

L.N. 11 of 2016

Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2016

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Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2016

(Made by the Electoral Affairs Commission under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541))

1. Commencement

This Regulation comes into operation on 18 March 2016.

2. 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 sections 3 to 15.

3. Section 2A amended (effect of inclement weather warning on date and period)

(1) Section 2A(4), Table 1—

Repeal

“33(10)(a)(i)(A)”

Substitute

“26(5)(b)(ii)(A)”.

(2) Section 2A(4), Table 1—

Repeal

“33(10)(a)(i)(B)”

Substitute

“26(5)(b)(i) and (ii)(B)”.

- (3) Section 2A(4), Table 1—

Repeal

“section 29(3)(a)(i) section 26(5)(b)(ii)(A)”.

- (4) Section 2A(4), Table 1—

Repeal

“section 29(3)(a)(ii) section 26(5)(b)(i) and (ii)(B)”.

4. 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(9)—

Repeal

“registered post”

Substitute

“post”.

- (2) Section 21(10)—

Repeal

“registered”.

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

Section 22(3)—

Repeal

“registered”.

6. Section 23 amended (Electoral Registration Officer to determine whether persons registered in the existing functional constituencies or subsector final register are registered in the appropriate part)

Section 23(3)—

Repeal

“, by registered post”

Substitute

“by post”.

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

(1) Section 24(1C)(a)—

Repeal

“(1A);”

Substitute

“(1A); or”.

(2) Section 24(1C)—

Repeal paragraph (b).

- (3) Section 24(5)(a)—

Repeal

everything after “has informed” and before “and other particulars”

Substitute

“the person in writing by post (sent to 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 the person’s name”.

- (4) Section 24(7A)—

Repeal

“registered”.

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

- (1) Section 26, heading—

Repeal

“next”.

- (2) Section 26(2)—

Repeal

“next functional constituencies provisional register, the next subsector provisional register or the next Election Committee provisional register (as the case may be)”

Substitute

“first functional constituencies provisional register, subsector provisional register or Election Committee provisional register (as the case may be) after that period”.

- (3) Section 26(3)—

Repeal

“next functional constituencies provisional register, the next subsector provisional register or the next Election Committee provisional register (as the case may be)”

Substitute

“first functional constituencies provisional register, subsector provisional register or Election Committee provisional register (as the case may be) after that period”.

- (4) Section 26(4)—

Repeal

“registered”.

- (5) Section 26(5)—

Repeal paragraph (ab)

Substitute

“(ab) the functional constituencies provisional register or the subsector provisional register for 2016, after 25 August 2015 but not later than 2 May 2016;”.

- (6) Section 26(5)(b)(i)—

Repeal

“25 June”

Substitute

“2 May”.

- (7) Section 26(5)(b)(ii)(A)—

Repeal

“25 August”

Substitute

“2 July”.

- (8) Section 26(5)(b)(ii)(B)—

Repeal

“25 June”

Substitute

“2 May”.

- (9) After section 26(6)—

Add

“(7) The Electoral Registration Officer may, before acting under subsection (2) in relation to the compilation of the functional constituencies provisional register or the subsector provisional register, require in writing the person who makes the request under subsection (1) to furnish in writing either or both of the following within the specified period—

- (a) further particulars relating to the request as specified by the Electoral Registration Officer;
- (b) proof that the entry is incorrect.

(8) In this section—

specified period (指明期間), in relation to a requirement made under subsection (7), means—

- (a) if the first 11 July that follows the making of the requirement falls in a District Council election year—a period specified by the Electoral Registration Officer ending not later than that 11 July; or
- (b) in any other case—a period specified by the Electoral Registration Officer ending not later than the first 11 May that follows the making of the requirement.”.

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

Section 27—

Repeal subsection (2).

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

(1) Section 33, heading, after “**compiling**”—

Add

“**Election Committee**”.

(2) Section 33(1)—

Repeal

“or a body whose name is or is to be recorded in a functional constituencies provisional register, a subsector provisional register or”

Substitute

“is or is to be recorded in”.

- (3) Section 33(1)—

Repeal

“him, her or it”

Substitute

“him or her”.

- (4) Section 33(2)(a)—

Repeal

“(10)(a)”

Substitute

“(10)(a)(ii)”.

- (5) Section 33(2)—

Repeal

“relevant final register”

Substitute

“first Election Committee final register after that period”.

- (6) Section 33(2), Chinese text—

Repeal

“或該團體”.

- (7) Section 33—

Repeal subsection (3).

- (8) Section 33(5)—

Repeal

“or (3)”.

(9) Section 33(5)—

Repeal

“registered”.

(10) Section 33(6)—

Repeal

“a functional constituencies register, a subsector register or”.

(11) Section 33(6)—

Repeal

“(10)(a)”

Substitute

“(10)(a)(ii)”.

(12) Section 33(6)—

Repeal

everything after “compiling”

Substitute

“the next Election Committee provisional register.”.

(13) Section 33(7)—

Repeal paragraph (a).

(14) Section 33(8)—

Repeal

“(10)(a)”

Substitute

“(10)(a)(ii)”.

(15) Section 33—

Repeal subsection (9).

(16) Section 33(10)(a)—

Repeal subparagraph (i).

(17) Section 33(10)(a)(ii)—

Repeal

“register; or”

Substitute

“register.”.

(18) Section 33(10)—

Repeal paragraph (b).

11. Section 34 amended (Electoral Registration Officer to correct entries in provisional register with approval of Revising Officer)

Section 34(2)(b)—

Repeal

“registered”.

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

Section 35(1)(a)—

Repeal

“33 or”.

13. Section 35A repealed (first register of electors for District Council (second) functional constituency)

Section 35A—

Repeal the section.

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

Section 36(1)(a)—

Repeal

“33 or”.

15. Section 44 amended (communications by registered post)

(1) Section 44, heading—

Repeal

“registered”.

(2) Section 44—

Repeal

“registered”.

Made this 18th day of January 2016.

The Hon. Mr. Justice
Barnabas Wah FUNG
Chairman,
Electoral Affairs Commission

Arthur LUK Yee-shun
Member,
Electoral Affairs Commission

Fanny M. C. CHEUNG
Member,
Electoral Affairs Commission

Explanatory Note

This Regulation amends 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) (*principal Regulation*).

2. Section 33 of the principal Regulation allows the Electoral Registration Officer (*ERO*), when compiling a final register of electors for functional constituencies, final register of voters for subsectors or final register of members of the Election Committee, to alter the particulars recorded or to be recorded in the relevant provisional register on receiving a request or obtaining information. This Regulation amends that section so that the ERO may no longer alter the particulars under that section when compiling registers for functional constituencies and subsectors.
3. Section 26 of the principal Regulation is amended correspondingly so that, in relation to the compilation of registers for functional constituencies and subsectors, requests for alteration of particulars received after the deadline for applying for registration in the provisional register compiled for a year will only be considered by the ERO for the purpose of compiling the provisional register for the next year.
4. In addition, this Regulation—
 - (a) amends various provisions in the principal Regulation to replace the requirement to send communication by registered post by the requirement to send it by post; and

- (b) repeals sections 24(1C)(b), 27(2) and 35A of the principal Regulation which relate to the first register of electors for the District Council (second) functional constituency as they are spent.