person making a claim under section 15(1) or (2) of the GC Register Regulation that he or she is entitled to be registered in the geographical constituencies final register is also regarded as having made a claim that he or she is entitled to be registered as an elector for the District Council (second) functional constituency, unless the person indicates otherwise in the manner specified by the Electoral Registration Officer. (L.N. 71 of 2011)
- (7) A claim under this section is to be made-
- (a) by a notice in the specified form ("notice of claim"); and
  - (b) addressed to the Electoral Registration Officer.
- (8) Subject to subsection (12), a notice of claim must be delivered by the claimant in person at the office of the Electoral Registration Officer-
- (a) if the claim relates to a functional constituencies register or a subsector register compiled, or an omissions list prepared in compiling a functional constituencies provisional register or a subsector provisional register, for-
    - (i) a District Council election year, not later than 29 August in that year; or
    - (ii) a year which is not a District Council election year, not later than 29 June in that year; or (Repealed L.N. 307 of 1999. Added L.N. 255 of 2002)
  - (aa) (Repealed L.N. 200 of 2001)
  - (ab) (Repealed L.N. 255 of 2002)
  - (b) if the claim relates to an Election Committee register or an Election Committee omissions list, not later than the seventh day after the date of publication of the relevant Election Committee provisional register. (L.N. 255 of 2002)
- (8A) If the claimant is in custody within the meaning of section 2(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D), a notice sent by post by the claimant is deemed, for the purposes of subsection (8), to be a notice delivered by the claimant in person. (L.N. 157 of 2009)
- (9) If the Electoral Registration Officer receives a claim after the deadline referred to in subsection (8)(a)(i) or (ii), that Officer may, having regard to the nature of the claim, treat it-
- (a) as a request for alteration of registered particulars relating to a person for the purpose of compiling the next functional constituencies provisional register or the next subsector provisional register (as the case may be); or
  - (b) as a claim, for the purpose of compiling the functional constituencies final register or the subsector final register (as the case may be) for the year following that in which the claim is submitted. (L.N. 200 of 2001)
- (10) If the Electoral Registration Officer treats a claim as a request as described in subsection (9)(a), section 26(2), (4) and (5)(a) and (b) applies. If the Electoral Registration Officer treats a claim in the manner described in subsection (9)(b), it must be referred to the Revising Officer. (L.N. 307 of 1999; L.N. 200 of 2001; L.N. 255 of 2002)
- (11) The Electoral Registration Officer may require any person who delivers a notice of claim to identify himself or herself by such means as that Officer considers appropriate.
- (12) If the person referred to in subsection (1) is a body, the claim can be signed on its behalf by a responsible person. In such a case the notice of claim must be delivered under subsection (8) by that person.
- (13) If a person, subsequent to making a claim referred to in subsection (9), makes any further claim or application, the latest claim or application, as the case may be, prevails.

Chapter:	541B	ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) REGULATION	Gazette Number	Version Date
Section:	33	Electoral Registration Officer to correct entries in provisional register in compiling final register	L.N. 112 of 2006	14/07/2006

(1) A natural person whose name or a body whose name is or is to be recorded in a functional constituencies provisional register, a subsector provisional register or an Election Committee provisional register may make a written request of the Electoral Registration Officer to make an alteration in relation to the particulars recorded or to be recorded for him, her or it or the part in which they are or are to be recorded and supply information regarding the requested alteration. (L.N. 307 of 1999)

(2) If the Electoral Registration Officer-

(a) receives a request under subsection (1), during the relevant period specified in subsection (10)(a); and

(b) is satisfied that an alteration should be made,

that Officer must, when compiling the relevant final register, record in the appropriate place in that register the particulars of the person corrected (if a correction is necessary) in accordance with the information supplied. If the Electoral Registration Officer is satisfied that an alteration is not necessary, that Officer must not make any.

(3) If it appears to the Electoral Registration Officer, from information obtained not later than the relevant date specified in subsection (10)(b), as a result of an inquiry under section 22 or otherwise, that a particular in an entry in a functional constituencies provisional register or a subsector provisional register is incorrect, that Officer may, when compiling the next functional constituencies final register or the next subsector final register (as the case may be), record the corrected particular in the appropriate place in that register.

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

(5) If the Electoral Registration Officer makes a decision under subsection (2) or (3) that Officer must inform the person concerned in writing. If the Electoral Registration Officer decides not to make an alteration when requested to do so under subsection (1), that Officer must notify the person concerned, by registered post, of the decision.

(6) Where a request under this section is received by the Electoral Registration Officer in relation to a functional constituencies register, a subsector register or an Election Committee register after the last date of the relevant period specified in subsection (10)(a), that Officer may consider it only for the purpose of compiling the next functional constituencies provisional register, the next subsector provisional register or the next Election Committee provisional register (as the case may be).

(7) Section 26(2) and (4) applies to a request considered by the Electoral Registration Officer under subsection (6) as if the request was received by that Officer-

(a) in relation to the compilation of a functional constituencies provisional register or a subsector provisional register-

(i) on or before 16 July in the year following the year in which the request was made in relation to the existing final register for that following year, if that following year is a District Council election year; or

- (ii) on or before 16 May in the year following the year in which the request was made in relation to the existing final register for that following year, if that following year is not a District Council election year; or (L.N. 255 of 2002)
- (b) in relation to the compilation of an Election Committee provisional register, on or before the date on which the relevant vacancy declaration within the meaning of section 4(7) of the Schedule to the Chief Executive Election Ordinance (Cap 569) was made in relation to such compilation. (L.N. 112 of 2006)

(8) Where the Electoral Registration Officer decides not to make an alteration requested by a person within the relevant period specified in subsection (10)(a), that Officer must refer the matter to the Revising Officer. The reference must be treated by the Electoral Registration Officer as a claim under section 31 made by the person requesting the alteration.

(9) If the person referred to in subsection (1) is a body, the request may be signed on its behalf by a responsible person.

(10) For the purposes of-

- (a) subsections (2), (6) and (8), the relevant period is, in relation to the compilation of-
  - (i) a functional constituencies final register or a subsector final register for-
    - (A) a District Council election year, after 16 July but not later than 29 August in that year; or
    - (B) a year which is not a District Council election year, after 16 May but not later than 29 June in that year; or
  - (ii) an Election Committee final register, after the date on which the relevant vacancy declaration within the meaning of section 4(7) of the Schedule to the Chief Executive Election Ordinance (Cap 569) was made in relation to the compilation of the relevant Election Committee provisional register but not later than the seventh day after the date of publication of that provisional register; or (L.N. 112 of 2006)
- (b) subsection (3), the relevant date is, in relation to the compilation of a functional constituencies final register or a subsector final register for-
  - (i) a District Council election year, 29 August in that year; or
  - (ii) a year which is not a District Council election year, 29 June in that year. (L.N. 255 of 2002)

(L.N. 307 of 1999; L.N. 200 of 2001; L.N. 255 of 2002)

Chapter:	541B	ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) REGULATION	Gazette Number	Version Date
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Section:	35	What is to be contained in a functional constituencies final register	E.R. 1 of 2013	25/04/2013
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- (1) A functional constituencies final register is to consist of the following-
  - (a) subject to subsections (2) and (3), the personal particulars and relevant particulars contained in the functional constituencies provisional register for the year for which the final register is being compiled, as corrected, where appropriate, under section 33 or 34;

- (b) the personal particulars and relevant particulars of any person whom the Revising Officer has ruled to be entitled to be registered, on a claim made by that person or an appeal made by the corporate elector concerned; and
  - (c) the additions, if any, under section 34(1)(b).
- (2) The Electoral Registration Officer must not include in a functional constituencies final register the personal particulars or relevant particulars of the following persons-
- (a) any person in respect of whose registration an objection has been made and the Revising Officer has allowed the objection;
  - (b) any person whose claim has not been allowed by the Revising Officer;
  - (ba) any person in respect of whose registration an appeal has been made and the Revising Officer has not allowed the appeal; and (L.N. 200 of 2001)
  - (c) any person whose personal particulars or relevant particulars have been included in a functional constituencies omissions list and who has not made a claim in respect of it or who has made a claim but the claim has not been allowed by the Revising Officer. (L.N. 307 of 1999)
- (3) If, on an objection or a claim made by a person, the Revising Officer has made a ruling as to the part in which the person is to be registered, the Electoral Registration Officer must ensure that the person's personal particulars or relevant particulars, as the case may be, are recorded in that part.
- (4) If, on an objection or a claim made by a person, the Revising Officer has made a ruling on the personal particulars or relevant particulars of a person, the Electoral Registration Officer must ensure that those particulars are corrected and recorded in accordance with the ruling.
- (5) In relation to the functional constituencies final register to be compiled for- (L.N. 255 of 2002)
- (a) a District Council election year, only decisions made by the Revising Officer during the period beginning on 15 August and ending on 11 September in that year; or
  - (b) a year which is not a District Council election year, only decisions made by the Revising Officer during the period beginning on 15 June and ending on 11 July in that year,
- are to be taken into account for the purposes of subsection (1)(b), (2), (3) or (4). (L.N. 307 of 1999; L.N. 255 of 2002)

(L.N. 200 of 2001)

Chapter:	541B	ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) REGULATION	Gazette Number	Version Date
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Section:	36	What is to be contained in a subsector final register	E.R. 1 of 2013	25/04/2013
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- (1) A subsector final register is to consist of the following-
- (a) subject to subsections (2) and (3), the personal particulars and relevant particulars contained in the subsector provisional register for the year for which the final register is being compiled, as corrected, where appropriate, under section 33 or 34;
  - (b) the personal particulars and relevant particulars of any person whom the Revising Officer has ruled to be entitled to be registered, on a claim made by that person or an

- appeal made by the corporate voter concerned; and
- (c) the additions, if any, under section 34(1)(b). (L.N. 307 of 1999; L.N. 200 of 2001)
- (2) The Electoral Registration Officer must not include in a subsector final register the personal particulars or relevant particulars of the following persons- (L.N. 200 of 2001)
- (a) any person in respect of whose registration an objection has been made and the Revising Officer has allowed the objection;
- (b) any person whose claim has not been allowed by the Revising Officer;
- (ba) any person in respect of whose registration an appeal has been made and the Revising Officer has not allowed the appeal; and (L.N. 200 of 2001)
- (c) any person whose personal particulars or relevant particulars have been included in a subsector omissions list and who has not made a claim in respect of it or who has made a claim but the claim has not been allowed by the Revising Officer. (L.N. 307 of 1999)
- (3) If, on an objection or a claim made by a person, the Revising Officer has made a ruling as to the part or subsector in which the person is to be registered, the Electoral Registration Officer must ensure that the person's personal particulars or relevant particulars, as the case may be, are recorded in that part or subsector.
- (4) If, on an objection or a claim made by a person, the Revising Officer has made a ruling on the personal particulars or relevant particulars of a person, the Electoral Registration Officer must ensure that those particulars are corrected and recorded in accordance with the ruling.
- (5) In relation to the subsector final register to be compiled for- (L.N. 255 of 2002)
- (a) a District Council election year, only decisions made by the Revising Officer during the period beginning on 15 August and ending on 11 September in that year; or
- (b) a year which is not a District Council election year, only decisions made by the Revising Officer during the period beginning on 15 June and ending on 11 July in that year,
- are to be taken into account for the purposes of subsection (1)(b), (2), (3) or (4). (L.N. 200 of 2001; L.N. 255 of 2002)
- (6) Despite subsection (5), the subsector final register to be compiled for 2011 must include any changes made by the Electoral Registration Officer in accordance with section 14(1B) of the Schedule to the Chief Executive Election Ordinance (Cap 569). (L.N. 71 of 2011) (L.N. 307 of 1999)

Chapter:	541B	ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) REGULATION	Gazette Number	Version Date
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Section:	42	Offences and penalties	L.N. 255 of 2002	28/02/2003
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- (1) Any person who in any-
- (a) response to a requirement under section 9 or 10;
- (b) application made under section 19;
- (c) specified form on which notice of the appointment, replacement or substitution of an authorized representative is given under section 20;

- (d) response to a requirement for particulars or proof made under section 21;
- (e) reply to an inquiry made under section 22;
- (f) request made under section 26 or 33;
- (g) notice of objection; (L.N. 200 of 2001)
- (h) notice of claim; or (L.N. 200 of 2001)
- (i) notice of appeal, (L.N. 200 of 2001)

makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates, or persuades another person-

- (a) to make a false statement in an application, response, reply, request or notice referred to in subsection (1); or
- (b) to provide information which the first-mentioned person knows to be wrong in a material particular, in an application, response, reply, request or notice referred to in paragraph (a),

commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(3) Any person who-

- (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or an extract from a functional constituencies register, a subsector register or an Election Committee register; (L.N. 200 of 2001)
- (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling such a register;
- (c) uses or permits another person to use any information relating to a person contained in a register or an extract from such a register; or
- (d) imparts to any other person any information referred to in paragraph (a), (b) or (c),

for a purpose other than a purpose related to an election, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(4) Any person who fails to furnish information in response to a requirement under section 9 or 10 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(5) Notwithstanding anything to the contrary in subsection (3), any person who contravenes section 41(3) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not know or could not have reasonably ascertained or provided the information required of him or her.

(7) If a corporate body is convicted of an offence under this section, and the offence is proved to have been committed with the consent or connivance of, or was attributable to the neglect or omission on the part of a director, manager, secretary or any other person concerned in the management of the corporate body, the director, manager, secretary or that other person is liable for the offence and to a fine at level 2 and to imprisonment for 6 months.

(8) If a partner of a partnership is convicted of an offence under this section and it is proved that the offence was committed with the consent or connivance of, or was attributable to the neglect or omission on the part of any other partner or person concerned in the management of the partnership, the other partner or that other person is liable for the offence and to a fine at level 2 and to imprisonment for 6 months.



(9) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of-

- (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap 542); (L.N. 200 of 2001)
- (b) sections 14, 19, 21, 24 and 30 of the District Councils Ordinance (Cap 547); and (L.N. 307 of 1999; L.N. 200 of 2001)
- (c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap 569) and sections 9, 18 and 30 of the Schedule to that Ordinance. (L.N. 200 of 2001; L.N. 255 of 2002)

(10) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of-

- (a) sections 39 and 40 of the Legislative Council Ordinance (Cap 542); (L.N. 200 of 2001)
- (b) sections 14, 19, 21 and 24 of the District Councils Ordinance (Cap 547); and (L.N. 307 of 1999; L.N. 200 of 2001)
- (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap 569) and sections 9 and 18 of the Schedule to that Ordinance. (L.N. 200 of 2001; L.N. 255 of 2002)

(11) In this section, "election" (選舉) has the meaning assigned to it by section 41(5). (L.N. 255 of 2002)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	2	Interpretation	E.R. 2 of 2012	02/08/2012
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(1) In this Regulation, unless the context otherwise requires—

**authorized representative** (獲授權代表) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

**ballot paper account** (選票結算表) means a statement prepared under section 64;

**ballot paper sorting station** (選票分流站) means a place designated as a ballot paper sorting station under section 28; (L.N. 130 of 2009)

**by-election** (補選) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

**by-election notice** (補選公告) means a notice published under section 8;

**candidate** (候選人) means, subject to subsection (2), in relation to—

- (a) a particular geographical constituency, a candidate who is validly nominated to be returned as a Member for that geographical constituency at a general election or by-election; and
- (b) a particular functional constituency, a candidate who is validly nominated to be returned as a Member for that functional constituency at a general election or by-election; (L.N. 84 of 2004)
- (c) (Repealed L.N. 84 of 2004)

**central counting station** (中央點票站) means a counting station designated under section 28(9)(a)(ii) in relation to a general election for counting the votes for functional constituencies; (L.N. 65 of 2000; L.N. 84 of 2004)

**Chief Returning Officer** (總選舉主任) means the Returning Officer designated as such under section 99(a);

**constituency** (選區或界別) means a geographical constituency or a functional constituency;

**counting agent** (監察點票代理人) means a person appointed as a counting agent under section 66;

**counting of the votes** (點票) includes, where appropriate, the separation, sorting and counting of ballot papers;

**counting officer** (點票人員) means, in relation to a counting station, a person appointed under section 67 as a counting officer for that counting station;

**counting station** (點票站) means a place designated as a counting station under section 28;

**counting zone** (點票區) means an area within a counting station assigned by the Chief Returning Officer, the Returning Officer or the Presiding Officer, as may be appropriate, for the counting of the votes; (L.N. 84 of 2004; L.N. 130 of 2009)

**dedicated polling station** (專用投票站) means a place designated as a dedicated polling station under section 28; (L.N. 130 of 2009)

**election** (選舉) means a general election or a by-election;

**election advertisement** (選舉廣告), in relation to an election, means—

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster;
- (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission;
- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication,  
published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election; (11 of 2012 s. 6)

**election agent** (選舉代理人) means a person appointed as an election agent under section 23;

**election expense agent** (選舉開支代理人) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); (L.N. 65 of 2000)

**election expenses** (選舉開支) has the meaning assigned to it by section 2 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), but the reference to “an election” in that meaning is to be construed as the election referred to in section 4(1)(b) or (c) of that Ordinance; (10 of 2000 s. 47; L.N. 65 of 2000; 11 of 2012 s. 6)

**election notice** (選舉公告) means, in relation to—

- (a) a geographical constituency, a notice published under section 4; and
- (b) a functional constituency, a notice published under section 5; (L.N. 84 of 2004)
- (c) (Repealed L.N. 84 of 2004)

**elector** (選民) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

**emblem** (標誌) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap 541 sub. leg. M); (L.N. 84 of 2004; L.N. 47 of 2007)

**FC ballot paper** (功能界別選票) means a ballot paper to vote for— (11 of 2012 s. 66)

- (a) a list of candidates standing for election for the District Council (second) functional constituency; or
- (b) a candidate standing for election for any other functional constituency; (11 of 2012 s. 66)

**final register** (正式登記冊) means—

- (a) the geographical constituencies final register; or
- (b) the functional constituencies final register; (L.N. 84 of 2004)
- (c) (Repealed L.N. 84 of 2004)

**functional constituencies final register** (功能界別正式選民登記冊) means the final register of electors for functional constituencies compiled under the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B) and which is in effect; (L.N. 200 of 2001)

**functional constituency** (功能界別) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

**GC ballot paper** (地方選區選票) means a ballot paper to vote for a candidate standing for election for a geographical constituency;

**GC counting station** (地方選區點票站) means a counting station designated under section 28(9)(a)(i) in relation to a general election for counting the votes for one geographical constituency; (L.N. 65 of 2000)

**GC elector** (地方選區選民) means a person who is entitled to vote for a geographical constituency; (L.N. 147 of 1998)

**GC polling station** (地方選區投票站) means a polling station assigned by the Chief Electoral Officer under section 30(1) to conduct the polling for a particular geographical constituency; (L.N. 84 of 2004)

**general election** (換屆選舉) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

**geographical constituencies final register** (地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A) and which is in effect; (L.N. 284 of 1999)

**geographical constituency** or **GC** (地方選區) means an area declared to be a geographical constituency under section 18(2)(a) of the Legislative Council Ordinance (Cap 542); (L.N. 84 of 2004)

**head-dress** (頭飾) means anything which is worn on a person's head; (L.N. 84 of 2004)

**identity card** (身分證) has the meaning assigned to it by section 1A of the Registration of Persons Ordinance (Cap 177); (L.N. 147 of 1998)

**identity document** (身分證明文件) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

**in custody** (受羈押), in relation to a person, means the person is—

- (a) serving a sentence of imprisonment;
- (b) detained by the Correctional Services Department on remand; or
- (c) otherwise detained by any law enforcement agency under any lawful authority; (L.N. 130 of 2009)

**law enforcement agency** (執法機關) means—

- (a) the Customs and Excise Department;
- (b) the Hong Kong Police Force;
- (c) the Immigration Department;
- (d) the Independent Commission Against Corruption; or
- (e) any other department of the Government any officer of which is empowered by any Ordinance to exercise a power of arrest; (L.N. 130 of 2009)

**list of candidates** (候選人名單) means a list of candidates referred to in section 38(10) of the Legislative Council Ordinance (Cap 542) or a new list of candidates referred to in section 38(14) of that Ordinance; (L.N. 65 of 2000)

**main counting station** (大點票站) means a place designated as a main counting station under section 28; (L.N. 84 of 2004)

**maximum security prison** (高度設防監獄) means a prison which is specified as a maximum security prison under rule 47A(1)(b) of the Prison Rules (Cap 234 sub. leg. A); (L.N. 130 of 2009)

**Member** (議員) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

**multiple candidates list** (多名候選人名單) means a list of candidates with more than one candidate;

**multiple nominees list** (多名獲提名人名單) means a nomination list with more than one nominee;

**no canvassing zone** (禁止拉票區) means an area determined under section 40 to be an area in which canvassing of votes is prohibited;

**no staying zone** (禁止逗留區) means an area determined under section 40 to be an area in which staying or loitering is prohibited;

**nomination form** (提名表格) means a form referred to in section 10(1) or 11(1) (as applicable); (L.N. 73 of 2011)

**nomination list** (提名名單) means a list submitted for the purposes of section 38 of the Legislative Council Ordinance (Cap 542);

**nomination period** (提名期) means, in relation to nominations—

- (a) for a geographical constituency, the period specified under section 4(2)(b);
- (b) for a functional constituency, the period specified under section 5(2)(b); and
- (c) (Repealed L.N. 84 of 2004)
- (d) for a by-election for a constituency, the relevant period specified under section 8(7)(a); (L.N. 84 of 2004)

**Nominations Advisory Committee** (提名顧問委員會) means a committee appointed under the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C); (L.N. 115 of 1999)

**notice appointing the election day** (指定選舉日公告) means, in relation to a general election, a notice by which a date is specified by the Chief Executive under the Legislative Council Ordinance (Cap 542) to hold an election to return—

- (a) the Members to be returned for geographical constituencies; or
- (b) the Members to be returned for functional constituencies; (L.N. 84 of 2004)
- (c) (Repealed L.N. 84 of 2004)

**notice of nominations** (提名公告) means a notice published under section 21(3), (4), (4A) or (5) in relation respectively to an election for geographical constituencies or functional constituencies; (L.N. 84 of 2004; 11 of 2012 s. 43)

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

- (a) between 9 a.m. and 12 noon on a Saturday; and
- (b) between 9 a.m. and 5 p.m. on any other day, other than a general holiday;

**ordinary functional constituencies** (普通功能界別) means the functional constituencies specified in section 20(1)(e) to (zc) of the Legislative Council Ordinance (Cap 542); (L.N. 65 of 2000; L.N. 73 of 2011)

***polling agent*** (監察投票代理人) means a person appointed as a polling agent under section 42;

***polling day*** (投票日) means the date on which the poll is to be held in an election;

***polling hours*** (投票時間) means the hours for polling appointed under section 27;

***polling officer*** (投票站人員) means, in relation to a polling station, a person appointed under section 34(2) as a polling officer for that polling station;

***polling station*** (投票站) means a place designated as a polling station under section 28;

***prescribed body*** (訂明團體) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap 541 sub. leg. M); (L.N. 84 of 2004; L.N. 47 of 2007)

***prescribed person*** (訂明人士) has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap 541 sub. leg. M); (L.N. 84 of 2004; L.N. 47 of 2007)

***Presiding Officer*** (投票站主任) means— (L.N. 130 of 2009)

(a) in relation to a polling station, the person appointed under section 34(1) as the Presiding Officer for that polling station;

(b) in relation to a ballot paper sorting station, the person appointed under section 66A(1) as the Presiding Officer for that ballot paper sorting station; (L.N. 130 of 2009)

***principal residential address*** (主要住址) means, in relation to a person, the address of the only or principal residence (within the meaning of section 28(3) of the Legislative Council Ordinance (Cap 542)) of the person;

***registered*** (登記), in the context of a registered emblem or a registered name, has the meaning assigned to it by section 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap 541 sub. leg. M); (L.N. 84 of 2004; L.N. 47 of 2007)

***registered residential address*** (登記住址) means, in relation to a person, the address recorded in the particulars of that person in the geographical constituencies final register;

***Returning Officer*** (選舉主任) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

***single candidate list*** (單人候選人名單) means a list of candidates with only one candidate;

***single nominee list*** (單人獲提名人名單) means a nomination list with only one nominee;

***small polling station*** (小投票站) means a place designated as a small polling station under section 28; (L.N. 84 of 2004)

***special functional constituencies*** (特別功能界別) means the functional constituencies specified in section 20(1)(a) to (d) of the Legislative Council Ordinance (Cap 542); (L.N. 65 of 2000)

***special polling station*** (特別投票站) means a polling station designated as such under section 29;

***specified address*** (指明地點) means, in relation to a geographical constituency or a functional constituency, the address specified in the relevant election notice or by-election notice as the address at which the nomination forms are to be submitted; (L.N. 84 of 2004)

**specified form** (指明表格、指明格式) means, in relation to a particular purpose of this Regulation, the form specified under section 100 for that purpose;

**spoilt ballot paper** (損壞的選票) means a spoilt ballot paper within the meaning of section 62;

**tendered ballot paper** (重複的選票) means a tendered ballot paper within the meaning of section 60;

**unused ballot paper** (未用的選票) means an unused ballot paper within the meaning of section 61(2);

**validly nominated candidate** (獲有效提名的候選人) means—

- (a) subject to paragraph (b), a person whom the Returning Officer has decided under section 16 to be validly nominated;
- (b) in case a declaration under section 42B(2)(b) or (5)(b) of the Legislative Council Ordinance (Cap 542) is made, a person who is stated to be validly nominated in the declaration; (L.N. 65 of 2000)

**verification of the ballot paper account** (選票結算核實書) means a statement prepared under section 74(1)(d), 74AAA(2)(c), 74A(1)(a) or (b)(iii), 74AA(d) or 74B(1)(c) or (1A) or (1B)(b). (L.N. 147 of 1998; L.N. 65 of 2000; L.N. 84 of 2004; L.N. 130 of 2009; L.N. 73 of 2011; 11 of 2012 s. 66)

(L.N. 147 of 1998; L.N. 65 of 2000; L.N. 210 of 2001; L.N. 84 of 2004)

(2) In this Regulation—

(a) in Part 2, **candidate** (候選人) includes a person who is being or has been nominated as a candidate (including a person whose name appears on a nomination list as a nominee) to stand for election as a Member; and

(b) in section 25 and Part 7, **candidate** (候選人)— (11 of 2012 s. 6)

- (i) means a person who stands nominated as a candidate at an election; and
- (ii) also means a person who, at any time before close of nominations for an election, has publicly declared an intention to stand as a candidate at the election, and includes a person who is one of a group of candidates within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554). (L.N. 65 of 2000)

(3) In this Regulation, unless it is provided otherwise, a reference to “Returning Officer” is to be construed, in relation to—

(a) a geographical constituency, as the Returning Officer appointed for that geographical constituency; and

(b) a functional constituency, as the Returning Officer appointed for that functional constituency. (L.N. 84 of 2004)

(c) (Repealed L.N. 84 of 2004)

(4) In this Regulation, any reference to the election agent, polling agent or counting agent of a candidate is to be construed, where appropriate, as including the election agent, polling agent or counting agent appointed on behalf of a list of candidates.

(5) In this Regulation, any provision which entitles or permits a candidate, an election agent, a polling agent or a counting agent to do anything in a polling station, counting station, counting zone or in relation to the counting of the votes is to be construed as entitling or permitting the candidate or the agent to do it in a polling station, counting station, counting zone or in relation to the counting of the votes for the constituency for which the candidate is standing for election or for which the agent is appointed, as the case may require.

(6) In this Regulation, unless it is provided otherwise—

- (a) a reference to “counting station” is to be construed as including a main counting station and a ballot paper sorting station; and
- (b) a reference to “polling station” is to be construed as including a small polling station, a special polling station and a dedicated polling station. (L.N. 84 of 2004; L.N. 130 of 2009)

(7) (Repealed L.N. 210 of 2001)

(E.R. 2 of 2012)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	7	Chief Electoral Officer to determine nomination period	E.R. 2 of 2012	02/08/2012
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- (1) Subject to subsections (2) and (3), the nomination period is to be determined by the Chief Electoral Officer.
- (2) The nomination period must not begin earlier than the date on which the election notice or the by-election notice, as the case may be, is published in the Gazette. The nomination period must not be less than 14 days or more than 21 days. (L.N. 65 of 2000)
- (3) The nomination period must end not less than 28 days and not more than 42 days before the date on which the relevant election is to be held.

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	23	A candidate or a list of candidates may appoint election agent	E.R. 2 of 2012	02/08/2012
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- (1) All the candidates on a multiple nominees list or a multiple candidates list may jointly appoint one person as their election agent.
- (2) The candidate on a single nominee list or a single candidate list may appoint one person as his or her election agent.
- (3) Each candidate for a functional constituency (other than the District Council (second) functional constituency) may appoint one person as his or her election agent. (L.N. 73 of 2011)
- (4) (Repealed L.N. 84 of 2004)
- (5) Only a holder of an identity card who has attained the age of 18 years may be appointed as an election agent. (L.N. 147 of 1998)
- (6) A candidate must give notice of appointment of his or her election agent to the Returning Officer. If the election agent is appointed on behalf of a multiple nominees list or a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the relevant list. (L.N. 147 of 1998)
- (7) The appointment of an election agent is not effective until notice of the appointment is received by the Returning Officer.
- (8) A notice for the purposes of this section must be in writing and state the name, identity card number and residential address of the election agent. (L.N. 65 of 2000; L.N. 66 of 2008)
- (9) The notice must be signed by the candidate or, in the case of a multiple nominees list or a multiple candidates list, by all the candidates on the list.



- (10) A candidate or a nomination list or a list of candidates cannot have more than one election agent at any one time.
  - (11) If the appointment of an election agent is revoked, notice of revocation must be given to the Returning Officer by the candidate as soon as possible after the revocation. In the case of a multiple nominees list or multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the relevant list. (L.N. 147 of 1998)
  - (12) A notice of revocation must be in writing and be signed by the candidate or, in the case of a multiple nominees list or a multiple candidates list, by all the candidates on the list.
  - (13) The revocation of the appointment of an election agent is not effective until notice of the revocation is received by the Returning Officer.
  - (14) If at any time an election agent dies or the appointment of an election agent is revoked, the candidate or, in the case of a multiple nominees list or a multiple candidates list, all the candidates on the relevant list jointly, may appoint a replacement.
  - (15) The appointment of a replacement must be in accordance with the requirements of this section.
  - (16) A notice of appointment or a notice of revocation under this section must be in the specified form.
  - (17) Subject to subsection (18), an election agent may do all things which a candidate or the candidates on a nomination list or a list of candidates may do in connection with an election. Any such act of the election agent is effective as if it had been done by the candidate in person or by the candidates on a nomination list or a list of candidates, as the case may be.
  - (18) An election agent may not-
    - (a) do anything a candidate is required to do under section 10 or 11; (L.N. 84 of 2004)
    - (b) withdraw a candidate's candidature; (L.N. 130 of 2009)
    - (c) authorize any person for the purposes of section 25; (L.N. 130 of 2009)
    - (d) subject to paragraph (e), be present in a dedicated polling station situated in a prison unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to his or her presence; or (L.N. 130 of 2009)
    - (e) be present in a dedicated polling station situated in a maximum security prison. (L.N. 130 of 2009)
  - (19) The Commissioner of Correctional Services must not give consent to an election agent under subsection (18)(d) in respect of a polling station if a polling agent has been appointed under section 42 by the same candidate or list of candidates for that polling station. (L.N. 130 of 2009)
  - (20) Despite subsection (18)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—
    - (a) an elector in custody or authorized representative in custody who is entitled to vote for the relevant constituency at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
    - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 130 of 2009)
  - (21) If the Commissioner of Correctional Services refuses to give consent under subsection (18)(d), the Commissioner must notify the candidate, any candidate on the list of candidates or the election agent as soon as practicable. (L.N. 130 of 2009)
- (L.N. 147 of 1998)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
Section:	24	Returning Officer to send to other candidates a notice of particulars of election agent	E.R. 2 of 2012	02/08/2012

- (1) The Returning Officer must send to the candidate ranking first in priority on a multiple nominees list or a multiple candidates list, and the candidate on a single nominee list or a single candidate list, a notice containing the particulars of the election agents of the other nomination lists or lists of candidates for the same constituency. (L.N. 73 of 2011)
- (2) The Returning Officer must send to every candidate for a functional constituency (other than the District Council (second) functional constituency), a notice containing the particulars of the election agents of the other candidates for that constituency. (L.N. 73 of 2011)
- (3) (Repealed L.N. 84 of 2004)
- (4) If a replacement is appointed for an election agent, the Returning Officer must send a notice of the particulars of the replacement to the candidates that Officer is required to send a notice under subsections (1) and (2). (L.N. 84 of 2004)
- (5) The Returning Officer must send a notice under subsection (1) or (2) within 10 days of the expiry of the relevant nomination period. (L.N. 84 of 2004)
- (6) If the appointment of the election agent is made after the period of 10 days referred to in subsection (5), or if a replacement is appointed under section 23(14), the Returning Officer must send a notice of the particulars as soon as practicable after that Officer receives notice of the appointment or replacement, as the case may be. (L.N. 147 of 1998)
- (7) The Returning Officer must also display in a prominent place outside that Officer's office, a notice of the particulars of the election agents.
- (8) A notice under this section must be in the specified form.
- (9) A notice required to be sent to a candidate under subsection (1) or (2) may be sent to the election agent instead of to the candidate. (L.N. 147 of 1998; L.N. 84 of 2004)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	25	Authorization of election expense agent to incur election expenses at or in connection with an election	E.R. 2 of 2012	02/08/2012
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- (1)-(4) (Repealed L.N. 65 of 2000)
- (5) Only a person who has attained the age of 18 years may be authorized as an election expense agent to incur election expenses at or in connection with an election. (L.N. 65 of 2000)
- (6) An authorization of such an election expense agent must be in writing and in the specified form and state the name, identity document number and residential address of the person authorized. (L.N. 65 of 2000)
- (7) The authorization must specify the maximum amount of election expenses that the election expense agent is authorized to incur. (L.N. 65 of 2000)
- (8) The authorization must be signed by the candidate, or each of the candidates, making the authorization. The authorization must also be signed by the person authorized. (L.N. 65 of 2000)
- (9) A copy of the authorization must be served-
- (a) on the Returning Officer; or
  - (b) if the Returning Officer has not been appointed, on the Chief Electoral Officer. (L.N. 65 of 2000)
- (10) Service of a copy of the authorization may be effected by delivery by hand, by post or by facsimile transmission. (L.N. 66 of 2008)
- (11) The Returning Officer or the Chief Electoral Officer, as the case may be, is to regard an authorization of an election expense agent to incur election expenses at or in connection with an election as being effective, for any purpose related to the election for which the authorization is relevant, only when a copy of the authorization has been served on the relevant Officer. (L.N. 65 of 2000)
- (12)-(13)(Repealed L.N. 65 of 2000)
- (14) If the authorization of an election expense agent to incur election expenses at or in connection with an election has been revoked, a written notice of the revocation must be served as soon as possible-
- (a) on the Returning Officer; or
  - (b) if the Returning Officer has not been appointed, on the Chief Electoral Officer. (L.N. 147 of 1998; L.N. 65 of 2000; L.N. 66 of 2008)
- (15) The notice of revocation must be in the specified form and signed by the candidate, or each of the candidates, who made the authorization. (L.N. 65 of 2000)
- (15A) Service of the notice of revocation may be effected by delivery by hand, by post or by facsimile transmission. (L.N. 66 of 2008)
- (16) If the authorization of an election expense agent to incur election expenses at or in connection with an election has been revoked, the Returning Officer or the Chief Electoral Officer, as the case may be, is to regard the revocation as being effective, for any purpose related to the election for which the revocation is relevant, only when the relevant Officer receives the notice of revocation. (L.N. 147 of 1998; L.N. 65 of 2000)
- (17)-(18)(Repealed L.N. 65 of 2000)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
Section:	28	Designation of polling stations, counting stations and ballot paper sorting stations*	E.R. 2 of 2012	02/08/2012

- (1) The Chief Electoral Officer must designate, by notice published in the Gazette— (L.N. 130 of 2009)
- (a) one or more places as a polling station or polling stations for conducting a poll in respect of an election;
  - (b) one or more places as a counting station or counting stations for counting of the votes; and
  - (c) one or more places as a ballot paper sorting station or ballot paper sorting stations for sorting GC ballot papers received from dedicated polling stations in a general election or, where the Chief Electoral Officer considers appropriate, a by-election. (L.N. 130 of 2009; L.N. 197 of 2009)
- (1A) The Chief Electoral Officer may designate under subsection (1) the same place as a polling station and a counting station. (L.N. 84 of 2004)
- (1B) The Chief Electoral Officer must designate a polling station at which less than 500 electors are allocated to vote as a small polling station. (L.N. 84 of 2004 and L.N. 140 of 2004)
- (1BA) Without affecting subsection (1B), the Chief Electoral Officer must designate one or more places as a dedicated polling station or dedicated polling stations at which electors in custody or authorized representatives in custody are allocated to vote. (L.N. 130 of 2009)
- (1C) If in relation to a geographical constituency, 2 or more polling stations have been designated and one or more than one of them is a small polling station or a dedicated polling station, the Chief Electoral Officer must designate a polling station (other than a small polling station or a dedicated polling station) as a main counting station for the purpose of counting the votes cast at the polling station and the small polling station, the small polling stations, the dedicated polling station or the dedicated polling stations, as may be appropriate. (L.N. 84 of 2004 and L.N. 140 of 2004; L.N. 130 of 2009)
- (2) The Chief Electoral Officer may designate under subsection (1)-
- (a) premises occupied by a Government department for official purposes (***Government building***);
  - (b) a structure, place or premises hired under subsection (3) or which is to be so hired;
  - (c) any school in respect of which a grant is made out of the general revenue;
  - (d) a building occupied by an organization, association or body in respect of which a grant is made out of the general revenue; or
  - (e) any other structure, premises, whether permanent or temporary, mobile or otherwise, or place, which the Chief Electoral Officer considers suitable for a purpose specified in subsection (1).
- (3) The Chief Electoral Officer may hire any structure, place or premises or a part of a structure, place or premises to designate as a polling station or a counting station.
- (4) The Chief Electoral Officer may designate a place described in subsection (2) in addition to or in substitution of a place designated under this section as a polling station or a counting station. The Chief Electoral Officer must publish notice of such designation. The notice may be published in a manner that Officer thinks fit.
- (5) The Chief Electoral Officer must ensure that there are sufficient polling stations and counting stations to enable polling and counting of the votes to take place smoothly and efficiently.

- (6) The Chief Electoral Officer must make available, at that Officer's office, for public inspection, a list of the polling stations and counting stations.
- (7) The Chief Electoral Officer must, in the case of a polling station or a counting station which is not a Government building-
  - (a) make good any damage caused; and
  - (b) defray any expenses incurred by any person having control over the structure, place or premises, due to their having been used as a polling station or a counting station.
- (8) The Chief Electoral Officer may take such steps as that Officer considers appropriate, including taking out insurance, to insure against any risk of loss or damage that may arise due to or in connection with the use of any structure, place or premises as a polling station or a counting station.
- (9) The Chief Electoral Officer may-
  - (a) in relation to a general election, designate-
    - (i) one or more counting stations for counting the votes for each geographical constituency cast at all the polling stations used for polling for the general election; and
    - (ii) one counting station for counting the votes for functional constituencies cast at all the polling stations used for polling for the general election;
  - (b) in relation to a by-election for a constituency, designate one or more counting stations for counting the votes cast at all the polling stations used for polling for the by-election. (L.N. 65 of 2000; L.N. 84 of 2004)

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**Note:**

\* **(Replaced L.N. 130 of 2009)**

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
Section:	29	Chief Electoral Officer to designate some polling stations as special polling stations	E.R. 2 of 2012	02/08/2012

- (1) The Chief Electoral Officer must designate one or more polling stations to be used for voting by persons with a disability for whom access to other polling stations would be difficult.
- (2) Only a polling station which is, in the opinion of the Chief Electoral Officer, suitable for use by persons referred to in subsection (1) may be designated as a special polling station.
- (2A) The Chief Electoral Officer may designate the same place as a special polling station for use by persons referred to in subsection (1) and a polling station for use by other electors. (L.N. 84 of 2004)
- (3) At least 10 days before polling day, the Chief Electoral Officer must indicate on the list of polling stations, the special polling stations.
- (4) The Chief Electoral Officer must indicate on the list of polling stations the constituency or constituencies for which a particular special polling station is designated. (L.N. 84 of 2004)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	33	Chief Electoral Officer may allocate special polling stations	E.R. 2 of 2012	02/08/2012
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- (1) An elector or authorized representative who claims to be a person with a disability and that access to the polling station which is allocated to him or her under section 30 is difficult for him or her due to the disability, may apply to the Chief Electoral Officer to vote at the special polling station designated for the constituency for which he or she is entitled to vote. (L.N. 84 of 2004)
- (2) An application under subsection (1) must be made at least 5 days before polling day. The application-
  - (a) may be-
    - (i) made in writing; and
    - (ii) delivered by hand or sent by post or by facsimile transmission; or
  - (b) may be made orally by telephone. (L.N. 65 of 2000)
- (3) On receiving an application under subsection (1), the Chief Electoral Officer must, if satisfied that the application is well founded, allocate to the elector or authorized representative an appropriate special polling station to cast the vote he or she is entitled to cast at the election to which the application relates. (L.N. 65 of 2000)
- (4) The Chief Electoral Officer must inform the applicant in a manner that that Officer considers appropriate, the result of the application, as soon as practicable.
- (5) (Repealed L.N. 65 of 2000)
- (6) When the Chief Electoral Officer allocates a special polling station to an elector or authorized representative under this section, that Officer must, as soon as practicable, notify, in a manner that the Officer considers appropriate-
  - (a) the Returning Officer;
  - (b) the Presiding Officer at the special polling station; and
  - (c) the Presiding Officer of the polling station previously allocated to the elector or the authorized representative,
 of the name, identity document number and registered residential address of that elector or authorized representative.
- (7) The Chief Electoral Officer must notify the persons referred to in subsection (6) of the geographical constituency, and the functional constituency, if any, for which the elector or authorized representative is entitled to vote. (L.N. 84 of 2004)
- (8) The Chief Electoral Officer may, if that Officer considers it appropriate to do so in the circumstances, allocate to an elector or authorized representative an alternative special polling station, in addition to or in substitution of the special polling station allocated under subsection (3), to cast the vote he or she is entitled to cast at the subsector election. (L.N. 65 of 2000)
- (9) Where an alternative special polling station is allocated to an elector or authorized representative under subsection (8), the Chief Electoral Officer must, as soon as practicable, notify, in a manner that Officer considers appropriate-
  - (a) the elector or authorized representative;
  - (b) the persons referred to in subsection (6); and
  - (c) the Presiding Officer of the alternative special polling station. (L.N. 65 of 2000)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	42	Candidates may appoint polling agents	E.R. 2 of 2012	02/08/2012
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- (1) Candidates may appoint persons to attend at polling stations on their behalf for any purpose connected with the conduct of a poll, in accordance with this section.
- (2) Polling agents may be appointed to attend only at the polling stations used for polling for the constituency for which the candidate or the candidate as on a list of candidates is standing for election. (L.N. 84 of 2004)
- (3) Candidates on a multiple candidates list may jointly appoint a maximum of 2 polling agents for one polling station.
- (4) A candidate on a single candidate list may appoint a maximum of 2 polling agents for one polling station.
- (5) A candidate for a functional constituency (other than the District Council (second) functional constituency) may appoint a maximum of 2 polling agents for one polling station. (L.N. 73 of 2011)
- (6) (Repealed L.N. 84 of 2004)
- (7) Only a holder of an identity card who has attained the age of 18 years may be appointed as a polling agent. (L.N. 147 of 1998)
- (8) A candidate must give notice of appointment of a polling agent to the Chief Electoral Officer at least 1 week before polling day. In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998; L.N. 65 of 2000)
- (8A) Despite subsections (1), (3), (4), (5) and (8)—
  - (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate or a list of candidates for a dedicated polling station situated in a prison;
  - (b) no polling agent may be appointed by a candidate or a list of candidates for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 23(18)(d) to the presence of the election agent of that candidate or list of candidates in that polling station;
  - (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and
  - (d) without affecting subsection (10), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to the appointment. (L.N. 130 of 2009)
- (8B) Despite subsection (8A)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—
  - (a) an elector in custody or authorized representative in custody who is entitled to vote for the relevant constituency at the polling station concerned is admitted or transferred to the prison concerned during that week; and
  - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 130 of 2009)
- (8C) If the Commissioner of Correctional Services refuses to give consent under subsection (8A)(d), the Commissioner must notify the candidate, any candidate on the list of candidates or the election agent of the candidate or list of candidates as soon as practicable.

- (L.N. 130 of 2009)
- (9) A notice appointing a polling agent for a polling station other than a dedicated polling station situated in a prison must, if it is not given under subsection (8), be delivered on the polling day to the Presiding Officer of the polling station— (L.N. 130 of 2009)
- (a) by the candidate in person, or in the case of a multiple candidates list, by any candidate on the list in person; or
- (b) by the election agent of the candidate or of the list, in person. (L.N. 147 of 1998)
- (10) The appointment of a polling agent is not effective until notice is received by the Chief Electoral Officer or the Presiding Officer, as may be appropriate. (L.N. 65 of 2000)
- (11) A notice for the purposes of this section must be in writing and in the specified form. It must state the name, identity card number and residential address of the polling agent. It must be signed by the candidate or, in the case of a multiple candidates list, by all the candidates on the list. (L.N. 65 of 2000; L.N. 66 of 2008)
- (12) If the appointment of a polling agent is revoked, the candidate must give notice of the revocation to the Chief Electoral Officer or Presiding Officer in accordance with subsections (14) and (14A). In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998; L.N. 65 of 2000; L.N. 73 of 2011)
- (13) A notice of revocation must be in writing and in the specified form. In the case of a polling agent for a functional constituency (other than the District Council (second) functional constituency) or a single candidate list, it must be signed by the candidate. In the case of a multiple candidates list, it must be signed by all the candidates on the list. (L.N. 84 of 2004; L.N. 73 of 2011)
- (14) If the notice of revocation is given before polling day, it must be given to the Chief Electoral Officer. (L.N. 65 of 2000; L.N. 73 of 2011)
- (14A) If the notice of revocation is given on the polling day—
- (a) (if the polling station for which the polling agent is appointed is not a dedicated polling station) it must be given to the Presiding Officer for the polling station; or
- (b) (if the polling station for which the polling agent is appointed is a dedicated polling station) it must be given to the Chief Electoral Officer. (L.N. 73 of 2011)
- (15) The revocation of the appointment of a polling agent is not effective unless notice is received by the Chief Electoral Officer or the Presiding Officer, as may be appropriate. (L.N. 65 of 2000)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	53	Presiding Officer to issue one or more ballot papers depending on the entitlement to vote	E.R. 2 of 2012	02/08/2012
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- (1) At a polling station used only for polling for a geographical constituency, the Presiding Officer is to issue only one ballot paper to an elector who applies for a ballot paper.
- (2) At a polling station used only for polling for a functional constituency, the Presiding Officer is to issue only one ballot paper to an elector or authorized representative who applies for a ballot paper.
- (3) (Repealed L.N. 84 of 2004)
- (4) At a GC polling station which is also used for polling for one or more functional constituencies, the Presiding Officer-
- (a) must issue a GC ballot paper to an elector who is entitled to vote only for that



geographical constituency;

- (b) must issue a GC ballot paper and the appropriate FC ballot paper to a GC elector who is entitled to vote for a functional constituency either as an elector or as an authorized representative; and
  - (c) must issue a GC ballot paper and the appropriate FC ballot papers to a GC elector who is entitled to vote as an elector for a functional constituency and as an authorized representative for another functional constituency. (L.N. 147 of 1998; L.N. 65 of 2000; L.N. 84 of 2004)
- (5) (Repealed L.N. 84 of 2004)
- (6) Before issuing a ballot paper or ballot papers under this section, the name of the elector or authorized representative, as may be applicable, as stated in the copy of the relevant final register supplied under section 37(3) must be called out. (L.N. 65 of 2000)
- (7) Immediately before issuing the ballot paper or ballot papers, the Presiding Officer must place a line in the copy of the final register across the name and identity document number of the elector or authorized representative to denote that the ballot papers the person is entitled to have issued to him or her at that polling station have been so issued. (L.N. 65 of 2000)
- (8) No record is to be made of the particular ballot paper or ballot papers issued to an elector or authorized representative.

(L.N. 147 of 1998)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	53A	Elector who has not cast vote may return to cast vote with permission	E.R. 2 of 2012	02/08/2012
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- (1) Subject to subsection (5), if an elector—
- (a) has been issued with a ballot paper; and
  - (b) has left the polling station without casting the vote, the elector must not cast the vote when the elector returns to the polling station before the close of the poll unless—
  - (c) before leaving the polling station, the elector has—
    - (i) made a request to the Presiding Officer for permission to cast the vote before the close of the poll;
    - (ii) informed the Presiding Officer of the reason for leaving the polling station without casting the vote; and
    - (iii) returned the ballot paper, unmarked, to the Presiding Officer; (L.N. 130 of 2009)
  - (d) the Presiding Officer has granted the requested permission; and (L.N. 130 of 2009)
  - (e) if the polling station is a dedicated polling station situated in a prison, the elector returns to the polling station within the time slot assigned to him or her under subsection (2A) or section 27(2A). (L.N. 130 of 2009)
- (2) If an elector has complied with subsection (1)(c), the Presiding Officer must grant the permission unless that Officer is of the opinion that the request is a manifest abuse of the facilities provided by this section.
- (2A) If the Presiding Officer of a dedicated polling station situated in a prison grants the permission to an elector under subsection (1), the Commissioner of Correctional Services must, as far as practicable—

- (a) assign to the elector a new time slot during the polling hours appointed for the polling station; and
- (b) notify the elector of the new time slot. (L.N. 130 of 2009)
- (3) If the Presiding Officer grants the permission to an elector under subsection (2), that Officer must—
  - (a) keep in custody the ballot paper returned by the elector under subsection (1)(c)(iii); and
  - (b) on the elector's return to the polling station before the close of the poll to cast the vote, re-issue the ballot paper to the elector in the presence of a police officer or, if the polling station is a dedicated polling station, an officer of the Correctional Services Department or any law enforcement agency. (L.N. 130 of 2009)
- (4) If the Presiding Officer does not grant the permission to an elector under subsection (2), that Officer must immediately re-issue to the elector the ballot paper returned under subsection (1)(c)(iii).
- (5) An elector who—
  - (a) has been issued with a ballot paper;
  - (b) has become incapacitated from voting by physical illness; and
  - (c) has left the polling station after—
    - (i) returning the ballot paper, unmarked, to the Presiding Officer; or
    - (ii) leaving the ballot paper, unmarked, behind in the polling station without putting the ballot paper into the ballot box (if the Presiding Officer is aware that the elector has so left the ballot paper behind before leaving the polling station),
 may return to the polling station before the close of the poll and cast the vote.
- (5A) If an elector in custody leaves a dedicated polling station situated in a prison under subsection (5), the Commissioner of Correctional Services must, as far as practicable—
  - (a) assign to the elector a new time slot during the polling hours appointed for the polling station; and
  - (b) notify the elector of the new time slot. (L.N. 130 of 2009)
- (5B) The right of an elector in custody who is allocated to vote at a dedicated polling station situated in a prison to cast the vote under subsection (5) is subject to the elector's returning to the polling station within the time slot assigned to him or her under subsection (5A) or section 27(2A). (L.N. 130 of 2009)
- (6) If any ballot paper is returned under subsection (5)(c)(i) or left behind in the polling station under subsection (5)(c)(ii) by an elector, the Presiding Officer must—
  - (a) keep in custody the ballot paper; and
  - (b) on the elector's return to the polling station before the close of the poll to cast the vote, re-issue the ballot paper to the elector in the presence of a police officer or, if the polling station is a dedicated polling station, an officer of the Correctional Services Department or any law enforcement agency. (L.N. 130 of 2009)
- (7) For the purposes of this Regulation, re-issuing a ballot paper under subsection (3), (4) or (6) is to be regarded as issuing a ballot paper under section 53(1) or (2).
- (8) In this section, references to “elector” are to be construed as including an authorized representative. (L.N. 140 of 2004)

(L.N. 84 of 2004)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	65	Returning Officer and Presiding Officer to give notice of time and place of counting of votes to candidates	E.R. 2 of 2012	02/08/2012
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- (1) Subject to subsection (7), the Returning Officer or the Presiding Officer, as may be appropriate, is to determine the time at which the counting of the votes in respect of a constituency is to begin.
- (2) The time determined under subsection (1) for a constituency must be a time after the poll has closed at all the polling stations at which polling for that constituency was conducted. (L.N. 84 of 2004)
- (2A) Despite subsection (2), the time determined under subsection (1) in respect of sorting ballot papers at the ballot paper sorting station—
  - (a) must be a time after the poll has closed at all the dedicated polling stations situated in prisons at which polling for the constituency concerned was conducted; and
  - (b) may be a time before the poll has closed at all the other polling stations at which polling for the constituency concerned is conducted. (L.N. 130 of 2009)
- (3) The Returning Officer must give notice in writing to each candidate for a constituency of the place or places at which counting is to take place for the constituency contested by the candidate. (L.N. 66 of 2008)
- (4) (Repealed L.N. 84 of 2004)
- (5) Notice under subsection (3) must be given at least 1 working day before the polling day.
- (5A) The Presiding Officer must, before the counting of votes begins, display a notice in a prominent place outside the counting station stating the time that the counting station will be opened to the public to observe the counting of votes. (L.N. 84 of 2004)
- (6) If a poll for a constituency is adjourned under Schedule 2, the counting of the votes for that constituency is to stand postponed.
- (7) If the counting of the votes stands postponed under subsection (6), the Chief Electoral Officer is to determine a time for the counting to begin and the place or places for it to take place. The time must be after the adjourned poll is resumed and after the close of that poll. The Returning Officer is to give notice to each candidate of the relevant constituency of the time and place.
- (7A) Where the Commission has given a direction under section 75A that the counting of votes cast at a polling station in respect of a geographical constituency is to take place or continue to take place at a counting station specified by the Chief Electoral Officer, the Returning Officer must give notice, which may be oral or in writing, to each candidate for the constituency of the time and place at which the counting is to take place or continue to take place. (L.N. 66 of 2008)
- (8) A notice required to be given under this section may be given to the election agent or counting agent of a candidate or a list of candidates instead of to the candidate.
- (8A) A notice required to be given under this section to a candidate may be given, where the candidate is on a multiple candidates list, to the candidate ranking first in priority on the list. (L.N. 66 of 2008)
- (9) In this section, **Presiding Officer** (投票站主任) does not include a Presiding Officer of a small polling station or a dedicated polling station. (L.N. 84 of 2004; L.N. 130 of 2009)  
(L.N. 84 of 2004)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	66	Candidates may appoint counting agents	E.R. 2 of 2012	02/08/2012
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- (1) A candidate or a list of candidates may appoint persons to attend at a counting station to observe the counting of the votes for the constituency contested by the candidate or the list, in accordance with this section. (L.N. 84 of 2004; L.N. 73 of 2011)
- (2) The Commission is to determine the maximum number of counting agents a candidate or a list of candidates may appoint.
- (3) In the case of a multiple candidates list, the counting agents must be appointed jointly by all the candidates on the list.
- (4) Only a holder of an identity card who has attained the age of 18 years may be appointed as a counting agent. (L.N. 147 of 1998)
- (5) A candidate must give notice of appointment of a counting agent to the Returning Officer at least 1 week before polling day. In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998; L.N. 84 of 2004)
  - (6) If notice is not given under subsection (5), it must be delivered on polling day to the Returning Officer or the Presiding Officer, as may be appropriate- (L.N. 84 of 2004)
    - (a) by the candidate in person, or in the case of a multiple candidates list, by any candidate on the list in person; or
    - (b) by the election agent of the candidate or of the list, in person. (L.N. 147 of 1998)
  - (7) A notice for the purposes of this section must be in writing and in the specified form. It must state the name, identity card number and residential address of the counting agent. It must be signed by the candidate or, in the case of a multiple candidates list, by all the candidates on the list. (L.N. 65 of 2000; L.N. 66 of 2008)
- (8) The appointment of a counting agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate. (L.N. 84 of 2004)
- (9) If the appointment of a counting agent is revoked, the candidate must give notice of the revocation to the Returning Officer or the Presiding Officer, as may be appropriate. In the case of a multiple candidates list, the notice required for the purposes of this subsection may be given by any candidate on the list. (L.N. 147 of 1998; L.N. 84 of 2004)
- (10) A notice of revocation must be in writing and in the specified form. In the case of a counting agent for a candidate or a single candidate list, it must be signed by the candidate. In the case of a multiple candidates list, it must be signed by all the candidates on the list. (L.N. 84 of 2004; L.N. 73 of 2011)
- (11) If notice of revocation is given on polling day it must be given in accordance with subsection (6).
- (12) A revocation of the appointment of a counting agent is not effective until notice of it is received by the Returning Officer or the Presiding Officer, as may be appropriate. (L.N. 84 of 2004)

(L.N. 147 of 1998)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	74A	Arrangements for verification of ballot paper account at GC counting station	E.R. 2 of 2012	02/08/2012
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- (1) At a GC counting station, the Presiding Officer who supervises— (L.N. 84 of 2004)
  - (a) a counting station other than a main counting station or a ballot paper sorting station must, after counting the votes in accordance with section 75, at the counting zone verify the number of GC ballot papers so counted by comparing it with the ballot paper account prepared under section 64 and prepare a statement in writing as to the result of the verification; (L.N. 84 of 2004; L.N. 130 of 2009)
  - (b) a main counting station must, before counting the votes in accordance with section 75, at the counting zone— (L.N. 130 of 2009)
    - (i) count and record the number of GC ballot papers in each ballot box under that Officer's charge, and verify the ballot paper account by comparing it with the number of GC ballot papers so recorded;
    - (ii) count and record the number of GC ballot papers in each receptacle received from a ballot paper sorting station, and verify the statement prepared under section 74AA(e) by comparing it with the number of GC ballot papers so recorded; and (L.N. 73 of 2011)
    - (iii) prepare a statement in writing as to the result of the verification; (L.N. 84 of 2004; L.N. 130 of 2009)
  - (c) (Repealed L.N. 84 of 2004)
  - (d) the station must, in case there are any FC ballot papers in the ballot boxes— (L.N. 84 of 2004; 11 of 2012 s. 47)
    - (i) sort the FC ballot papers according to each functional constituency;
    - (ii) count and record the number of FC ballot papers for each functional constituency;
    - (iii) prepare a statement in writing as to the number of FC ballot papers recorded for each functional constituency under subparagraph (ii);
    - (iv) make into separate bundles the sorted FC ballot papers together with the relevant statement prepared under subparagraph (iii), place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone.
- (2) If the Presiding Officer considers it necessary or if required by a candidate who is present at the counting zone or an election agent or counting agent so present, that Officer must, in preparing the verification of the ballot paper account, compare the ballot paper account with the number of ballot papers recorded by that Officer and the spoilt ballot papers, the unused ballot papers and the counterfoils or unissued ballot papers. (L.N. 84 of 2004; 11 of 2012 s. 69)
- (3) A Presiding Officer must give the receptacles referred to in subsection (1)(d)(iv) into the charge of an Assistant Presiding Officer in attendance at the counting zone. The Assistant Presiding Officer must deliver the receptacles to the central counting station and hand over the receptacle containing the bundle of FC ballot papers to the Returning Officer for the relevant functional constituency. (L.N. 84 of 2004)
- (4) (Repealed L.N. 84 of 2004)
- (5) A candidate or an election agent or a counting agent may copy what is recorded on the ballot paper account or the verification of the ballot paper account.

(L.N. 65 of 2000)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	74B	Arrangements for verification of ballot paper account at counting station at a by-election	E.R. 2 of 2012	02/08/2012
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- (1) At a counting station for counting the votes cast at a by-election for a functional constituency, the Returning Officer must, in relation to the ballot papers in the ballot boxes given into that Officer's charge, at the counting zone— (L.N. 84 of 2004)
  - (a) count and record the number of ballot papers;
  - (b) verify the ballot paper account for the ballot papers by comparing it with the number of ballot papers recorded under paragraph (a); and
  - (c) prepare a statement in writing as to the result of the verification.
- (1A) At a counting station for counting the votes cast at a by-election for a geographical constituency, the Presiding Officer other than the Presiding Officer of a main counting station must, after counting the votes in accordance with section 75, at the counting zone verify the number of GC ballot papers so counted by comparing it with the ballot paper account prepared under section 64 and prepare a statement in writing as to the result of the verification. (L.N. 84 of 2004)
- (1B) At a main counting station for counting the votes cast at a by-election for a geographical constituency, the Presiding Officer must, before counting the votes in accordance with section 75, at the counting zone—
  - (a) count and record the number of GC ballot papers in each ballot box under that Officer's charge; and
  - (b) verify the ballot paper account by comparing it with the number of GC ballot papers recorded under paragraph (a) and prepare a statement in writing as to the result of the verification. (L.N. 84 of 2004)
- (2) If the Returning Officer or the Presiding Officer, as may be appropriate, considers it necessary or if required by a candidate who is present at the counting zone or an election agent or counting agent so present, that Officer must, in preparing the verification of the ballot paper account, compare the ballot paper account with the number of ballot papers recorded by that Officer and the spoilt ballot papers, the unused ballot papers and the counterfoils or unissued ballot papers. (L.N. 84 of 2004; 11 of 2012 s. 70)
- (3) (Repealed L.N. 84 of 2004)
- (4) A candidate or an election agent or a counting agent may copy what is recorded on the ballot paper account or the verification of the ballot paper account.  
(L.N. 65 of 2000)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
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Section:	75	Counting of votes for geographical constituencies	E.R. 2 of 2012	02/08/2012
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- (1) At the counting zone for a geographical constituency, the ballot papers for that constituency, that is—
  - (a) in the case of a general election, the ballot papers whose numbers are counted and recorded under section 74A(1);
  - (b) in the case of a by-election, the ballot papers whose numbers are counted and recorded

under section 74B(1A) and (1B)(a), must be dealt with by the Presiding Officer as provided in this section. (L.N. 147 of 1998; L.N. 65 of 2000; L.N. 84 of 2004)

(2)-(4) (Repealed L.N. 84 of 2004)

(4A) The Presiding Officer of a main counting station must, when counting the votes at the main counting station, mix the ballot papers in at least one of the ballot boxes at the polling station designated as the main counting station together with— (L.N. 130 of 2009; 11 of 2012 s. 50)

(a) the ballot papers that have been delivered to the main counting station from one or more small polling stations; and

(b) the ballot papers that have been delivered to the main counting station from one or more ballot paper sorting stations, or one or more dedicated polling stations, as may be appropriate. (L.N. 84 of 2004; L.N. 130 of 2009; L.N. 197 of 2009; 11 of 2012 s. 50)

(5) GC ballot papers are to be separated with reference to the list of candidates for which the vote has been recorded.

(6) The votes recorded on the GC ballot papers, including those recorded on the GC ballot papers handed over to a Returning Officer under section 74(8)(c) or 74AAA(4)(c), are to be counted according to the system of counting described in section 49 of the Legislative Council Ordinance (Cap 542). (L.N. 84 of 2004; 11 of 2012 s. 71)

(7) In the course of counting in accordance with subsection (6)—

(a) any ballot paper—

(i) which appears to have any writing or mark by which the elector can possibly be identified;

(ii) which appears to be not marked in accordance with section 55(2);

(iii) which appears to be substantially mutilated; or

(iv) which appears to be void for uncertainty,

is questionable and must be separated and forwarded to the Presiding Officer to decide whether the vote is to be counted in accordance with section 81; and

(b) any ballot paper described in section 80(1)(b), (c), (d), (f), (ha) and (i) must be separated and the vote is not to be counted pursuant to section 80. (L.N. 84 of 2004)

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

(2) The following notices or notifications may be delivered by hand, sent by post or by facsimile transmission-

(aa) notice of the decision of the Returning Officer as to whether a person is validly nominated as a candidate; (L.N. 65 of 2000)

(ab) notice of a declaration that a candidate has died or that the decision of the Returning Officer has been varied to the effect that a candidate is not validly nominated; (L.N. 65 of 2000)

(a) notice of the appointment or notice of revocation of the appointment of an election agent (other than a notice given on polling day);

(b) (Repealed L.N. 65 of 2000)

- (c) notice to Returning Officers and to candidates of the determination of a no canvassing zone and a no staying zone;
  - (d) notice to Returning Officers and to candidates of the variation before the polling day of a no canvassing zone or a no staying zone;
  - (e) notice to candidates of the arrangements for the drawing of lots to determine the order of appearance of the lists of candidates or candidates on the ballot paper;
  - (f) notice of the appointment or notice of revocation of the appointment of a polling agent (other than a notice given on polling day);
  - (g) notice of the appointment or notice of revocation of the appointment of a counting agent (other than a notice given on polling day); and
  - (h) notice to candidates of the place for the counting of the votes.
- (3) Notice of variation of a no canvassing zone or a no staying zone on the polling day or notice of the resumption of the counting of the votes after an adjourned poll or count may be given orally if notice by hand, by post or by facsimile transmission is not practicable or is not suitable in the circumstances.

(L.N. 84 of 2004)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
Section:	100	Commission to specify forms	E.R. 2 of 2012	02/08/2012

- (1) The Commission may specify forms for the purposes of this Regulation.
- (2) The Chief Electoral Officer is to make available during ordinary business hours at that Officer's office and at the office of each Returning Officer, the forms specified under subsection (1).
- (3) The Chief Electoral Officer may make the forms specified under subsection (1) available at any other place that Officer considers appropriate. (L.N. 65 of 2000)
- (4) Forms specified under subsection (1) are to made available free of charge. (L.N. 65 of 2000)
- (5) Subsections (2), (3) and (4) do not apply to the specified forms for the election notices, by-election notices, notice of nominations, notice published under section 22 declaring the candidates who are returned un-contested as Members, notification by the Chief Electoral Officer of the particulars of election agents or the notice of guidance to electors referred to in section 39, ballot papers, the ballot paper account or notice of the election result.
- (6) The Commission may specify forms for notifications by the Returning Officer under the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542 sub. leg. C). (L.N. 65 of 2000)

Chapter:	541D	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	Gazette Number	Version Date
Schedule:	2	Postponement and Adjournment of General Election and By-election	E.R. 2 of 2012	02/08/2012

**2. Postponement of election, adjournment of poll or count in respect of a single constituency**

(L.N. 84 of 2004)

- (1) If, during or before a general election or by-election, it appears to the Commission that



the election for a constituency is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the election or by-election for the constituency by making a declaration under section 4.

- (2) If, at any time during a poll or count in respect of a general election or by-election, it appears to the Commission that the poll at all the polling stations, or the count at all the counting stations, for any constituency is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations or the count at all the counting stations for that constituency by making a declaration under section 4. (L.N. 66 of 2008)
- (3) The occurrences for the purposes of subsections (1) and (2) are—
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or count.

(L.N. 84 of 2004)

### **3. Adjournment of poll or count at a particular station**

(L.N. 73 of 2011)

- (1) If, at any time during polling at a general election or by-election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 4.
- (1A) If, at any time during counting at a general election or by-election, it appears to the Presiding Officer that the count at the counting station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the count at the counting station by making a declaration under section 4. (L.N. 73 of 2011)
- (2) The occurrences for the purposes of subsections (1) and (1A) are— (L.N. 73 of 2011)
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the election, the poll or count.

### **7. Appointment of a date by Commission for election, polling or counting after a postponement or an adjournment**

- (1) If a general election or by-election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding a general election or by-election, as may be appropriate. (L.N. 84 of 2004)
- (2) If a poll or a count is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding a poll or the count.
- (3) If the postponement or adjournment is due to a reason referred to in section 2(3)(a) or (b), the appointed date must not be later than 14 days from the date on which the postponed election or the adjourned poll or count would have been held. If the

postponement or adjournment is due to the reason referred to in section 2(3)(c), the appointed date must not be later than 2 days from the date on which the postponed election or adjourned poll or count would have been held.

- (4) In each case referred to in sections 1, 2 and 3, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant general election, by-election, the poll or the count, as the case may require. (L.N. 84 of 2004)
- (5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.
- (6) The appointment of a date under this section for holding a by-election is subject to section 36(2) of the Legislative Council Ordinance (Cap 542).

(Schedule 2 amended L.N. 210 of 2001)

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	9	Chief Electoral Officer to determine nomination period	E.R. 2 of 2012	02/08/2012
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- (1) Subject to subsections (2) and (3), the nomination period is to be determined by the Chief Electoral Officer.
- (2) The nomination period must not begin earlier than the date on which the relevant election notice is published in the Gazette. The nomination period must not be less than 14 days or more than 21 days.
- (3) The nomination period must end not less than 28 days and not more than 42 days before the date on which the relevant election is to be held.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	26	A candidate may appoint election agent	E.R. 2 of 2012	02/08/2012
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- (1) A candidate may appoint one person as his or her election agent.
- (2) Only a person who is a holder of an identity card and has attained the age of 18 years may be appointed as an election agent.
- (3) A candidate must give notice of appointment of his or her election agent to the Returning Officer.
- (4) The appointment of an election agent is not effective until notice of the appointment is received by the Returning Officer.
- (5) A notice for the purposes of this section must be in writing and state the name, identity card number and residential address of the election agent.
- (6) The notice must be signed by the candidate.
- (7) A candidate cannot have more than one election agent at any one time.
- (8) If the appointment of an election agent is revoked, the candidate must give notice of the revocation to the Returning Officer as soon as possible.
- (9) A notice of revocation must be in writing and be signed by the candidate.
- (10) The revocation of the appointment of an election agent is not effective until notice of revocation is received by the Returning Officer.
- (11) If at any time an election agent dies or the appointment of an election agent is revoked, the candidate may appoint a replacement.
- (12) The appointment of a replacement must be in accordance with the requirements of this section.
- (13) A notice of appointment or a notice of revocation under this section must be in the specified form.
- (14) Subject to subsection (15), an election agent may do all things which a candidate may do in connection with an election. Any such act of the election agent is effective as if it had been done by the candidate in person.
- (15) An election agent may not-
  - (a) do anything a candidate is required to do under section 12;
  - (b) withdraw a candidate's candidature; (L.N. 131 of 2009)
  - (c) authorize any person for the purposes of section 28; (L.N. 131 of 2009)

- (d) subject to paragraph (e), be present in a dedicated polling station situated in a prison unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to his or her presence; or (L.N. 131 of 2009)
  - (e) be present in a dedicated polling station situated in a maximum security prison. (L.N. 131 of 2009)
- (16) The Commissioner of Correctional Services must not give consent to an election agent under subsection (15)(d) in respect of a polling station if a polling agent has been appointed under section 45 by the same candidate for that polling station. (L.N. 131 of 2009)
- (17) Despite subsection (15)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—
- (a) an elector in custody who is entitled to vote for the relevant constituency at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 131 of 2009)
- (18) If the Commissioner of Correctional Services refuses to give consent under subsection (15)(d), the Commissioner must notify the candidate or the election agent as soon as practicable. (L.N. 131 of 2009)

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
Section:	27	Returning Officer to send to other candidates a notice of particulars of election agent	E.R. 2 of 2012	02/08/2012

- (1) The Returning Officer must send to every candidate a notice containing the particulars of the election agents of the other candidates for the constituency concerned.
- (2) If a replacement is appointed for an election agent, the Returning Officer must send a notice of the particulars of the replacement to the candidates that Officer is required to send a notice under subsection (1).
- (3) The Returning Officer must send a notice under subsection (1) within 10 days of the expiry of the relevant nomination period.
- (4) If the appointment of the election agent is made after the period of 10 days referred to in subsection (3), or if a replacement is appointed under section 26(11), the Returning Officer must send a notice of the particulars as soon as practicable after that Officer receives notice of the appointment or replacement, as the case may be.
- (5) The Returning Officer must also display, in a prominent place outside that Officer's office, a notice of the particulars of the election agents.
- (6) A notice under this section must be in the specified form.
- (7) A notice required to be sent to a candidate under subsection (1) may be sent to the election agent instead of the candidate.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	28	A candidate may authorize persons to incur election expenses on the candidate's behalf	E.R. 2 of 2012	02/08/2012
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- (1) A candidate may authorize one or more persons to incur election expenses on his or her behalf.
- (2) Only a person who has attained the age of 18 years may be authorized as an election expense agent.
- (3) An authorization under this section must be in writing and in the specified form, and must state the name, identity document number and residential address of the person authorized. (L.N. 79 of 2007)
- (4) An authorization must state the maximum amount the person authorized may incur as election expenses.
- (5) An authorization must be signed by the candidate. An authorization must also be signed by the person authorized.
- (6) A copy of the authorization must be served-
  - (a) on the Returning Officer; or
  - (b) if the Returning Officer has not been appointed, on the Chief Electoral Officer. (L.N. 79 of 2007)
- (7) Service of a copy of the authorization may be effected by delivery by hand, by post or by facsimile transmission. (L.N. 79 of 2007)
- (7A) The Returning Officer or the Chief Electoral Officer, as the case may be, is to regard an authorization of an election expense agent to incur election expenses at or in connection with an election as being effective, for any purpose related to the election for which the authorization is relevant, only when a copy of the authorization has been served on the relevant Officer. (L.N. 79 of 2007)
- (8)-(10) (Repealed L.N. 79 of 2007)
- (11) If the authorization of an election expense agent is revoked, the candidate must give notice of the revocation-
  - (a) to the Returning Officer; or
  - (b) if the Returning Officer has not been appointed, to the Chief Electoral Officer, as soon as possible.
- (12) A notice of revocation must be in writing and in the specified form, and must be signed by the candidate. (L.N. 79 of 2007)
- (12A) Service of the notice of revocation may be effected by delivery by hand, by post or by facsimile transmission. (L.N. 74 of 2011)
- (13) The Returning Officer or the Chief Electoral Officer, as the case may be, is to regard a revocation of the authorization of an election expense agent as being effective, for any purpose related to an election for which a revocation is relevant, only when the notice of revocation has been served on the relevant Officer. (L.N. 74 of 2011)
- (14)-(15) (Repealed L.N. 79 of 2007)

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	31	Designation of polling stations, counting stations and ballot paper sorting stations*	E.R. 2 of 2012	02/08/2012
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- (1) The Chief Electoral Officer must designate, by notice published in the Gazette— (L.N. 131 of 2009)
- (a) one or more places as a polling station or polling stations for conducting a poll in respect of an election;
  - (b) one or more places as a counting station or counting stations for counting of the votes; and
  - (c) one or more places as a ballot paper sorting station or ballot paper sorting stations for sorting ballot papers received from dedicated polling stations in an ordinary election or, where the Chief Electoral Officer considers appropriate, a by-election. (L.N. 131 of 2009; L.N. 197 of 2009)
- (1A) The Chief Electoral Officer may designate under subsection (1) the same place as a polling station and a counting station. (L.N. 125 of 2003)
- (1B) If in relation to a constituency, 2 or more counting stations, which are also polling stations, have been designated, the Chief Electoral Officer must designate the polling station at which the largest number of electors are to vote as the dominant counting station for that constituency. (L.N. 125 of 2003)
- (1C) The Chief Electoral Officer must designate each polling station (other than a special polling station) at which less than 200 electors are to vote as a small polling station. (L.N. 125 of 2003 and L.N. 191 of 2003)
- (1CA) Without affecting subsection (1C), the Chief Electoral Officer must designate one or more places as a dedicated polling station or dedicated polling stations at which electors in custody are allocated to vote. (L.N. 131 of 2009)
- (1D) If in relation to a constituency, 2 or more polling stations have been designated and at least one of them is a small polling station, a special polling station or a dedicated polling station, the Chief Electoral Officer must designate a polling station (other than a small polling station, a special polling station or a dedicated polling station) as a main counting station for the purpose of counting the votes cast at the polling station and the small polling station, the small polling stations, the special polling station, the special polling stations, the dedicated polling station or the dedicated polling stations, as may be appropriate. (L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009)
- (1E) The Chief Electoral Officer may designate a polling station as a main counting station in respect of the small polling station only if the aggregate of the electors to vote at the polling station to be so designated and the electors to vote at the small polling station is not less than 200. (L.N. 125 of 2003 and L.N. 191 of 2003)
- (2) The Chief Electoral Officer may designate under subsection (1)-
- (a) premises occupied by a Government department for official purposes (***Government building***);
  - (b) a structure, place or premises hired under subsection (3) or which is to be so hired;
  - (c) any school in respect of which a grant is made out of the general revenue;
  - (d) a building occupied by an organization, association or body in respect of which a grant is made out of the general revenue; or
  - (e) any other structure, premises, whether permanent or temporary, mobile or otherwise,

or place, which the Chief Electoral Officer considers suitable for a purpose specified in subsection (1).

- (3) The Chief Electoral Officer may hire any structure, place or premises or a part of a structure, place or premises to designate as a polling station or a counting station.
- (4) The Chief Electoral Officer may designate a place described in subsection (2) in addition to or in substitution of a place designated under this section as a polling station or a counting station. The Chief Electoral Officer must publish notice of such designation. The notice may be published in a manner that Officer thinks fit.
- (5) The Chief Electoral Officer must ensure that there are sufficient polling stations and counting stations to enable polling and counting of the votes to take place smoothly and efficiently.
- (6) The Chief Electoral Officer must make available, at that Officer's office, for public inspection, a list of the polling stations and counting stations. (L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009)
- (7) The Chief Electoral Officer must, in the case of a polling station or a counting station which is not a Government building-
  - (a) make good any damage caused; and
  - (b) defray any expenses incurred by any person having control over the structure, place or premises,
 due to their having been used as a polling station or a counting station.
- (8) The Chief Electoral Officer may take such steps as that Officer considers appropriate, including taking out insurance, to insure against any risk of loss or damage that may arise due to or in connection with the use of any structure, place or premises as a polling station or a counting station.
- (9) (Repealed L.N. 125 of 2003)

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**Note:**

\* (L.N. 131 of 2009)

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
Section:	32	Chief Electoral Officer to designate some polling stations as special polling stations	E.R. 2 of 2012	02/08/2012

- (1) The Chief Electoral Officer must designate one or more polling stations to be used for voting by persons with a disability for whom access to other polling stations would be difficult.
- (2) Only a polling station which is, in the opinion of the Chief Electoral Officer, suitable for use by persons referred to in subsection (1) may be designated as a special polling station.
- (2A) The Chief Electoral Officer may, for the purposes of subsection (1), designate as a special polling station any place which has been designated as a polling station under section 31. (L.N. 79 of 2007)
- (3) At least 10 days before polling day, the Chief Electoral Officer must indicate, on the list of polling stations, the special polling stations.
  - (4) The Chief Electoral Officer must indicate, on the list of polling stations, the constituency or the constituencies for which a particular special polling station is designated.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	45	Candidates may appoint polling agents	E.R. 2 of 2012	02/08/2012
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- (1) A candidate may appoint persons to attend at polling stations on his or her behalf for any purpose connected with the conduct of a poll, in accordance with this section.
- (2) Polling agents may be appointed to attend only at the polling stations used for polling for the constituency for which the candidate is standing for election.
- (3) A candidate may appoint a maximum of 2 polling agents for one polling station.
- (4) Only a person who is a holder of an identity card and has attained the age of 18 years may be appointed as a polling agent.
- (5) A candidate must give notice of appointment of a polling agent to the Returning Officer at least 7 days before polling day. (L.N. 125 of 2003)
- (5A) Despite subsections (1), (3) and (5)—
  - (a) subject to paragraphs (b) and (c), only one polling agent may be appointed by a candidate for a dedicated polling station situated in a prison;
  - (b) no polling agent may be appointed by a candidate for a dedicated polling station situated in a prison if the Commissioner of Correctional Services has consented under section 26(15)(d) to the presence of the election agent of that candidate in that polling station;
  - (c) no polling agent may be appointed for a dedicated polling station situated in a maximum security prison; and
  - (d) without affecting subsection (7), the appointment of a polling agent for a dedicated polling station situated in a prison is not effective unless, on an application in the specified form lodged with the Chief Electoral Officer at least one week before polling day, the Commissioner of Correctional Services consents to the appointment. (L.N. 131 of 2009)
- (5B) Despite subsection (5A)(d), the Commissioner of Correctional Services may, on an application lodged under that subsection during the week before polling day, give consent under that subsection if the Commissioner is satisfied that—
  - (a) an elector in custody who is entitled to vote for the relevant constituency at the polling station concerned is admitted or transferred to the prison concerned during that week; and
  - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 131 of 2009)
- (5C) If the Commissioner of Correctional Services refuses to give consent under subsection (5A)(d), the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable. (L.N. 131 of 2009)
- (6) A notice appointing a polling agent for a polling station other than a dedicated polling station situated in a prison must, if it is not given under subsection (5), be delivered on the polling day to the Presiding Officer of the polling station— (L.N. 131 of 2009)
  - (a) by the candidate in person; or
  - (b) by the election agent of the candidate, in person.
- (7) The appointment of a polling agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate.
- (8) A notice for the purposes of this section must be in writing and in the specified form. It must state the name, identity card number and residential address of the polling agent. It must be signed by the candidate.



- (9) If the appointment of a polling agent is revoked, the candidate must give notice of the revocation to the Returning Officer or the Presiding Officer in accordance with subsection (11).
- (10) A notice of revocation must be in writing and in the specified form.
- (11) If the notice of revocation is given before polling day, it must be given to the Returning Officer. (L.N. 74 of 2011)
- (11A) If the notice of revocation is given on the polling day—
  - (a) (if the polling station for which the polling agent is appointed is not a dedicated polling station situated in a prison) it must be given to the Presiding Officer of the polling station; or
  - (b) (if the polling station for which the polling agent is appointed is a dedicated polling station situated in a prison) it must be given to the Returning Officer. (L.N. 74 of 2011)
- (12) The revocation of the appointment of a polling agent is not effective until notice of revocation is received by the Returning Officer or the Presiding Officer, as the case may be.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	65	Returning Officer and Presiding Officer to give notice of place and time of the counting of votes to candidates*	E.R. 2 of 2012	02/08/2012
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- (1) Subject to subsection (6), the Presiding Officer is to determine the time at which the counting of votes is to begin. (L.N. 125 of 2003)
- (2) The time determined under subsection (1) must be a time after the poll has closed at all the polling stations at which polling for the constituency concerned was conducted.
- (2A) Despite subsection (2), the time determined under subsection (1) in respect of sorting ballot papers at the ballot paper sorting station—
  - (a) must be a time after the poll has closed at all the dedicated polling stations situated in prisons at which polling for the constituency concerned was conducted; and
  - (b) may be a time before the poll has closed at all the other polling stations at which polling for the constituency concerned is conducted. (L.N. 131 of 2009)
- (3) The Returning Officer must give notice in writing to each candidate of the place or places at which counting is to take place for the constituency contested by the candidate. (L.N. 125 of 2003 and L.N. 191 of 2003)
- (4) Notice under subsection (3) must be given at least 1 working day before polling day. (L.N. 125 of 2003 and L.N. 191 of 2003)
- (5) If a poll for a constituency is adjourned under Schedule 1, the counting of the votes for that constituency is to stand postponed.
- (6) If the counting of the votes stands postponed under subsection (5), the Chief Electoral Officer is to determine a time for the counting to begin and the place or places for it to take place. The time must be after the adjourned poll is resumed and after the close of that poll. The Returning Officer is to give notice to each candidate of the constituency concerned of the time and place.
- (7) A notice required to be given under this section may be given to the election agent or counting agent of a candidate instead of the candidate. (L.N. 125 of 2003 and L.N. 191 of 2003)

- (8) The Presiding Officer must, before the counting of votes begins, display a notice in a prominent place outside the counting station stating the time that the counting station will be opened to the public to observe the counting of votes. (L.N. 125 of 2003)
- (9) In this section, **Presiding Officer** (投票站主任) does not include— (L.N. 131 of 2009)
  - (a) a Presiding Officer of a small polling station;
  - (b) a Presiding Officer of a special polling station; or
  - (c) a Presiding Officer of a dedicated polling station. (L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009)

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**Note:**

\* (L.N. 191 of 2003)

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	66	Candidates may appoint counting agents	E.R. 2 of 2012	02/08/2012
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- (1) A candidate may appoint persons to attend at a counting station to observe the counting of the votes for the constituency contested by the candidate, in accordance with this section.
- (2) The maximum number of counting agents that a candidate may appoint for one counting station is 2. (L.N. 125 of 2003)
- (3) Only a person who is a holder of an identity card and has attained the age of 18 years may be appointed as a counting agent.
- (4) A candidate must give notice of appointment of a counting agent to the Returning Officer at least 7 days before polling day. (L.N. 125 of 2003)
- (5) If notice is not given under subsection (4), it must be delivered on polling day to the Presiding Officer- (L.N. 125 of 2003)
  - (a) by the candidate in person; or
  - (b) by the election agent of the candidate, in person.
- (6) A notice for the purposes of this section must be in writing and in the specified form. It must state the name, identity card number and residential address of the counting agent. It must be signed by the candidate.
- (7) The appointment of a counting agent is not effective until notice of the appointment is received by the Returning Officer or the Presiding Officer, as may be appropriate. (L.N. 125 of 2003)
- (8) Subject to subsection (10), if the appointment of a counting agent is revoked, the candidate must give notice of the revocation to the Returning Officer. (L.N. 79 of 2007)
- (9) A notice of revocation must be in writing and in the specified form. It must be signed by the candidate.
- (10) If notice of revocation is given on polling day, it must be given to the Presiding Officer in accordance with subsection (5). (L.N. 79 of 2007)
- (11) The revocation of the appointment of a counting agent is not effective until notice of revocation is received by the Returning Officer or the Presiding Officer, as may be appropriate. (L.N. 125 of 2003)

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	75	Presiding Officer to verify ballot paper account	E.R. 2 of 2012	02/08/2012
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- (1) A Presiding Officer (other than a Presiding Officer of a main counting station or a ballot paper sorting station) in charge of a counting zone must- (L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009; L.N. 74 of 2011)
  - (a) (Repealed L.N. 125 of 2003)
  - (b) after counting the votes in accordance with section 76, verify the number of ballot papers so counted by comparing it with the ballot paper account prepared under section 64 and prepare a statement in writing as to the result of the verification. (L.N. 125 of 2003)
- (1A) A Presiding Officer in charge of a counting zone of a main counting station must, before counting the votes in accordance with section 76- (L.N. 131 of 2009)
  - (a) count and record the number of ballot papers in each ballot box under that Officer's charge, and verify the ballot paper account by comparing it with the number of ballot papers so recorded;
  - (b) open all envelopes in each receptacle received from a ballot paper sorting station, count and record the number of ballot papers in the envelopes, and verify the statement prepared under section 75A(e) by comparing it with the number of ballot papers so recorded; and (L.N. 74 of 2011)
  - (c) prepare a statement in writing as to the result of the verification. (L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009)
- (2) If a Presiding Officer considers it necessary or if required by a candidate who is present at the counting zone or an election agent or counting agent so present, that Officer must, in preparing the verification of the ballot paper account, compare the ballot paper account with the number of ballot papers recorded by that Officer and the spoiled ballot papers, the unused ballot papers and the counterfoils or un-issued ballot papers. (L.N. 125 of 2003; 11 of 2012 s. 56)
- (3) A candidate or an election agent or a counting agent may copy what is recorded on the ballot paper account or the verification of the ballot paper account.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
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Section:	98	Publication and display of notices, etc.	E.R. 2 of 2012	02/08/2012
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- (1) The Returning Officer or Presiding Officer may publish or display a notice, determination, or other writing under this Regulation in a manner that Officer thinks fit except where specific provision is made for the publication or display in this Regulation. (L.N. 125 of 2003)
- (2) The following notices or applications may be delivered by hand, sent by post or by facsimile transmission-
  - (a) notice of the decision of the Returning Officer as to whether a person is validly nominated as a candidate;
  - (b) notice of a declaration that a candidate has died or that the decision of the Returning

- Officer has been varied to the effect that a candidate is not validly nominated;
- (c) notice of the appointment or notice of revocation of the appointment of an election agent (other than a notice given on polling day);
  - (d) application to vote at a special polling station;
  - (e) notice to Returning Officers and to candidates of the determination of a no canvassing zone and a no staying zone;
  - (f) notice to Returning Officers and to candidates of the variation before the polling day of a no canvassing zone or a no staying zone;
  - (g) notice to candidates of the arrangements for the drawing of lots to determine the order of appearance of candidates on the ballot paper;
  - (h) notice of the appointment or notice of revocation of the appointment of a polling agent (other than a notice given on polling day); (L.N. 125 of 2003 and L.N. 191 of 2003)
  - (i) notice of the appointment or notice of revocation of the appointment of a counting agent (other than a notice given on polling day); and (L.N. 125 of 2003 and L.N. 191 of 2003)
  - (j) notice to candidates of the place for the counting of the votes. (L.N. 125 of 2003 and L.N. 191 of 2003)
- (3) Notice of variation of a no canvassing zone or a no staying zone on the polling day or notice of the resumption of the counting of the votes after an adjourned poll or count may be given orally if notice by hand, by post or by facsimile transmission is not practicable or is not suitable in the circumstances.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
Section:	100	Commission to specify forms	E.R. 2 of 2012	02/08/2012

- (1) The Commission may specify forms for the purposes of this Regulation.
- (2) The Commission may specify forms for notifications by the Returning Officer under the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap 547 sub. leg. A).
- (3) The Chief Electoral Officer is to make available during ordinary business hours at that Officer's office and at the office of each Returning Officer, the forms specified under subsection (1).
- (4) The Chief Electoral Officer may make the forms specified under subsection (1) available at any other place that Officer considers appropriate.
- (5) Forms specified under subsection (1) are to be made available free of charge.
- (6) Subsections (3), (4) and (5) do not apply to the specified forms for the election notice, by-election notice, notice of nominations, notice published under section 23, 24 or 25 declaring the candidates who are returned un-contested as elected members, notification by the Chief Electoral Officer of the particulars of election agents, notice of guidance to electors referred to in section 42, ballot paper, ballot paper account or notice of the election result.

Chapter:	541F	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	Gazette Number	Version Date
Schedule:	1	Postponement and Adjournment of Ordinary Election and By-elections	E.R. 2 of 2012	02/08/2012

## **2. Postponement of election, adjournment of poll or count in respect of a single constituency**

- (1) If, during or before an ordinary election or by-election, it appears to the Commission that the election for a constituency is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may postpone the election or by-election for the constituency by making a declaration under section 4.
- (2) If, at any time during a poll or count in respect of an ordinary election or by-election referred to in subsection (1), it appears to the Commission that the poll at all the polling stations for any constituency or the count at all the counting stations for any constituency is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (3), the Commission may adjourn the poll at all the polling stations or the count at all the counting stations for that constituency by making a declaration under section 4.
- (3) The occurrences for the purposes of subsections (1) and (2) are-
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or count.

## **3. Adjournment of poll or count at a particular station**

(L.N. 74 of 2011)

- (1) If, at any time during polling at an ordinary election or by-election, it appears to the Presiding Officer that the poll at the polling station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the poll at that polling station by making a declaration under section 4.
- (1A) If, at any time during counting at an ordinary election or by-election, it appears to the Presiding Officer that the count at the counting station is likely to be obstructed, disrupted, undermined or seriously affected by an occurrence specified in subsection (2), the Presiding Officer may adjourn the count at the counting station by making a declaration under section 4. (L.N. 74 of 2011)
- (2) The occurrences for the purposes of subsections (1) and (1A) are- (L.N. 74 of 2011)
  - (a) a typhoon or other climatic condition of a serious nature;
  - (b) riot, open violence or other occurrence of public danger; or
  - (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the election, the poll or count.

## **7. Appointment of a date by Commission for election, polling or counting after a postponement or an adjournment**

- (1) If an ordinary election or by-election is postponed under this Schedule, the Commission is to, as soon as practicable after the postponement, appoint a date for holding an ordinary election or by-election, as may be appropriate.
- (2) If a poll or a count is adjourned under this Schedule, the Commission is to, as soon as practicable after the adjournment, appoint a date for holding a poll or a count.
- (3) If the postponement or adjournment is due to a reason referred to in section 2(3)(a) or (b), the appointed date must not be later than 14 days from the date on which the postponed election or the adjourned poll or count would have been held. If the postponement or adjournment is due to the reason referred to in section 2(3)(c), the appointed date must not be later than 2 days from the date on which the postponed election or the adjourned poll or count would have been held.
- (4) In each case referred to in sections 1, 2 and 3, the Commission is to, in the relevant notice making the declaration, specify the date appointed under this section to hold the relevant ordinary election, by-election, the poll or the count, as the case may require.
- (5) If it is not practicable to specify the date in the notice of declaration, the Commission is to specify it in a notice published in the Gazette soon after the publication of a notice of declaration. If such publication is not practicable in the circumstances, the date must be specified in a notice published by some other means the Commission considers appropriate.
- (6) The appointment of a date under this section for holding a by-election is subject to section 33(2) of the District Councils Ordinance (Cap 547).

Chapter:	541K	Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	18	ERO to prepare omissions list	E.R. 2 of 2012	02/08/2012
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- (1) In compiling a provisional register, the ERO must, for the purposes of section 17(4)(a) and (b) of the Election Ordinance, prepare an omissions list (*omissions list*).
- (2) The ERO must enter on the omissions list the name and other relevant particulars of a person registered in the existing final register for a Village (*relevant Village*) regarding whom the ERO has made an inquiry under section 17 on or before 30 June of the current year, if the result of the inquiry was as follows- (12 of 2009 s. 26)
  - (a) the information asked for was not received by the ERO on or before 16 July of the current year; (12 of 2009 s. 26)
  - (b) the person, in response to the inquiry, has informed the ERO that he or she does not wish to be registered;
  - (c) the ERO is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is dead;
  - (d) the ERO is satisfied on reasonable grounds and despite any information to the contrary received by the ERO, that the person is dead;
  - (e) the ERO is satisfied on reasonable grounds (based on information received in response to the inquiry or otherwise) that the person is disqualified from being registered or not eligible to be registered; or
  - (f) the ERO is satisfied on reasonable grounds and despite any information to the contrary received by the ERO, that the person is disqualified from being registered or not eligible to be registered.
- (3) The ERO must enter on the omissions list the name and other relevant particulars of any person whose name is recorded in the existing final register, if the Registrar of Births and Deaths has informed the ERO, on or before 16 July of the current year, that the person is dead. (12 of 2009 s. 26)
- (4) In compiling an Existing Villages provisional register-
  - (a) if the ERO has reason to believe-
    - (i) from information received in response to a requirement or inquiry under section 16 or 17 or otherwise; or
    - (ii) despite any information to the contrary received by the ERO, that the address recorded against a person's name in the existing final register for Existing Villages is no longer the person's principal residential address; and
  - (b) if the principal residential address of that person is not known to the ERO at the time the omissions list is prepared,  
the ERO must enter on the omissions list the name and other relevant particulars of that person.
- (5) The ERO must, in a manner that the ERO considers appropriate, show on the omissions list that a person whose name and other relevant particulars are entered on the omissions list is a person whose name the ERO proposes to omit from the next final register for the relevant Village.
- (6) The ERO may enter on the omissions list the name and other relevant particulars of a person under subsection (2)(a) only if the inquiry was made from the person who is the subject of the inquiry and the ERO has informed the person-
  - (a) in writing and by registered post; and

- (b) at the address recorded against the person's name in the existing final register, that the ERO proposes to omit that person's name from the next final register if the relevant information is not received by the ERO on or before 16 July of the current year. (12 of 2009 s. 26)
- (7) The ERO may enter on the omissions list the name and other relevant particulars of a person under subsection (2)(b) only if the inquiry was made from the person who is the subject of the inquiry.
- (8) In this section, *other relevant particulars* (其他有關詳情) means, in relation to the compilation of-
- the Existing Villages provisional register, the principal residential address; and
  - the Indigenous Villages and Composite Indigenous Villages provisional register, the principal residential address, if it has been furnished to the ERO.

Chapter:	541K	Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	22	ERO to publish notice that provisional register is available for public inspection	E.R. 2 of 2012	02/08/2012
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- For the purposes of section 17(1)(a) of the Election Ordinance, the ERO must publish a notice which complies with subsections (2) and (3)-
  - in the Gazette; and
  - in at least one Chinese language daily newspaper and one English language daily newspaper in circulation in Hong Kong.
- The notice must be published every year, not later than 27 August. (12 of 2009 s. 30)
- The notice must specify-
  - that a copy of the provisional register is available for public inspection during ordinary business hours during the period referred to in subsection (4); and
  - the place or places at which a copy of the provisional register may be so inspected by the public.
- The ERO must make available for public inspection, a copy of the provisional register-
  - for a period of 14 days beginning on the date the relevant notice under subsection (1) is published in the Gazette;
  - during ordinary business hours; and
  - at the place or places specified in the notice.
- The ERO may make available for public inspection, a copy of a specific part or division of the provisional register (*additional copy*), at a place additional to a place specified in a notice published under this section, if the ERO considers it appropriate to do so. The ERO may determine the period during which and the time at which an additional copy may be inspected by the public.
- (5A) For the purposes of subsections (4) and (5), the ERO may further make available for public inspection an additional copy of the provisional register or an additional copy of a specific part or division of the provisional register, in which entries are arranged in a manner that the ERO considers appropriate for public inspection. (11 of 2012 s. 59)
- The ERO may require a person who wishes to inspect a copy of the provisional register under subsection (4) or an additional copy under subsection (5) or (5A) to produce to the ERO that person's identity document and to complete a form supplied by the ERO. (11 of 2012 s. 59)



Chapter:	541K	Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	32	Offences and penalties	E.R. 2 of 2012	02/08/2012
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- (1) A person who in any-
- (a) application;
  - (b) response to a requirement for particulars or proof made under section 12;
  - (c) reply to an inquiry made under section 17;
  - (d) request made under section 20 or 27;
  - (e) notice of objection; or
  - (f) notice of claim,
- makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (2) A person who directly or indirectly by himself or herself or any other person on his or her behalf conspires with, incites, compels, induces, coerces, intimidates or persuades any other person-
- (a) to make a false statement on an application, response, reply, request or notice referred to in subsection (1); or
  - (b) to provide information which the first-mentioned person knows to be incorrect in a material particular on an application, response, reply, request or notice referred to in paragraph (a),
- commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (3) A person who-
- (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or in an extract from a register;
  - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling a register;
  - (c) uses or permits another person to use any information relating to a person contained in an entry in a register or in an extract from a register; or
  - (d) imparts to any other person any information referred to in paragraph (a), (b) or (c), for a purpose other than a purpose related to an election, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (4) A person who fails to furnish information in response to a requirement under section 16 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (5) Despite anything to the contrary in subsection (3), a person who contravenes section 31(4) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not have the required information or could not have reasonably ascertained that information or could not have otherwise reasonably provided that information.
- (7) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of sections 14, 16 and 23 of the Election Ordinance. (10 of 2008 s. 76)
- (8) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of section 23 of the Election Ordinance. (10 of 2008 s. 76)



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

**adjournment** (押後), in relation to a poll or the counting of the votes in respect of a poll, means an adjournment under section 72(2) or 73, and **adjourned** (押後) shall be construed accordingly;

**Assistant Presiding Officer** (助理投票站主任) means a polling officer designated as an Assistant Presiding Officer under section 31(2);

**Assistant Returning Officer** (助理選舉主任) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**ballot paper account** (選票結算表) means a statement prepared under section 54;

**ballot paper sorting station** (選票分流站) means a place designated as a ballot paper sorting station under section 28; (L.N. 134 of 2009)

**candidate** (候選人) has, subject to subsection (2), the meaning assigned to it by section 2(1) of the Election Ordinance;

**candidate number** (候選人編號) means the number allocated to a validly nominated candidate under section 42(1);

**close of nominations** (提名期結束) means the end of the nomination period;

**Composite Indigenous Village** (共有代表鄉村) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**counting agent** (監察點票代理人) means a counting agent appointed under section 56;

**counting of the votes** (點票) includes separation, sorting and counting of ballot papers; (L.N. 134 of 2009)

**counting station** (點票站) means a counting station designated under section 28 and includes a ballot paper sorting station; (L.N. 134 of 2009)

**counting zone** (點票區) means an area set apart as a counting zone under section 58(1);

**dedicated polling station** (專用投票站) means a place designated as a dedicated polling station under section 28; (L.N. 134 of 2009)

**Deputy Presiding Officer** (副投票站主任) means a polling officer designated as the Deputy Presiding Officer under section 31(2);

**election** (選舉) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**election advertisement** (選舉廣告), in relation to an election, means-

- (a) a publicly exhibited notice, leaflet, circular, bill, booklet, placard or poster;
- (b) a notice, leaflet, circular, bill, booklet, placard or poster delivered by hand or electronic transmission;

(c) a public announcement made by radio or television or by video or cinematographic film; or

(d) any other form of publication, published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election; (11 of 2012 s. 19)

**election agent** (選舉代理人) means an election agent appointed under section 22;

**election expense agent** (選舉開支代理人) means an election expense agent appointed under section 23;

**election expenses** (選舉開支) has the meaning assigned to it by section 2(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);

**Election Ordinance** (《選舉條例》) means the Village Representative Election Ordinance (Cap 576);

**elector** (選民) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**electoral officer** (選舉事務主任) has the meaning assigned to it by section 2(1) of the Election Ordinance and includes a Presiding Officer, a polling officer and a counting officer;

**Electoral Registration Officer** (選舉登記主任) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**Existing Village** (現有鄉村) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**final register** (正式選民登記冊) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**identity card** (身分證) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**identity document** (身分證明文件) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**in custody** (受羈押), in relation to a person, means the person is-

(a) serving a sentence of imprisonment;

(b) detained by the Correctional Services Department on remand; or

(c) otherwise detained by any law enforcement agency under any lawful authority; (L.N. 134 of 2009)

**Indigenous Inhabitant Representative** (原居民代表) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**Indigenous Village** (原居鄉村) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**law enforcement agency** (執法機關) means-

(a) the Customs and Excise Department;

(b) the Hong Kong Police Force;

(c) the Immigration Department;

(d) the Independent Commission Against Corruption; or

(e) any other department of the Government any officer of which is empowered by any Ordinance to exercise a power of arrest; (L.N. 134 of 2009)

**maximum security prison** (高度設防監獄) means a prison which is specified as a maximum

security prison under rule 47A(1)(b) of the Prison Rules (Cap 234 sub. leg. A); (L.N. 134 of 2009)

**no canvassing zone** (禁止拉票區) means an area determined to be a no canvassing zone under section 34;

**no staying zone** (禁止逗留區) means an area determined to be a no staying zone under section 34;

**nomination period** (提名期) means the period determined under section 5;

**ordinary business hours** (通常辦公時間) means-

- (a) the hours between 9 a.m. and 12 noon on a Saturday; and
- (b) the hours between 9 a.m. and 5 p.m. on any other day, other than a general holiday;

**political body** (政治性團體) has the meaning assigned to it by section 2(1) of the Societies Ordinance (Cap 151);

**poll** (投票) means a poll taken under section 31 of the Election Ordinance;

**polling agent** (監察投票代理人) means a polling agent appointed under section 36;

**polling day** (投票日), in relation to-

- (a) a village ordinary election, means the date specified under section 20(3)(a) of the Election Ordinance; or
- (b) a village by-election, means the date referred to in section 6(c);

**polling hours** (投票時間) means the hours for polling appointed under section 27 or 77(1) or (2);

**polling officer** (投票站人員), in relation to a polling station, means a polling officer appointed under section 31(1) for that polling station;

**polling station** (投票站) means a polling station designated under section 28 and includes a dedicated polling station; (L.N. 134 of 2009)

**postponement** (延遲), in relation to a poll or the counting of the votes in respect of a poll, means a postponement under section 72(1), and **postponed** (延遲) shall be construed accordingly;

**Presiding Officer** (投票站主任), in relation to a polling station, the no canvassing zone or the no staying zone in relation to a polling station, or anything done or to be done in a polling station or zone, means a Presiding Officer appointed under section 31(1) for that polling station; (L.N. 134 of 2009)

**principal residential address** (主要住址) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**Resident Representative** (居民代表) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**Returning Officer** (選舉主任) has, subject to subsection (3), the meaning assigned to it by section 2(1) of the Election Ordinance;

**specified form** (指明格式) means, in a particular provision of this Regulation, the form specified under section 84 for the purposes of that provision;

**spoilt ballot paper** (損壞的選票) means a ballot paper endorsed in the manner described in section 52(3);

**unused ballot paper** (未用的選票) means a ballot paper that has been issued but not put into a ballot box, whether or not it has been endorsed in the manner described in section 51;

**verification statement** (核實報表) means a statement prepared under section 60A(d), 61(1A)(d) or 64(1)(d); (L.N. 134 of 2009; L.N. 77 of 2011)

**Village** (鄉村) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**village by-election** (鄉村補選) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**village by-election notice** (鄉村補選公告) means a notice published under section 6;

**village election notice** (鄉村選舉公告) means a notice published under section 4;

**village ordinary election** (鄉村一般選舉) has the meaning assigned to it by section 2(1) of the Election Ordinance;

**Village Representative** (村代表) has the meaning assigned to it by section 2(1) of the Election Ordinance.

(2) In this Regulation-

- (a) in sections 20(8), 79, 80 and 82 and Parts 4 (except section 32), 5, 6 and 7, a reference to a candidate shall be construed as a reference to a validly nominated candidate standing for an election;
- (b) in sections 9(1), 22 and 32, a reference to a candidate includes a reference to a person who is being or has been nominated to stand for an election;
- (c) in sections 23 and 26 and Part 10, a reference to a candidate includes a reference to a person who has publicly declared an intention to stand for an election at any time before the close of nominations; and (11 of 2012 s. 19)
- (d) in section 24, a reference to a candidate includes a reference to a person referred to in paragraph (b) or (c).

(3) In this Regulation-

- (a) subject to paragraphs (b) and (c), a reference to the Returning Officer shall be construed, in relation to a Village or anything done or to be done in respect of an election for a Village, as a reference to the Returning Officer appointed for that Village;
- (b) in sections 33(1), 35(1), (5) and (6), 37(9), 38(1), (2), (3)(j), (4), (7) and (8) and 82(1)(e), a reference to the Returning Officer shall be construed, in relation to a polling station used for polling for more than one Village, the no canvassing zone or the no staying zone in relation to such a polling station, or anything done or to be done in such a polling station or zone, as a reference to any of the Returning Officers appointed for those Villages; (L.N. 134 of 2009)
- (c) in sections 57, 58(1), (4), (5) and (6) and 59(1), (2), (3) and (4), a reference to the Returning Officer shall be construed, in relation to a counting station for counting the votes for more than one Village, a counting zone in such a counting station, or anything done or to be done in such a counting station or zone, as a reference to any of the Returning Officers appointed for those Villages; and (L.N. 134 of 2009)
- (d) a reference to the Returning Officer shall be construed, in relation to the application of the relevant provision to a ballot paper sorting station, as a reference to the Assistant

Returning Officer appointed under section 57(1A) for that ballot paper sorting station.  
(L.N. 134 of 2009)

- (4) In this Regulation, any provision which entitles or permits a candidate, an election agent, a polling agent or a counting agent to do anything in a polling station, counting station, counting zone or in relation to the counting of the votes shall be construed as entitling or permitting the candidate or the agent to do it in a polling station, counting station, counting zone or in relation to the counting of the votes for the Village for which the candidate is standing for election or for which the agent is appointed, as the case may be.

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	5	Director of Home Affairs to determine nomination period	L.N. 82 of 2003	01/06/2003
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(1) Subject to subsections (2) and (3), the nomination period shall be determined by the Director of Home Affairs.

(2) The nomination period-

- (a) for a village ordinary election shall not begin earlier than the day on which the village election notice is published in the Gazette; or
- (b) for a village by-election shall not begin earlier than the day on which the village by-election notice is published in the Gazette.

(3) The nomination period-

- (a) shall not be less than 7 days; and
- (b) shall end not less than 12 days before the polling day.

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

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

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

- (a) making a declaration referred to in section 24 of the Election Ordinance or section 7(1)(b);
- (b) signing a nomination form as the candidate being nominated;
- (c) signing a notice of withdrawal of candidature referred to in section 14(2) as the candidate;
- (d) appointing an election agent under subsection (1);
- (e) appointing an election expense agent under section 23;
- (f) incurring election expenses on behalf of the candidate, unless he has also been appointed by the candidate as the candidate's election expense agent under section 23; (L.N. 134 of 2009)
- (g) revoking the appointment of an election agent or election expense agent under

section 24(4); (L.N. 134 of 2009)

(h) subject to paragraph (i), being present in a dedicated polling station situated in a prison unless, upon an application in the specified form lodged with the Director of Home Affairs at least one week before polling day, the Commissioner of Correctional Services consents to his presence; and (L.N. 134 of 2009)

(i) being present in a dedicated polling station situated in a maximum security prison. (L.N. 134 of 2009)

(3A) The Commissioner of Correctional Services must not give consent under subsection (3)(h) if he has given consent under section 37(1A) to a polling agent of the same candidate. (L.N. 134 of 2009)

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

(a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and

(b) the application is lodged without undue delay after the admission or transfer. (L.N. 134 of 2009)

(3C) If the Commissioner of Correctional Services refuses to give consent under subsection (3)(h), he must notify the candidate or the election agent as soon as practicable. (L.N. 134 of 2009)

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

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

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	24	Provisions applicable to appointment of agents	L.N. 82 of 2003	01/06/2003
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(1) In this section-

(a) "agent" (代理人) means an election agent or election expense agent; and

(b) a reference to the Returning Officer shall be construed as a reference to the Returning Officer appointed for the Village for which the candidate concerned is standing for election, or a reference to the Director of Home Affairs if the Returning Officer has not been appointed.

(2) An appointment of an agent is effected by giving a notice of appointment to the Returning Officer.

(3) A notice of appointment shall-

(a) be in the specified form;

(b) be given by the candidate;

(c) state the name and the address of the agent;

(d) (in the case of an election agent) state the identity card number of the agent; and

(e) be signed by the candidate and the agent.

(4) The appointment of an agent may be revoked by giving a notice of revocation to the Returning Officer.



(5) A notice of revocation shall be-

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

(6) If an agent dies or the appointment of an agent is revoked, the candidate may, subject to this Part, appoint another person as an agent to replace the first-mentioned agent.

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

(8) The Returning Officer shall display a notice of the particulars of the election agents in a prominent place immediately outside his office.

(9) All notices of appointment of election expense agents given by any candidate under subsection (2) shall be made available for inspection by the public-

- (a) free of charge;
- (b) at an office of the Returning Officer specified by him; and
- (c) during ordinary business hours,

until the end of the period during which the copy of the election return lodged by the candidate is available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554).

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
Section:	28	Designation of polling stations, ballot paper sorting stations and counting stations*	L.N. 212 of 2009	30/10/2009

(1) The Director of Home Affairs shall designate, by notice published in the Gazette- (L.N. 134 of 2009)

- (a) one or more places as a polling station or polling stations for conducting the poll for a Village;
- (b) one or more places as a dedicated polling station or dedicated polling stations at which electors in custody are allocated to vote in the poll for a Village;
- (c) one or more places as a ballot paper sorting station or ballot paper sorting stations for sorting ballot papers received from dedicated polling stations in the poll for a Village in a village ordinary election or, where the Director of Home Affairs considers appropriate, a village by-election; and (L.N. 197 of 2009)
- (d) one or more places as a counting station or counting stations for counting the votes cast at the polling station or polling stations used in the poll for a Village. (L.N. 134 of 2009)

(2) The Director of Home Affairs may designate under subsection (1)-

- (a) any premises occupied by a Government department for official purposes; or
- (b) any structure, place or premises, whether or not hired under subsection (3). (L.N. 134 of 2009)

(3) The Director of Home Affairs may hire any structure, place or premises, or a part of a structure, place or premises, for use as a polling station or a counting station.

(4) The Director of Home Affairs shall, in the case of a polling station or a counting station which is not a Government building-

- (a) make good any damage caused; and
- (b) defray any expenses incurred by any person having control over the structure, place or premises,

due to its having been used as a polling station or a counting station. (L.N. 134 of 2009 and L.N. 197 of 2009)

(5) The Director of Home Affairs may take such steps as he considers appropriate, including taking out insurance, to insure against any risk of loss or damage that may arise due to or in connection with the use of any structure, place or premises as a polling station or a counting station.

(6) A designation under subsection (1) may be made by reference to a map or plan.

(7) If a designation has been made by reference to a map or plan, the Director of Home Affairs shall display the relevant map or plan referred to in subsection (6)- (L.N. 134 of 2009)

- (a) if the relevant polling station is not a dedicated polling station, in a prominent place immediately outside the polling station;
- (b) if the relevant polling station is a dedicated polling station, in a prominent place inside the polling station; and
- (c) in a prominent place immediately outside the relevant counting station. (L.N. 134 of 2009)

(8) The Director of Home Affairs-

- (a) may make arrangements for polling for one or more than one Village to take place at a polling station; and

(b) may make arrangements for counting the votes for one or more than one Village cast at the polling station or all the polling stations used for polling for the Village or each of the Villages to take place at a counting station.

(9) The Director of Home Affairs-

(a) shall allocate to each elector a polling station to cast his vote; and

(b) (in the case that an elector is entitled to vote in elections for more than one Village) may allocate to such elector one polling station or more than one polling station to cast his votes.

(10)The Director of Home Affairs may, if he considers it appropriate to do so in the circumstances, allocate to an elector an alternative polling station, in addition to or in substitution of the polling station or any of the polling stations, as the case may be, allocated under subsection (9), to cast the vote or votes he is entitled to cast.

(11)For the purposes of subsection (1), one notice may be published for more than one village.

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
Section:	36	Polling agents	L.N. 82 of 2003	01/06/2003

(1) Each candidate may appoint not more than 2 persons as his polling agents.

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

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

(4) An appointment of a polling agent is effected by giving a notice of appointment to the Returning Officer or the Presiding Officer.

(5) A notice of appointment shall-

(a) be in the specified form;

(b) be given by the candidate;

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

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

(6) The appointment of a polling agent may be revoked by giving a notice of revocation to the Returning Officer or the Presiding Officer.

(7) A notice of revocation shall be-

(a) in the specified form;

(b) given by the candidate; and

(c) signed by the candidate.

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

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

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

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	37	Admission to polling station	L.N. 77 of 2011	08/07/2011
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- (1) No person may enter or stay in a polling station, except-
- (a) a member of the Commission;
  - (b) the Director of Home Affairs;
  - (c) a Returning Officer;
  - (d) an Assistant Returning Officer;
  - (e) the Chief Electoral Officer;
  - (f) the Presiding Officer appointed for the polling station;
  - (g) a polling officer appointed for the polling station;
  - (h) an elector;
  - (i) (subject to subsections (3) and (8)) a candidate;
  - (j) (subject to subsections (3), (4), (5), (6B) and (8) and section 22(3)) an election agent; (L.N. 134 of 2009 and L.N. 197 of 2009; L.N. 77 of 2011)
  - (k) (subject to subsections (1A), (3), (4), (6), (6B) and (8)) a polling agent; (L.N. 134 of 2009; L.N. 77 of 2011)
  - (l) a public officer on duty at the polling station;
  - (m) a member of the Civil Aid Service on duty at the polling station;
  - (n) a child accompanying an elector who comes to the polling station for the purpose of voting; or
  - (o) a person authorized under subsection (9).
- (1A) A polling agent may not be present in a dedicated polling station situated in a prison unless, upon an application in the specified form lodged with the Director of Home Affairs at least one week before polling day, the Commissioner of Correctional Services consents to his presence. (L.N. 134 of 2009)
- (1B) The Commissioner of Correctional Services must not give consent under subsection (1A) if he has given consent under section 22(3)(h) to the election agent of the same candidate. (L.N. 134 of 2009)
- (1C) Despite subsection (1A), the Commissioner of Correctional Services may, upon an application lodged under that subsection during the week before polling day, give consent under that subsection if he is satisfied that-
- (a) an elector in custody who is entitled to vote at a dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
  - (b) the application is lodged without undue delay after the admission or transfer. (L.N. 134 of 2009)
- (1D) If the Commissioner of Correctional Services refuses to give consent under subsection (1A), the Commissioner must notify the candidate or the election agent of the candidate as soon as practicable. (L.N. 134 of 2009)
- (2) In order to ensure that polling takes place smoothly and efficiently, the Presiding Officer-
- (a) may regulate the number of electors, candidates, election agents and polling agents to be admitted to the polling station concerned at any one time; and
  - (b) may, subject to subsection (1), exclude any person from the polling station concerned.
- (3) A candidate, an election agent or a polling agent may be present in a polling station subject to the availability of seats in the area designated to accommodate them.

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

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	55	Determination and notice of time of counting of votes	L.N. 212 of 2009	30/10/2009
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- (1) The Returning Officer or, in the case of a ballot paper sorting station, the Assistant Returning Officer shall determine the time at which the counting of the votes is to begin. (L.N. 134 of 2009)
- (2) The time determined under subsection (1)- (L.N. 134 of 2009)
  - (a) by the Returning Officer shall be a time after the close of the poll for the Village concerned;
  - (b) by the Assistant Returning Officer shall be a time after the close of the poll for the Village concerned at all dedicated polling stations situated in prisons at which polling for the Village concerned was conducted; and
  - (c) may be a time before the poll has closed at all the other polling stations at which polling for the Village concerned is conducted. (L.N. 134 of 2009)
- (3) The Returning Officer shall give notice in writing to each candidate or a counting agent appointed by him of-
  - (a) the address of the counting station at which the counting of the votes for the Village is to take place; and
  - (b) the time determined under subsection (1).
- (4) A notice under subsection (3) shall be given-

- (a) (in the case of the counting of the votes for a postponed or adjourned poll) as soon as practicable after the determination of the time under subsection (1);
- (b) (in the case of a postponement or adjournment of the counting of the votes) as soon as practicable after the determination of the time under subsection (1); or
- (c) (in any other case) at least 24 hours before the time determined under subsection (1).

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	56	Appointment of counting agent	L.N. 82 of 2003	01/06/2003
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(1) Each candidate may appoint persons as his counting agents to attend at a counting station to observe the counting of the votes for the Village for which the candidate is standing for election.

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

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

(4) An appointment of a counting agent is effected by giving a notice of appointment to the Returning Officer.

(5) A notice of appointment shall-

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

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

(7) A notice of revocation shall be-

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

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

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

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

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	61	Counting of votes	L.N. 212 of 2009	30/10/2009
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(1A) After opening all ballot boxes in accordance with section 60, the Returning Officer must—

- (a) open the envelopes containing ballot papers received from the ballot paper sorting station;
- (b) count and record the number of ballot papers in each ballot box under his charge;
- (c) verify the ballot paper accounts received from all the polling stations by comparing them with the number of ballot papers recorded under paragraph (b);
- (d) prepare a statement in writing as to the result of the verification; and
- (e) arrange to mix the ballot papers cast at all polling stations. (L.N. 134 of 2009)

(1) Ballot papers shall then, in the counting zone, be counted using either one of the following methods, as determined by the Returning Officer- (L.N. 134 of 2009)

- (a) the-
  - (i) ballot papers shall be sorted according to the choices marked on them; and
  - (ii) votes for each candidate shall be counted; or
- (b) the-
  - (i) choice or choices marked on each ballot paper shall be made known to the persons present in the counting zone by calling out the name of the candidate or each candidate for whom the vote or a vote is given and his candidate number;
  - (ii) votes for each candidate whose name is so called out shall be recorded on a board set up in a prominent place within the counting zone; and
  - (iii) votes recorded for each candidate shall be counted.

(2) In the course of counting in accordance with subsection (1)(a) or (b), as the case may be-

- (a) any ballot paper-
  - (i) on which there is any writing or mark by which the elector can possibly be identified;
  - (ii) which appears to be a ballot paper described in section 62(b) or (c); or
  - (iii) which appears to be void for uncertainty,
 shall be separated and forwarded to the Returning Officer; and
- (b) any ballot paper described in section 62(e), ( f ), (g) or (h) shall be separated and shall not be counted pursuant to section 62.

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	71	Retention of election documents	L.N. 82 of 2003	01/06/2003
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The Director of Home Affairs shall-

- (a) retain in his custody the documents sent to him under section 69 for 6 months

after the date of declaring the result of the election to which they relate in accordance with section 66(1); and

- (b) unless otherwise directed by an order made by a court in proceedings relating to an election petition or in other legal proceedings, destroy the documents after the expiry of those 6 months.

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	72	Postponement or adjournment of polling at all polling stations or counting of votes at all counting stations	L.N. 82 of 2003	01/06/2003
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(1) The Commission may direct-

- (a) the postponement of the poll for an election if, before the commencement of polling, the Commission is of the opinion that the poll; or  
 (b) the postponement of the counting of the votes in respect of the poll for an election if, before the commencement of counting, the Commission is of the opinion that the counting,

is likely to be obstructed, disrupted, undermined or seriously affected by-

- (c) a typhoon or other climatic condition of a serious nature;  
 (d) riot or open violence or any other occurrence of public danger; or  
 (e) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or the counting.

(2) The Commission may direct-

- (a) the adjournment of the poll for an election if, during the polling, the Commission is of the opinion that the poll; or  
 (b) the adjournment of the counting of the votes in respect of the poll for an election if, during the counting, the Commission is of the opinion that the counting,

is likely to be or is being obstructed, disrupted, undermined or seriously affected by-

- (c) a typhoon or other climatic condition of a serious nature;  
 (d) riot or open violence or any other occurrence of public danger; or  
 (e) an occurrence which appears to the Commission to be a material irregularity relating to the election, the poll or the counting.

(3) Subject to section 45(3), an elector who has cast a vote at a poll adjourned under subsection (2) is not entitled and shall not be allowed to cast a vote again at the resumed polling.

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	73	Adjournment of polling at a particular polling station or counting of votes at a particular counting station	L.N. 82 of 2003	01/06/2003
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(1) The Presiding Officer appointed for a polling station may, after consulting the Returning Officer, direct the adjournment of a poll for an election at that polling station if, during the polling, the Presiding Officer is of the opinion that the poll is likely to be or is being obstructed, disrupted, undermined or seriously affected by-

- (a) a typhoon or other climatic condition of a serious nature;



- (b) riot or open violence or any other occurrence of public danger; or
- (c) an occurrence which appears to the Presiding Officer to be a material irregularity relating to the election, the poll or the counting concerned.

(2) The Returning Officer may direct the adjournment of the counting of the votes in respect of the poll for an election at a counting station if, during the counting, that Officer is of the opinion that the counting is likely to be or is being obstructed, disrupted, undermined or seriously affected by-

- (a) a typhoon or other climatic condition of a serious nature;
- (b) riot or open violence or any other occurrence of public danger; or
- (c) an occurrence which appears to that Officer to be a material irregularity relating to the election, the poll or the counting.

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	77	Resumption of postponed or adjourned polling or counting	L.N. 82 of 2003	01/06/2003
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- (1) If a poll is postponed, the Commission shall appoint-
  - (a) a date within the prescribed period after the date of the postponed poll as the new polling day; and
  - (b) the polling hours on the new polling day.
- (2) If a poll is adjourned, the Commission shall appoint-
  - (a) a date within the prescribed period after the date of the adjourned poll as the day on which the polling shall resume; and
  - (b) the polling hours for the resumed polling.
- (3) If the counting of the votes in respect of a poll is postponed, the Commission shall appoint a date within the prescribed period after the date of the postponed counting as the day on which the counting shall be conducted.
- (4) If the counting of the votes in respect of a poll is adjourned, the Commission shall appoint a date within the prescribed period after the date of the adjourned counting as the day on which the counting shall resume.
- (5) As soon as practicable after an appointment under subsection (1), (2), (3) or (4), as the case may be, is made, the Commission shall-
  - (a) publish a notice of the appointment in the Gazette; or
  - (b) announce the appointed date and, where applicable, the appointed polling hours by such other means as the Commission considers appropriate.
- (6) The appointment of a date under this section for holding a village by-election shall be subject to section 21(2) and (3) of the Election Ordinance.
- (7) In subsections (1), (2), (3) and (4), "prescribed period" (訂明限期) means-
  - (a) 2 days in the case of-
    - (i) a postponement under section 72(1) due to an occurrence referred to in section 72(1)(e);
    - (ii) an adjournment under section 72(2) due to an occurrence referred to in section 72(2)(e);
    - (iii) an adjournment under section 73(1) due to an occurrence referred to in section 73(1)(c); or
    - (iv) an adjournment under section 73(2) due to an occurrence referred to in

- section 73(2)(c); or  
 (b) 14 days in any other case.

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

Chapter:	541L	Electoral Procedure (Village Representative Election) Regulation	Gazette Number	Version Date
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Section:	84	Specified forms	E.R. 2 of 2012	02/08/2012
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- (1) The Commission may specify forms for the purposes of this Regulation on-
- (a) nomination of candidates; and
  - (b) withdrawal of candidature.
- (2) The Director of Home Affairs may specify forms (other than those referred to in subsection (1)) for the purposes of this Regulation.
- (3) Forms specified under subsections (1) and (2) shall be made available by the Director of Home Affairs-
- (a) free of charge; and
  - (b) during ordinary business hours at his office.
- (4) Subsection (3) does not apply to the specified forms referred to in-
- (a) section 16(2) (notice declaring candidates to be duly elected in uncontested election);
  - (b) section 25(2) (notice to candidates of appointment of election agents);
  - (c) section 29(1) (polling notice); and
  - (d) section 54(2) (ballot paper account).

Chapter:	542	Legislative Council Ordinance	Gazette Number	Version Date
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Section:	32	Electoral Registration Officer to compile and publish electoral registers	E.R. 2 of 2012	02/08/2012
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- (1) The Electoral Registration Officer must-
- (a) not later than 15 June in each year other than a year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)- (Amended 48 of 1999 s. 18; 33 of 2002 s. 4)
    - (i) a provisional register of geographical constituencies; and
    - (ii) a provisional register of functional constituencies; and
  - (b) not later than 25 July in each year other than a year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)- (Amended 48 of 1999 s. 18; 33 of 2002 s. 4)
    - (i) a final register of geographical constituencies; and
    - (ii) a final register of functional constituencies.
- (1A) The Electoral Registration Officer must-
- (a) not later than 15 August in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-
    - (i) a provisional register of geographical constituencies; and
    - (ii) a provisional register of functional constituencies; and
  - (b) not later than 25 September in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-
    - (i) a final register of geographical constituencies; and
    - (ii) a final register of functional constituencies. (Added 33 of 2002 s. 4)
- (2) (Repealed 21 of 2001 s. 64)
- (3) The Electoral Registration Officer may amend a provisional or final register so as to rectify any clerical or printing error or any incorrect name, address or other personal particulars of a person who is recorded in the register.
- (4) In compiling a provisional register, the Electoral Registration Officer must-
- (a) strike out the names and other relevant particulars of all those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the register; and
  - (b) enter the names and other relevant particulars of those persons on an omissions list; and
  - (c) add to the register the names and other relevant particulars of those persons whose applications for registration have been received by the Electoral Registration Officer not later than the date prescribed for the purposes of this paragraph by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541) and who are eligible to have their names included in the register. (Amended 25 of 2003 s. 18)
- (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer must publish-
- (a) in the Gazette; and

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

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

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

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

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

Chapter:	542	Legislative Council Ordinance	Gazette Number	Version Date
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Section:	44	When general election can be postponed or adjourned	E.R. 2 of 2012	02/08/2012
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- (1) The Chief Executive may, by order, direct the postponement of a general election if, before the holding of the election, the Chief Executive is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.
- (2) The Chief Executive may, by order, direct the adjournment of the polling or counting of votes in respect of a general election if, during the polling or counting of votes in respect of the election, the Chief Executive is of the opinion that the polling or counting of votes is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.
- (3) The Returning Officers concerned must give effect to a direction under this section as soon as practicable after being notified of it.
- (4) If a general election, or the polling or counting of votes at a general election, is directed to be postponed or adjourned under this section, the Chief Executive must specify a date for the holding of an election, or a poll or the counting of votes, in place of the postponed election or the adjourned polling or counting. The Chief Executive must give notice of that date in the Gazette. That date must not be later than 14 days from the date on which the election, poll or count would have taken place but for the direction. (Amended 48 of 1999 s. 28)

Chapter:	542B	REGISTRATION OF ELECTORS (APPEALS) REGULATION	Gazette Number	Version Date
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Section:	2	Fixing of hearing and notifying the appellant thereof	L.N. 26 of 2003	04/04/2003
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- (1) Where the Revising Officer receives a copy of a notice of appeal or a notice of claim or a notice of objection from the Electoral Registration Officer, he shall, as soon as practicable-
- (a) subject to subsection (3), fix a date, time and place for holding a hearing as regards the appeal or the claim or the objection to which the notice relates; and
  - (b) send by registered post, a notice under subsection (2)- (L.N. 26 of 2003)
    - (i) to the appellant concerned to the address furnished as his address in the notice of appeal or the notice of claim or the notice of objection, as the case may be; and
    - (ii) in the case of a notice of objection, in addition to the appellant, to the person in respect of whom the objection is made.
- (2) A notice for the purposes of subsection (1)(b) shall-
- (a) state that a hearing is to be held as regards the notice of appeal or the notice of claim or the notice of objection, as the case may be;
  - (b) specify the date, time and place fixed under subsection (1)(a) for such hearing;
  - (c) state that the appellant or the person in respect of whom the objection is made, as the case may be-
    - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the appeal or claim or objection concerned;
    - (ii) may be represented at such hearing by a legal practitioner or any other person (authorized in writing by the appellant or the person in respect of whom the objection is made, as may be appropriate) who may make representations on his behalf; or
    - (iii) whether or not he appears or is represented, may make representations in writing regarding the appeal or claim or objection concerned and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer on a date not later than 1 day before the date fixed for the hearing; and
  - (d) in the case of a notice sent to an appellant, state that if the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and if the appellant-
    - (i) does not appear at the hearing;
    - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
    - (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer on a date not later than 1 day before the date of the hearing,
 the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection relates, shall stand.
- (3) Where a copy of a notice of claim or a notice of objection is received by the Revising Officer-
- (a) during the period beginning on 3 May 2002 and ending on 2 September 2003, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15

August 2003 and 11 September 2003 (both dates inclusive); (Repealed L.N. 282 of 1999. Added L.N. 26 of 2003)

(b) during the period beginning on 3 September in any year subsequent to 2002, if that subsequent year is a District Council election year, and ending on 2 July in the year following that subsequent year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 June and 11 July (both dates inclusive) in that following year; or (Repealed L.N. 282 of 1999. Added L.N. 26 of 2003)

(ba) (Repealed L.N. 199 of 2001)

(c) during the period beginning on 3 July in any year subsequent to 2002, if that subsequent year is not a District Council election year, and-

(i) ending on 2 September in the year following that subsequent year, if that following year is a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 August and 11 September (both dates inclusive) in that following year; or

(ii) ending on 2 July in the year following that subsequent year, if that following year is not a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 15 June and 11 July (both dates inclusive) in that following year, (L.N. 26 of 2003)

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

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

(a) on a date not later than the eighth day before the polling date for the functional constituency concerned in any year, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 21 days beginning from 25 days before such polling date; and

(b) on a date later than the eighth day before the polling date for the functional constituency concerned, the date fixed under subsection (1)(a) as regards that notice shall be- (L.N. 199 of 2001; L.N. 244 of 2001; L.N. 26 of 2003)

(i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11 September in that year; (L.N. 26 of 2003)

(ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year; (L.N. 26 of 2003)

(iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election year, a date within a period of 27 days ending on 11 July in that year; or (L.N. 26 of 2003)

(iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year-

(A) a date within a period of 28 days ending on 11 September in the next following year, if that following year is a District Council election year; or

(B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year. (L.N. 26 of 2003)

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

(a) in the case where the Electoral Registration Officer does not make representations

to the Revising Officer at the hearing and the appellant-

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

(L.N. 199 of 2001)

Chapter:	542B	REGISTRATION OF ELECTORS (APPEALS) REGULATION	Gazette Number	Version Date
Section:	3	Appellant to be notified of ruling	L.N. 26 of 2003	04/04/2003

Where-

- (a) the decision of the Electoral Registration Officer stands pursuant to section 2(5)(a); or
  - (b) the Revising Officer makes a ruling under section 2(5)(b),
- the Revising Officer shall notify the appellant at the address referred to in section 2(1)(b) and where appropriate, the person in respect of whom the objection is made, by registered post, that such decision shall stand or of his ruling, as may be appropriate. (L.N. 26 of 2003)

Chapter:	542B	REGISTRATION OF ELECTORS (APPEALS) REGULATION	Gazette Number	Version Date
Section:	4	Electoral Registration Officer to be notified of rulings	L.N. 26 of 2003	04/04/2003

The Revising Officer shall, as regards those hearings held pursuant to section 2 and concluded-

- (a) during the period beginning on 15 August in a District Council election year and ending on 11 September in that year, notify the Electoral Registration Officer, on or before 17 September in that year; (Repealed L.N. 282 of 1999. Added L.N. 26 of 2003)
- (b) during the period beginning on 15 June in any year which is not a District Council election year and ending on 11 July in that year, notify the Electoral Registration Officer, on or before 17 July in that year; (L.N. 26 of 2003)
- (c) during the period of 21 days as referred to in section 2(4)(a), notify the Electoral Registration Officer, on a date not later than 3 working days before the polling date as referred to in section 2(4)(a); (L.N. 26 of 2003)
- (d) during the period of 27 days as referred to in section 2(4)(b)(ii), (iii) or (iv)(B), as the case may be, notify the Electoral Registration Officer not later than 17 July in

the same year; or (L.N. 26 of 2003)

- (e) during the period of 28 days as referred to in section 2(4)(b)(i) or (iv)(A), as the case may be, notify the Electoral Registration Officer not later than 17 September in the same year, (L.N. 26 of 2003)

in relation to each notice of appeal or notice of claim or notice of objection concerned, that the decision of the Electoral Registration Officer shall stand pursuant to section 2(5)(a) or of the ruling of the Revising Officer under section 2(5)(b), as may be appropriate.

(L.N. 199 of 2001)

Chapter:	542B	REGISTRATION OF ELECTORS (APPEALS) REGULATION	Gazette Number	Version Date
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Section:	5	Determination of matters and powers of adjournment, etc.	L.N. 26 of 2003	04/04/2003
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The Revising Officer shall determine every matter to be determined by him under this Regulation as soon as practicable, and the hearing of any such matter shall, as far as is practicable having regard to the interests of justice, be continued from day to day (excluding general holidays) until its conclusion, but subject to the foregoing, the hearing and determination of any such matter may be adjourned at any time to a date not later than the last day of the period referred to in section 6(2)(a), (b), (c), (d)(i), (ii) or (iii) or (e)(i) or (ii), as the case may be.

(L.N. 282 of 1999; L.N. 26 of 2003)

Chapter:	542B	REGISTRATION OF ELECTORS (APPEALS) REGULATION	Gazette Number	Version Date
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Section:	6	Review of rulings by Revising Officer	L.N. 26 of 2003	04/04/2003
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(1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made, review any ruling made under section 2(5)(b), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.

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

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



- (i) section 2(4)(b)(i) may only be reviewed during that period; or
- (ii) section 2(4)(b)(iv)(A) may only be reviewed during that period. (L.N. 26 of 2003)

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

Chapter:	542F	Legislative Council (Election Petition) Rules	Gazette Number	Version Date
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Rule:	3	Filing of documents	E.R. 2 of 2012	02/08/2012
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- (1) Any document required to be filed in proceedings relating to any petition shall be filed in the Registry of the High Court.
- (2) The Supreme Court Fees Rules (Cap 4 sub. leg.) shall, subject to any necessary modifications, apply in respect of all proceedings relating to election petitions.

Chapter:	542F	Legislative Council (Election Petition) Rules	Gazette Number	Version Date
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Rule:	20	Witnesses' expenses	E.R. 2 of 2012	02/08/2012
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The reasonable expenses incurred by any person in appearing to give evidence at the trial of a petition, equal to such sum of money as would be allowed to such person under section 52 of the Supreme Court Ordinance (Cap 4) if he were a witness in any civil proceedings, may be allowed to him by a certificate of the Court or of the Registrar, and shall be deemed to be costs of the petition.

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
Section:	38	When ordinary election can be postponed or adjourned	L.N. 77 of 1999	19/03/1999

(1) The Chief Executive may, by order, direct the postponement of an ordinary election if, before the holding of the election, the Chief Executive is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.

(2) The Chief Executive may, by order, direct the adjournment of the polling or counting of votes in respect of an ordinary election if, during the polling or counting of votes in respect of the election, the Chief Executive is of the opinion that the polling or counting of votes is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.

(3) The Returning Officers concerned must give effect to a direction under this section as soon as practicable after being notified of it.

(4) If an ordinary election, or the polling or counting of votes at an ordinary election, is directed to be postponed or adjourned under this section, the Chief Executive must, by notice published in the Gazette, specify a date for the holding of an election, or a poll or the counting of votes, in place of the postponed election or the adjourned polling or counting. That date must not be later than 14 days from the date on which the election, poll or count would have taken place but for the direction.

Chapter:	553B	Electronic Transactions (Exclusion) Order	Gazette Number	Version Date
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		Empowering section	E.R. 2 of 2012	02/08/2012
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(Cap 553, section 11(1))

(Enacting provision omitted—E.R. 2 of 2012)

[7 April 2000] *L.N. 60 of 2000*

(Originally L.N. 58 of 2000)

(\*Format changes—E.R. 2 of 2012)

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**Note:**

**\*The format of the whole Order has been updated to the current legislative styles.**

Section:	1	(Omitted as spent—E.R. 2 of 2012)	E.R. 2 of 2012	02/08/2012
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Section:	2	Provisions excluded from application of section 5 of Ordinance	E.R. 2 of 2012	02/08/2012
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The provisions specified in Schedule 1 are excluded from the application of section 5 of the Ordinance.

Section:	3	Provisions excluded from application of section 6 of Ordinance	E.R. 2 of 2012	02/08/2012
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The provisions specified in Schedule 2 are excluded from the application of section 6 of the Ordinance.

Section:	4	Provisions excluded from application of section 7 of Ordinance	E.R. 2 of 2012	02/08/2012
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The provisions specified in Schedule 3 are excluded from the application of section 7 of the Ordinance.

Section:	5	Provisions excluded from application of section 8 of Ordinance	E.R. 2 of 2012	02/08/2012
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The provisions specified in Schedule 4 are excluded from the application of section 8 of the Ordinance.

Chapter:	553B	Electronic Transactions (Exclusion) Order	Gazette Number	Version Date
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Schedule:	1	Provisions Excluded from Application of Section 5 of Ordinance	L.N. 156 of 2013	20/12/2013
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[section 2]

Item	Enactment	Provision
1.	(Repealed 16 of 2004 s. 16) (Repealed L.N. 36 of 2003)	
2-4.		
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1) and 6 (L.N. 156 of 2013)
6.	(Repealed L.N. 36 of 2003)	
7.	(Repealed L.N. 54 of 2010)	
8.	Immigration Ordinance (Cap 115)	Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7) and 6(1) and (2) (L.N. 36 of 2003)
9.	Buildings Ordinance (Cap 123)	Sections 17(1)(Column B), 20(2) and 21(2) (L.N. 90 of 2012)
10.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulations 6(1) and 11 (L.N. 90 of 2012)
11.	Building (Planning) Regulations (Cap 123 sub. leg. F)	Regulations 51(1) and 64(1) and (2) (L.N. 90 of 2012)
12-14	(Repealed L.N. 90 of 2012)	
.		
15-17	(Repealed L.N. 152 of 2006)	
.		
18.	Town Planning Ordinance (Cap 131)	Sections 16(2), 17(1) and 24(1)
19.	Commercial Bathhouses Regulation (Cap 132 sub. leg. I)	Section 5(1)
20.	Food Business Regulation (Cap 132 sub. leg. X)	Section 32(1)
21.	Frozen Confections Regulation (Cap 132 sub. leg. AC)	Section 18(1)
22.	Milk Regulation (Cap 132 sub. leg. AQ)	Section 15(1)
23.	Offensive Trades Regulation (Cap 132 sub. leg. AX)	Section 9(2)
24.	(Repealed L.N. 152 of 2006)	
25.	Public Cemeteries Regulation (Cap 132 sub. leg. BI)	Section 5(a)
26.	Slaughterhouses Regulation (Cap 132 sub. leg. BU)	Section 10(1)
27.	Swimming Pools Regulation (Cap 132 sub. leg. CA)	Section 5(1)
28.	Places of Public Entertainment Regulations (Cap 172 sub. leg. A)	Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)

29.	Births and Deaths Registration Ordinance (Cap 174)	Sections 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i) (8 of 2006 s. 50)
30.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1) and (1B)(a)
31.	Marriage Reform Ordinance (Cap 178)	Section 9(4)(a)
32.	Marriage Ordinance (Cap 181)	Section 14(1)
33.	Aerial Ropeways (Safety) Ordinance (Cap 211)	Section 7
34-36	(Repealed L.N. 152 of 2006)	
.		
37.	(Repealed L.N. 36 of 2003)	
38.	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap 296 sub. leg. A)	Regulations 11(2) and 12(2)
39.	(Repealed L.N. 152 of 2006)	
40.	(Repealed L.N. 215 of 2007)	
41-43	(Repealed L.N. 152 of 2006)	
.		
44.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulations 12R(1), 17(2) and 20(1) (25 of 2005 s. 41; L.N. 152 of 2006)
45.	(Repealed L.N. 90 of 2012)	
46.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Sections 3(1) and (2) and 4
47-48	(Repealed L.N. 215 of 2007)	
.		
49-50	(Repealed L.N. 152 of 2006)	
.		
51.	New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap 495)	Section 5(1) and (2) (L.N. 152 of 2006)
52.	Environmental Impact Assessment Ordinance (Cap 499)	Sections 5(1) and (2), 6(2) and 7(1)(a) (L.N. 84 of 2009; L.N. 90 of 2012)
53.	(Repealed L.N. 152 of 2006)	
54.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Section 5(2) (L.N. 261 of 2000)
55.	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)	Section 21(2) (L.N. 261 of 2000; L.N. 268 of 2001)
56.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap	Sections 5(13) and 8(2)

	541 sub. leg. C)	
57.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 23(8) and (12), 25(6) and (15), 42(11) and (13) and 66(7) and (10) (L.N. 268 of 2001)
58.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Sections 5(8) and 8(2)
59.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)	Sections 26(5) and (9), 28(3) and (12), 45(8) and (10), 66(6) and (9) and 102(4) (L.N. 90 of 2012)
59A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	Sections 6(13) and 9(2) (L.N. 268 of 2001)
59B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 23(5) and (9), 25(2), 42(8) and (10) and 64(8) and (10) (L.N. 268 of 2001)
59C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6) and 80(2) (L.N. 282 of 2001; 11 of 2012 s. 23)
60.	Legislative Council Ordinance (Cap 542)	Sections 13(1), 14(1), 26(6), 38(3), 40(1)(b) and 42(2) (21 of 2001 s. 75)
61.	Registration of Electors (Appeals) Regulation (Cap 542 sub. leg. B)	Section 2(1) and (2)(c)
62.	(Repealed L.N. 268 of 2001)	
63.	District Councils Ordinance (Cap 547)	Sections 15(1), 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2
64.	Election (Corrupt and Illegal Conduct) Ordinance (Cap 554)	Sections 37(1) and (2) and 37A(4) and (6) (L.N. 167 of 2000; 18 of 2011 s. 50)
65.	Chief Executive Election Ordinance (Cap 569)	Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3), 13(6) and 21(2) (21 of 2001 s. 75)
66.	Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Sections 4(1) and 5(1) and (2)(c) (L.N. 268 of 2001)
67.	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569 sub. leg. B)	Section 3(1) and (2)(c) (L.N. 268 of 2001)
68.	Village Representative Election Ordinance (Cap 576)	Sections 8(1), 10(1), 24 and 26(2) (2 of 2003 s. 68)
69-70.	(Repealed L.N. 152 of 2006)	
71.	(Repealed L.N. 215 of 2007)	

72. Arbitration Ordinance (Cap 609) Sections 26(1), 31(7), 32(1)(a) and (3), 33(1), 50, 52, 54(1), 66(2), 67(1), 74(2) and 102(a) (17 of 2010 s. 112)

Chapter:	553B	Electronic Transactions (Exclusion) Order	Gazette Number	Version Date
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Schedule:	2	Provisions Excluded from Application of Section 6 of Ordinance	L.N. 156 of 2013	20/12/2013
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[section 3]

Item	Enactment	Provision
1.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78) (Repealed L.N. 36 of 2003)	Section 5(1) (L.N. 156 of 2013)
2.	Immigration Ordinance (Cap 115)	Section 5(4)(b) and (5)(a)(ii) and (b)(ii)
3.	(Repealed 15 of 2004 s. 62)	
4.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulation 12(1), (2), (3) and (5) (15 of 2004 s. 62; L.N. 90 of 2012)
5.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1)
6.	Marriage Ordinance (Cap 181)	Section 6
7.	Legitimacy Ordinance (Cap 184)	Schedule, paragraph 1
8.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulation 17(2) (L.N. 152 of 2006)
9.	(Repealed L.N. 90 of 2012)	
10.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Section 6
11.	(Repealed L.N. 152 of 2006)	
12.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Sections 14(2) and 15(6) (L.N. 261 of 2000)
13.	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)	Sections 19(1)(e), 20(2), (3), (5), (7) and (8), 26(6), 30(2), 31(7), 31A(2) and 33(9) (L.N. 261 of 2000; L.N. 268 of 2001)
14.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council))	Section 5(4)
15.		



16.	Regulation (Cap 541 sub. leg. C) Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 10(7) and (8), 11(7) and (8), 20(2), 23(9) and (12), 25(8) and (15), 42(11) and (13) and 66(7) and (10) (L.N. 268 of 2001; 25 of 2003 s. 50; 11 of 2012 s. 24)
17.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Section 5(2)
18.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)	Sections 12(7) and (8), 20(2), 26(6) and (9), 28(5) and (12), 45(8), 66(6) and (9) and 102(4) (11 of 2012 s. 24)
18A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	Section 6(4) (L.N. 268 of 2001)
18B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 7(4), 8(6) and (7), 17(2), 23(6) and (9), 25(4) and (9), 42(8) and (10), 64(8) and (10) and 99(2)(b) (L.N. 268 of 2001; 11 of 2012 s. 24)
18C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6) and 80(2) (L.N. 282 of 2001; 11 of 2012 s. 24)
19.	Legislative Council Ordinance (Cap 542)	Sections 13(2), 14(2), 40(2) and 42(2) (21 of 2001 s. 76)
20.	District Councils Ordinance (Cap 547)	Sections 15(2), 23(2), 25(2), 35(2) and 63(2)
21.	(Repealed L.N. 156 of 2013)	
22.	Chief Executive Election Ordinance (Cap 569)	Sections 16(3) and (8) and 33(2) and the Schedule, sections 3(4) and 21(2) (21 of 2001 s. 76)
23.	Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Section 3(2) (L.N. 268 of 2001)
24.	Village Representative Election Ordinance (Cap 576)	Sections 8(2), 10(2), 24 and 26(2) (2 of 2003 s. 68)
25-26	(Repealed L.N. 152 of 2006)	
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27.	(Repealed L.N. 215 of 2007)	
28.	Arbitration Ordinance (Cap 609)	Section 67(1) (17 of 2010 s. 112)

Chapter:	554	Elections (Corrupt and Illegal Conduct) Ordinance	Gazette Number	Version Date
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Section:	34	Offence to publish election advertisements that do not meet certain requirements	E.R. 2 of 2012	02/08/2012
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- (1) A person must not publish a printed election advertisement that fails to show, in the English or Chinese language-
  - (a) the name and address of the printer; and
  - (b) the date on which it was printed; and
  - (c) the number of copies printed.
- (2) Subsection (1) does not apply to an election advertisement that is printed in a registered local newspaper.
- (3) Subsection (1) is not contravened in relation to the publication of a printed election advertisement if, not later than 7 days after the advertisement is published, the publisher, or a person authorized by the publisher, has lodged with the appropriate returning officer a statutory declaration that states-
  - (a) the name and address of the printer; and
  - (b) the date on which it was printed; and
  - (c) the number of copies printed.
- (4) A person must, not later than 7 days after publishing a printed election advertisement, furnish 2 copies of the advertisement to the appropriate returning officer.
- (5) If a printed election advertisement is published in a registered local newspaper, the duty to comply with subsection (4) is on the person who seeks to place the advertisement in the newspaper.
- (6) A person who contravenes subsection (1) or (4) commits an offence and is-
  - (a) if tried summarily, liable on conviction to a fine at level 5 and to imprisonment for 1 year; or
  - (b) if tried on indictment, liable on conviction to a fine of \$200000 and to imprisonment for 3 years.
- (7) A returning officer must keep each copy of statutory declaration or an election advertisement lodged with the officer under this section for 6 months after the date on which the result of the relevant election is published and may then destroy it or dispose of it in some other manner.
- (8) Subject to subsection (5), any person who authorizes the publication of an election advertisement is taken to have published the advertisement for the purposes of this section.
- (9) (Repealed 11 of 2012 s. 30)

Chapter:	554	Elections (Corrupt and Illegal Conduct) Ordinance	Gazette Number	Version Date
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Section:	35	Court may grant relief in certain circumstances if election advertisements do not meet requirements	E.R. 2 of 2012	02/08/2012
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- (1) A person who publishes a printed election advertisement without complying with section 34(1) or (4) may apply to the Court for an order under subsection (2).
- (2) On the hearing of an application made under subsection (1), the Court may make an order allowing the publication which would, but for this section, constitute an offence under

section 34, be excepted from the relevant requirements under that section and relieving the applicant from the penalties imposed by that section, but only if the Court-

(a) is satisfied that-

(i) the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith; and

(ii) where the Court requires notice of the application to be given in Hong Kong, the notice has been given; and

(b) believes it to be just that the applicant should not be subject to those penalties.

(3) If an application is made under subsection (1), no prosecution against the applicant for not having complied with section 34(1) or (4) may be instituted or carried on until the application is disposed of by the Court.

(4) An applicant is not liable to be convicted of an offence under section 34 if the non-compliance by the applicant with section 34(1) or (4) is the subject of an order made under subsection (2).

Chapter:	569	Chief Executive Election Ordinance	Gazette Number	Version Date
Schedule:		Schedule	E.R. 1 of 2013	25/04/2013

## Election Committee

### Part 1

#### Preliminary

Chapter:	569	Chief Executive Election Ordinance	Gazette Number	Version Date
Schedule:		Schedule	E.R. 1 of 2013	25/04/2013

## Election Committee

### Part 4

#### Subsector Election

#### Division 2—Registration of voters

#### 14. Electoral Registration Officer to compile and publish a register of voters

- (1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations—
  - (a) not later than 15 June in each year other than a year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and
  - (b) not later than 25 July in each year other than a year in which a District Council ordinary election is to be held, a final register of voters for subsectors. (Amended 33 of 2002 s. 11)
- (1A) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations—
  - (a) not later than 15 August in each year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and
  - (b) not later than 25 September in each year in which a District Council ordinary election is to be held, a final register of voters for subsectors. (Added 33 of 2002 s. 11)
- (1B) Despite subsections (1) and (1A), as soon as practicable after the District Council ordinary election in 2011, the Electoral Registration Officer must, in accordance with the EAC Regulations—
  - (a) compile the subsector final register for the Hong Kong and Kowloon District Councils subsector by—
    - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and

- (ii) registering in the subsector final register all persons who are elected as members of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap 547) under Part V of that Ordinance as voters of the subsector;
  - (b) compile the subsector final register for the New Territories District Councils subsector by—
    - (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
    - (ii) registering in the subsector final register all persons who are elected as members of a District Council specified in item 10, 11, 12, 13, 14, 15, 16, 17 or 18 of Schedule 2 to the District Councils Ordinance (Cap 547) under Part V of that Ordinance as voters of the subsector;
  - (c) if the persons referred to in paragraphs (a)(ii) and (b)(ii) are registered as voters in any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector, strike out their names and other relevant particulars from the subsector final register for that subsector to the effect that they are no longer registered as voters for that subsector. (Added 1 of 2011 s. 12)
- (1C) The Electoral Registration Officer must, as soon as practicable after complying with subsection (1B), publish in accordance with the EAC Regulations the subsector final register in which there is any addition or removal of names and other relevant particulars of voters. (Added 1 of 2011 s. 12)
- (2) The Electoral Registration Officer may amend a subsector provisional register or subsector final register so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.
  - (3) A subsector provisional register is to be based on the existing subsector final register. (Amended 10 of 2006 s. 31)
  - (4) In compiling a subsector provisional register, the Electoral Registration Officer shall—
    - (a) after scrutinizing the register on which the subsector provisional register is to be based, strike out the names and other relevant particulars of those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the subsector final register;
    - (b) enter the names and other relevant particulars of those persons on an omissions list; and
    - (c) add to the register the names and other relevant particulars of those persons who have made applications for registration since the date prescribed for the purposes of this paragraph by the EAC Regulations and who are eligible to have their names included in the subsector final register.
  - (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish—
    - (a) in the Gazette; and
    - (b) in such other publications (if any) as are prescribed by the EAC Regulations, a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the subsector final register have been entered on an omissions list and specifying the times and the place at which the omissions list may be inspected.
  - (6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations—
    - (a) keep the omissions list at that Officer's office; and

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

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

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



date not later than the twentieth day after that date of publication, which date so fixed shall not be earlier than the third day after the day on which the copy of the notice is received.

- (6) As regards any notice of appeal or notice of claim or notice of objection-
  - (a) in the case where the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and the appellant-
    - (i) does not appear at the hearing;
    - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
    - (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer before the date of the hearing, (L.N. 243 of 2001)
 the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand; or
  - (b) in any other case, the Revising Officer shall make a ruling either allowing or dismissing the appeal or the claim or the objection, as the case may be, to which that notice relates.

Chapter:	569B	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation	Gazette Number	Version Date
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Section:	5	Electoral Registration Officer to be notified of rulings	E.R. 1 of 2012	09/02/2012
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The Revising Officer shall, as regards those hearings held pursuant to section 3 and concluded-

- (aa) during the period beginning on 15 August in a District Council election year and ending on 11 September in that year, notify the Electoral Registration Officer on or before 17 September in that year; (L.N. 27 of 2003)
- (ab) during the period beginning on 15 June in any year which is not a District Council election year and ending on 11 July in that year, notify the Electoral Registration Officer on or before 17 July in that year; (L.N. 27 of 2003)
- (a) during the period of 21 days as referred to in section 3(3)(a), notify the Electoral Registration Officer not later than the third working day before the polling date for the subsector concerned;
- (b) during the period of 27 days as referred to in section 3(3)(b)(ii), (iii) or (iv)(B), as the case may be, notify the Electoral Registration Officer not later than 17 July in the same year; (L.N. 27 of 2003)
- (c) during the period of 28 days as referred to in section 3(3)(b)(i) or (iv)(A), as the case may be, notify the Electoral Registration Officer not later than 17 September in the same year; or (L.N. 27 of 2003)
- (d)-(e) (Repealed L.N. 27 of 2003)
- (f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5), notify the Electoral Registration Officer not later than the twenty-first day after that date of publication,

in relation to each notice of appeal or notice of claim or notice of objection concerned, that the decision of the Electoral Registration Officer shall stand pursuant to section 3(6)(a), or of the ruling of the Revising Officer under section 3(6)(b), as may be appropriate.

Chapter:	569B	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation	Gazette Number	Version Date
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Section:	7	Review of rulings by Revising Officer	E.R. 1 of 2012	09/02/2012
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- (1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made, review any ruling made under section 3(6)(b), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.
- (2) A ruling under section 3(6)(b) made-
  - (aa) during the period beginning on 15 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period; (L.N. 27 of 2003)
  - (ab) during the period beginning on 15 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period; (L.N. 27 of 2003)
  - (a) during the period of 21 days as referred to in section 3(3)(a) may only be reviewed during that period;
  - (b) during the period of 27 days as referred to in-
    - (i) section 3(3)(b)(ii) may only be reviewed during that period;
    - (ii) section 3(3)(b)(iii) may only be reviewed during that period; or
    - (iii) section 3(3)(b)(iv)(B) may only be reviewed during that period; (L.N. 27 of 2003)
  - (c) during the period of 28 days as referred to in-
    - (i) section 3(3)(b)(i) may only be reviewed during that period; or
    - (ii) section 3(3)(b)(iv)(A) may only be reviewed during that period; or (L.N. 27 of 2003)
  - (d)-(e) (Repealed L.N. 27 of 2003)
  - (f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5) may only be reviewed during the period of 20 days after that date of publication.
- (3) In the case where the Revising Officer decides to review any ruling made under section 3(6)(b), he shall determine the procedure for such review.

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

- (a) a provisional register of electors for a Village not later than 27 August in each year; and
- (b) a final register of electors for a Village not later than 20 October in each year. (Amended 12 of 2009 s. 7)

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

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

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

- (a) after scrutinizing the register on which the provisional register is based, strike out the names and other relevant particulars of the persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the final register for the Village;
- (b) enter the names and other relevant particulars of those persons on an omissions list; and
- (c) add to the register the names and other relevant particulars of the persons whose applications for registration are received by the Electoral Registration Officer during the period prescribed for the purposes of this paragraph by the EAC Regulations and who are eligible to have their names included in the final register for the Village. (Amended 12 of 2009 s. 7)

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

- (a) in the Gazette and in such other publications (if any) as are prescribed by the EAC Regulations;
- (b) to the effect that the names and other relevant particulars of the persons who are no longer eligible to have their names included in the final register for the Village have been entered on an omissions list; and
- (c) specifying the time and the place at which the omissions list may be inspected.

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

- (a) keep at the Officer's office at least one copy of the omissions list; and
- (b) during the ordinary business hours of that office, make at least one copy of the omissions list available for inspection by members of the public free of charge.

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

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

- (a) subject to subsection (5), fix a date, time and place for holding a hearing in respect of the claim or the objection to which the notice relates; and (12 of 2009 s. 16)
- (b) send by post, a notice of hearing-
  - (i) to the appellant; and
  - (ii) if the hearing is in respect of a notice of objection, also to the person in respect of whom the objection is made.

(2) A notice of hearing sent to a party shall-

- (a) state that a hearing is to be held in respect of the claim or the objection;
- (b) specify the date, time and place fixed for the hearing; and
- (c) state that the party-
  - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the claim or objection;
  - (ii) may be represented at the hearing by a legal practitioner or an authorized representative who may make representations on his behalf; or
  - (iii) whether or not he appears or is represented, may make representations in writing regarding the claim or objection and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer not later than 1 day before the date fixed for the hearing.

(3) A notice of hearing sent to an appellant shall also state that if-

- (a) the Electoral Registration Officer does not make representations to the Revising Officer at the hearing; and
- (b) the appellant-
  - (i) does not appear at the hearing;
  - (ii) is not represented at the hearing by a legal practitioner or an authorized representative; and
  - (iii) does not make representations in writing regarding the claim or objection to be received by the Revising Officer not later than 1 day before the hearing date,

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

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

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

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

Chapter:	576A	VILLAGE REPRESENTATIVE ELECTION (REGISTRATION OF ELECTORS) (APPEALS) REGULATION	Gazette Number	Version Date
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Section:	6	Determination of matters and powers of adjournment, etc.	L.N. 49 of 2003	21/02/2003
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(1) The Revising Officer shall determine every matter to be determined by him under this Regulation as soon as practicable.

(2) The hearing of an appeal shall, as far as is practicable having regard to the interest of justice, be continued from day to day (excluding general holidays) until its conclusion.

(3) Subject to subsection (2), the hearing and determination of any such matter may be adjourned at any time to a date not later than the last day of the relevant period referred to in section 7(2).