

立法會
Legislative Council

LC Paper No. LS86/16-17

**Paper for the House Committee Meeting
on 30 June 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 23 June 2017**

Tabling in LegCo : Council meeting of 28 June 2017

Amendment to be made by : Second meeting of LegCo in the next session (or the first meeting held not earlier than the 21st day after the second meeting of the next session if extended by resolution)

**Electoral Affairs Commission (Electoral Procedure)
(Legislative Council) (Amendment) Regulation 2017** (L.N. 129)

**Electoral Affairs Commission (Electoral Procedure) (District
Councils) (Amendment) Regulation 2017** (L.N. 130)

**Electoral Affairs Commission (Electoral Procedure)
(Election Committee) (Amendment) Regulation 2017** (L.N. 131)

**Electoral Procedure (Chief Executive Election)
(Amendment) Regulation 2017** (L.N. 132)

**Electoral Procedure (Rural Representative Election)
(Amendment) Regulation 2017** (L.N. 133)

L.N. 129 to L.N. 133 are made by the Electoral Affairs Commission under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541) to implement the recommendation of the Electoral Affairs Commission ("EAC") in its report on the 2016 Legislative Council ("LegCo") General Election concerning proof of an elector's identity before the elector is issued a ballot paper.

2. Currently, under the corresponding principal Regulations, the Presiding Officer ("PO") of a polling station must not give a ballot paper to an elector unless PO is satisfied that the elector is the person registered in the final register as claimed after inspecting the elector's identity documents. The types of such documents are not specified in the existing legislation.

3. L.N. 129 to L.N. 133 respectively amend the corresponding principal Regulations to provide for the documents to be inspected by PO for satisfying himself or herself of the identity of an elector for the purpose of issuing ballot papers to the elector in respect of the LegCo election, District Council election, Election Committee subsector elections, Chief Executive election and Rural Representative election. The documents can be any of the following:

- (a) the elector's identity document;
- (b) an acknowledgement of application for being registered under the Registration of Persons Ordinance (Cap. 177) or for a new identity card under the Registration of Persons Regulations (Cap. 177A) issued by the Commissioner of Registration;
- (c) a valid Hong Kong Special Administrative Region Passport;
- (d) a valid seaman's identity book issued by the Director of Immigration;
- (e) a valid document of identity issued by the Director of Immigration;
- (f) a document evidencing a report to a police officer of the loss or destruction of the elector's identity document, together with a valid passport or similar travel document showing the elector's name and photograph and a copy of the elector's identity document in paper form showing the elector's name and photograph; and
- (g) for an elector applying for a ballot paper at a dedicated polling station situated in a prison, a document issued by the Commissioner of Correctional Services showing the elector's name, photograph and the elector's prisoner registration number.

4. L.N. 129 to L.N. 133 come into operation on 1 December 2017.

5. Members may refer to the LegCo Brief (Ref: REO 14-32/7(Con)) issued by the Registration and Electoral Office in June 2017 for background and other information.

6. As advised by the Clerk to the Panel on Constitutional Affairs, the Administration reported to the Panel at its meeting on 25 January 2017 on EAC's recommendation to amend the legislation to set out expressly that an elector must produce the original copy of his/her Hong Kong Permanent Identity Card before a ballot paper could be issued. Members in general did not raise objection to the recommendation.

**Public Health and Municipal Services Ordinance (Public
Pleasure Grounds) (Amendment of Fourth Schedule) Order
2017**

(L.N. 134)

7. L.N. 134 is made by the Director of Leisure and Cultural Services ("the Director") under section 106 of the Public Health and Municipal Services Ordinance (Cap. 132) to:

- (a) set aside 10 places detailed in Schedule 1 to L.N. 134 in Hong Kong, Kowloon and The New Territories for use as public pleasure grounds with the effect that the general management and control of these new public pleasure grounds is vested in the Director;
- (b) provide that Bridges Street Market Children's Playground ceases to be set aside for use as a public pleasure ground; and
- (c) update the list of public pleasure grounds in the Fourth Schedule to Cap. 132 to reflect the above changes and the change of the names of two existing public pleasure grounds from "Hang Fa Chuen Playground" to "Heng Fa Chuen Playground" and from "哥連臣角道休憩處" to "歌連臣角道休憩處".

8. According to paragraph 9 of the LegCo Brief (with no file reference) issued by the Leisure and Cultural Services Department dated 22 June 2017, the Administration has consulted the District Councils concerned and they supported the amendments.

9. As advised by the Clerk to the Panel on Home Affairs, the Panel has not been consulted on L.N. 134.

10. L.N. 134 came into operation on the day of publication in the Gazette, i.e. 23 June 2017.

Concluding observations

11. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 129 to L.N. 134.

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