

**Response to the matters raised at the meeting  
of the Subcommittee on Amendments to Five Regulations  
under the Electoral Affairs Commission Ordinance  
held on 9 October 2017**

This paper provides response to matters raised by Members during the meeting of the Subcommittee on Amendments to Five Regulations under the Electoral Affairs Commission Ordinance (Cap. 541) held on 9 October 2017, and sets out the amendments that the Government intends to move.

**Justifications for amending the existing legislation**

2. Some Members remarked that although two electors were able to collect ballot papers by only producing photocopies of their Hong Kong Permanent Identity Cards (“HKIDs”) during the 2016 Legislative Council (“LegCo”) General Election, such cases were in fact isolated incidents. They enquired about the justifications for amending the existing legislation.

3. According to the existing electoral legislation<sup>1</sup>, if the Presiding Officer (“PRO”) in a LegCo election, after inspecting a person’s identity document or “any other document showing the person’s name and photograph”, is satisfied that he/she is the person registered in the Final Register (“FR”) as claimed, the PRO may give a ballot paper to that person.

4. Nevertheless, the scope of “any other document showing the person’s name and photograph” can be wide. The existing legislation does not specify precisely the specific forms or types of documents that the PRO may accept. Different practices among different PROs would create inconsistency and lead to possible disputes.

5. In respect of the 2016 LegCo General Election, there were media reports that some electors were able to collect ballot papers by only producing photocopies of their HKIDs. Despite Electoral Affairs Commission (“EAC”)’s clarification on the same day, the incidents were widely reported by the media on that day, highlighting the public concern on the possibility of persons using counterfeit documents or impersonating electors to apply for ballot papers.

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<sup>1</sup> Section 50(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D).

6. In accordance with sections 27 to 30 of the Legislative Council Ordinance (Cap. 542), only a permanent resident of Hong Kong who ordinarily resides in Hong Kong, holds an identity document and has reached 18 years of age is eligible to be registered as an elector. Moreover, persons listed in the FR may have the same names, while their identity card numbers are unique for identification purpose. Therefore, the EAC recommended in its report on the 2016 LegCo General Election that in order to avoid unnecessary queries, the relevant authority should consider amending the related legislation, setting out expressly that an elector must produce the original of his/her HKID before a ballot paper can be issued.

7. In order to maintain public confidence in the integrity of the electoral system and guard against the possibility of persons using counterfeit documents or impersonating electors to apply for ballot papers, we recommended that it was necessary for PROs to adopt a more prudent approach in ascertaining the identity of an elector before the issuance of ballot paper(s).

8. In accordance with section 17C of the Immigration Ordinance (Cap. 115), every person who has attained the age of 15 years and is the holder of an identity card shall have with him/her at all times proof of his/her identity. Therefore, there should not be any difficulty for an elector to fulfil the requirement to produce the original of his/her HKID when applying for ballot paper(s) at the polling station.

9. At the same time, we recommended putting in place a few alternative measures to allow those electors who could not produce the original of their HKIDs (e.g. loss of HKID) be issued ballot papers upon production of other specified identity documents.

### **Scope of alterative measures**

10. During the meeting on 9 October, some Members remarked that the original of the HKIDs of some elderly electors were kept by their family members and hence the elderly electors might not be able to bring along the original of their HKIDs at all times. Members were concerned that these elderly electors would be deprived of their voting rights after the Amendment Regulations came into operation. On the other hand, a few Members were of the view that some electors might not readily keep a copy of their HKIDs in paper form. Should they lose their HKIDs on the polling day, they might have difficulties in meeting the requirements under the proposed alternative measure, i.e. to produce a document

evidencing a report to a police officer of the loss or destruction of the persons' HKIDs (commonly referred to as "a memo of lost property"), the original of a valid passport or similar travel document showing his/her name and photograph, together with the copy of their HKIDs in paper form, when applying for ballot paper(s).

11. We have seriously considered the justifications for introducing an additional alternative measure specifically for elderly electors after the meeting. As stated in paragraph 8 above, according to the Immigration Ordinance, every person who has attained the age of 15 years and is the holder of an identity card shall have his/her identity card with him/her at all times. It is legally inappropriate for us to condone that elderly electors need not comply with the statutory requirement and introduce a special alternative measure for elderly electors to collect ballot papers with other documents (such as Senior Citizen Cards and photocopies of HKIDs). In fact, this Bureau has particularly invited the Registration and Electoral Office ("REO") to check with the PROs of a number of polling stations with a relatively high proportion of elderly electors in the 2016 LegCo General Election, and we understand that nearly all elderly electors produced the original of their HKIDs for issuance of ballot papers. As such, we do not intend to introduce amendments in this respect.

12. We have also reconsidered the possibility that electors might lose their HKIDs. Our original proposal was to put in place a few alternative measures for the original of HKIDs. Under the amended provisions, the PRO may still issue ballot paper(s) to an elector if the PRO is satisfied that he/she is the person registered in the FR upon inspecting other specified documents issued by the Immigration Department bearing the holder's name, photograph and HKID number, and commonly accepted as proof of identity. Such documents include –

- (a) the original of an acknowledgement of application for the HKID;
- (b) the original of a valid Hong Kong Special Administrative Region ("HKSAR") passport;
- (c) the original of a valid seaman's identity book; or
- (d) the original of a valid document of identity for visa purposes.

As of end September 2017, there were over 6.1 million copies of items (b), (c), and (d) in circulation. It is believed that the majority of electors are in possession of the said documents. Therefore, even if an elector has difficulty in producing the original of his/her HKID, he/she may produce one of the above documents to apply for ballot papers.

13. We are mindful that some electors may not be in possession of any of the documents issued by the HKSAR Government, as detailed in paragraph 12 above. We have therefore introduced another alternative measure in the Amendment Regulations by proposing that if an elector can produce a memo of lost property, coupled with a valid passport or similar travel document (e.g. a passport (other than the HKSAR Passport) or the Home Return Permit) showing his/her name and photograph, and a copy of his/her HKIDs in paper form, he/she may still be issued a ballot paper. Given that the HKID number of an elector might not be provided in the foreign passports, and the elector's photograph is not available in the memo of lost property, the elector is required to produce a copy of his/her HKID in paper form manifesting his/her name, photograph and HKID number, in addition to the memo of lost property and a valid passport or similar travel document. This can enable the polling officer to cross-check the three documents to ascertain that the elector is the same person registered in the FR.

14. The above arrangements serves to ensure that the PRO will adopt a more prudent approach in ascertaining the identity of an elector, and at the same time, avoid imposing any unreasonable restrictions on an eligible elector's right to vote.

15. We have also seriously considered Members' suggestion that an elector should be allowed to collect a ballot paper by producing only the memo of lost property and the original of a valid passport or similar travel document (e.g. a passport (other than the HKSAR Passport) or the Home Return Permit) showing his/her name and photograph, without presenting a copy of his/her HKID in paper form at the same time. We note that the name and HKID number of an elector, as provided by him/her when reporting to the police, is in fact contained in the memo of lost property. Such information can be used to cross-check against information that appears on the passport or similar travel document concerned, as well as the relevant entry in the FR. As it is a criminal offence to make a false report to the police, the authenticity of the information provided in the memo of lost property should to a large extent be warranted. After carefully considering Members' suggestion, and with EAC's agreement in-principle, we propose revising the said alternative measure such that the PRO may still issue ballot paper(s) to an elector if the PRO is satisfied of the elector's identity upon inspecting a memo of lost property and a valid passport or similar travel document (e.g. a passport (other than the HKSAR Passport) or the Home Return

Permit). A mark-up copy of the proposed amendments is at **Annex**<sup>2</sup>.

16. After the amendments come into operation, REO will proactively publicise the requirement for an elector to produce the original of his/her HKID before a ballot paper can be issued through Television and Radio Announcements in the Public Interest, posters as well as banners, and will provide explanations of the arrangements, including the alternative measures, on its dedicated website for elections (www.election.gov.hk). REO will also consider issuing guidelines to operators of homes for the elderly to remind them of the arrangements subsequent to the amendments.

### **Definition of “identity document”**

17. During the meeting on 9 October, some members also enquired about the definition of “identity document” referred to in the Amendment Regulations.

18. The existing electoral legislations make reference to “identity document” as defined under the respective EAC regulations or main Ordinances when it comes to issuance of ballot papers. We have not proposed any changes to this in this legislative amendment exercise. For example, the term “identity document” referred to in the revised section 50(1A)(a) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) is construed according to the definition of “identity document” in section 2 of the same regulation. According to that provision, “identity document” has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance; and according to section 3(1) of the Legislative Council Ordinance, “identity document” means –

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177); or
- (b) a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the

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<sup>2</sup> Section 50(1A)(f)(iii) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), section 53(1A)(f)(iii) of the Electoral Affairs Commission (Electoral Procedure) (District Council) Regulation (Cap. 541F), section 50(1A)(f)(iii) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), section 34(1A)(f)(iii) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J), and section 45(2A)(f)(iii) of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L).

Electoral Registration Officer as proof of the person's identity.

19. Several Members enquired about the meaning of item (c) in the definition of "identity document" in section 3(1) of the Legislative Council Ordinance (i.e., "any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity"), and whether it infers that documents other than those specified in the Amendment Regulations could be accepted by the PRO for issuance of ballot papers after inspection.

20. In drawing up the legislative amendments, we have considered whether the "identity document" as defined in section 3(1) of the Legislative Council Ordinance includes, in the context of the issuance of ballot papers by PROs to electors, "any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity" as referred to in item (c).

21. At present, in respect of the issuance of ballot papers by PROs to electors, the Electoral Registration Officer (for District Council, LegCo and Election Committee Subsector Elections) or the Returning Officer (for Chief Executive Elections) does not accept any document other than HKIDs and the Certificates of Exemption issued by the Immigration Department (items (a) and (b) in paragraph 18 above)<sup>3</sup>. Therefore, in the context of issuance of ballot papers, "identity document" only includes HKIDs and the Certificates of Exemption issued by the Immigration Department.

22. In view of Members' suggestion that the Government should consider outlining in the provisions on issuance of ballot papers all the "identity documents" that could be accepted by the PROs before issuance of ballot papers, in order to provide greater clarity, after careful consideration, we agree that the reference to "identity document" in the provisions concerned could be changed to specific references to the identity documents that could be accepted by the PROs in issuing ballot papers to electors. A mark-up version of the proposed amendments is at

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<sup>3</sup> As for Rural Representative election, given that electors of Indigenous Inhabitant Representative elections may not have an HKID, the Electoral Registration Office will accept passport or identity document issued by the relevant authority of other country/territory for the purpose of voter registration, and the electors concerned will produce that document for collection of ballot papers.

## Annex<sup>4</sup>.

23. We also propose to accordingly amend provisions in respect of the LegCo, District Council, Election Committee Subsector and Chief Executive Elections to specify clearly that the document evidencing a report to a police officer of the loss or destruction of an elector's "identity document" should be in respect of the loss or destruction of his/her (1) HKID, (2) Certificate of Exemption or (3) an acknowledgement of application for the HKID (a person who has lost the acknowledgement of application for the HKID will similarly be unable to produce his/her HKID in applying for ballot papers). For the same reason, we recommend to amend the relevant provision in respect of the Rural Representative Elections to include the reference to the acknowledgement of application for the HKID as well. A mark-up version of the proposed amendments is at Annex<sup>5</sup>.

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Registration and Electoral Office  
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<sup>4</sup> Section 50(1A)(a) and (ab) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), section 53(1A)(a) and (ab) of the Electoral Affairs Commission (Electoral Procedure) (District Council) Regulation (Cap. 541F), section 50(1A)(a) and (ab) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), and section 34(1A)(a) and (ab) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 514J).

<sup>5</sup> Section 50(1A)(f)(i) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), section 53(1A)(f)(i) of the Electoral Affairs Commission (Electoral Procedure) (District Council) Regulation (Cap. 541F), section 50(1A)(f)(i) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), section 34(1A)(f)(i) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J), and section 45(2A)(f)(i) of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L).

Proposed amendments

**Amendments to the**  
**Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation**  
**(Cap. 541D)**

**Marked-up according to the**  
**Electoral Affairs Commission (Electoral Procedure) (Legislative Council)**  
**(Amendment) Regulation 2017 gazetted on 23.6.2017 (L.N. 129 of 2017)**

Section:	50	Ballot paper to be given to person only if Presiding Officer is satisfied of person's identity	E.R. 2 of 2012	02/08/2012
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(1) The Presiding Officer must not give a ballot paper to a person unless that Officer is satisfied ~~by inspecting that person's identity document or any other document showing the person's name and photograph, by inspecting the document or documents set out in subsection (1A) or (1B),~~ that he or she is the person registered in the final register, whom he or she claims to be.

~~(1A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1) are any of the following—~~

~~(a) the person's identity document;~~

~~(ab) a document issued to the person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance;~~

~~(b) a document issued by the Commissioner of Registration acknowledging that the person has applied—~~

~~(i) to be registered under the Registration of Persons Ordinance (Cap. 177); or~~

~~(ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);~~

~~(c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);~~

~~(d) a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(f) all of the following documents—~~

~~(i) a document evidencing a report to a police officer of the loss or destruction of the person's identity document referred to in paragraph (a), (ab) or (b);~~

~~(ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;~~

~~(iii) a copy of the person's identity document in paper form showing the person's name, photograph and identity document number.~~



(1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1) is a document issued by the Commissioner of Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

(2) A person is not to be prevented from voting only due to an omission or inaccuracy of a particular required to be recorded in a final register, other than the omission of both the person's name and the identity document number.

**Amendments to the**  
**Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation**  
**(Cap. 541F)**

**Marked-up according to the Electoral Affairs Commission (Electoral Procedure)**  
**(District Councils) (Amendment) Regulation 2017 gazetted on 23.6.2017**  
**(L.N. 130 of 2017)**

Section:	53	Ballot paper to be given to a person only if Presiding Officer is satisfied of the person's identity	E.R. 2 of 2012	02/08/2012
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(1) The Presiding Officer must not give a ballot paper to a person unless that Officer is satisfied ~~by inspecting that person's identity document or any other document showing the person's name and photograph, by inspecting the document or documents set out in subsection (1A) or (1B),~~ that he or she is the person registered in the final register, whom he or she claims to be.

~~(1A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1) are any of the following—~~

~~(a) the person's identity document;~~

~~(ab) a document issued to the person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance;~~

~~(b) a document issued by the Commissioner of Registration acknowledging that the person has applied—~~

~~(i) to be registered under the Registration of Persons Ordinance (Cap. 177); or~~

~~(ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);~~

~~(c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);~~

~~(d) a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(f) all of the following documents—~~

~~(i) a document evidencing a report to a police officer of the loss or destruction of the person's identity document referred to in paragraph (a), (ab) or (b);~~

~~(ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;~~

~~(iii) a copy of the person's identity document in paper form showing the person's~~

name, photograph and identity document number.

- (1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1) is a document issued by the Commissioner of Correctional Services showing—
- (a) the person's name;
  - (b) the person's photograph; and
  - (c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.
- (2) A person is not to be prevented from voting only due to an omission or inaccuracy of a particular required to be recorded in a final register, other than-
- (a) in the case of the first ordinary election, the omission of both the person's name and identity document number from the copy of the part of the final register supplied to the Presiding Officer; or
  - (b) in the case of any subsequent ordinary election, the omission of both the person's name and identity document number from the final register.

Amendments to the  
Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation  
(Cap. 541I)

**Marked-up according to the Electoral Affairs Commission (Electoral Procedure)  
(Election Committee) (Amendment) Regulation 2017 gazetted on 23.6.2017  
(L.N. 131 of 2017)**

Section:	50	Ballot paper to be issued to person only if Presiding Officer is satisfied of person's identity	L.N. 210 of 2001	12/10/2001
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(1) The Presiding Officer must not issue a ballot paper to a person unless that Officer is satisfied ~~by inspecting that person's identity document or any other document showing the person's name and photograph, by inspecting the document or documents set out in subsection (1A) or (1B),~~ that he or she is the person registered in the subsector final register, whom he or she claims to be.

~~(1A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1) are any of the following—~~

~~(a) the person's identity document~~card;

~~(ab) a document issued to the person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance;~~

~~(b) a document issued by the Commissioner of Registration acknowledging that the person has applied—~~

~~(i) to be registered under the Registration of Persons Ordinance (Cap. 177); or~~

~~(ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);~~

~~(c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);~~

~~(d) a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);~~

~~(f) all of the following documents—~~

~~(i) a document evidencing a report to a police officer of the loss or destruction of the person's identity document referred to in paragraph (a), (ab) or (b);~~

~~(ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;~~

~~(iii) a copy of the person's identity document in paper form showing the person's name, photograph and identity document number.~~

(1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1) is a document issued by the Commissioner of Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

(2) A person is not to be prevented from voting only due to an omission or inaccuracy of a particular required to be recorded in the subsector final register, other than the omission of both the person's name and the identity document number.

Amendments to the  
Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J)

**Marked-up according to the Electoral Procedure (Chief Executive Election)  
(Amendment) Regulation 2017 gazetted on 23.6.2017 (L.N. 132 of 2017)**

Section:	34	Issue of ballot paper	E.R. 1 of 2012	09/02/2012
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- (1) If a person applies for a ballot paper at the issuing desk, the polling officer manning the desk shall-
- (a) upon being satisfied ~~by inspecting the person's identity document,~~ by inspecting the document or documents set out in subsection (1A) or (1B), that the person is an elector registered in the final register; and
  - (b) after calling out the name of the person as stated in the copy of the final register in that officer's possession,
- issue to the person one ballot paper and a chop for marking the ballot paper.
- (1A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsection (1)(a) are any of the following—
- (a) the person's identity ~~document~~card;
  - (ab) a document issued to the person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance;
  - (b) a document issued by the Commissioner of Registration acknowledging that the person has applied—
    - (i) to be registered under the Registration of Persons Ordinance (Cap. 177); or
    - (ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);
  - (c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
  - (d) a valid identity book for a seaman issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);
  - (e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);
  - (f) all of the following documents—
    - (i) a document evidencing a report to a police officer of the loss or destruction of the ~~person's identity document~~ document referred to in paragraph (a), (ab) or (b);
    - (ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;
    - (iii) a copy of the person's identity document in paper form showing the person's name, photograph and identity document number.
- (1B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsection (1)(a) is a document issued by the Commissioner of

Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

- (2) A person shall not be prevented from voting only due to an omission or inaccuracy of a particular required to be registered in the final register, other than the omission of both his name and the identity document number.
- (3) If a ballot paper is issued to an elector, the polling officer shall, subject to subsection (4), record that a ballot paper has been so issued by one or both of the following means-
  - (a) placing a line in the copy of the final register in his possession across the name and identity document number of the elector;
  - (b) marking the copy of the final register in his possession in such other manner as the Chief Electoral Officer may direct.
- (4) No record shall be made of the particular ballot paper or ballot papers issued to an elector.

**Amendments to the  
Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L)**

**Marked-up according to the Electoral Procedure  
(Rural Representative Election) (Amendment) Regulation 2017 gazetted on 23.6.2017  
(L.N. 133 of 2017)**

Section:	45	Issue of ballot paper	5 of 2014	01/04/2015
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- (1) If, at a polling station used for polling for only one Rural Area, a person applies for a ballot paper at the issuing desk, the polling officer manning the desk shall, upon being satisfied ~~by inspecting the person's identity document, by inspecting the document or documents set out in subsection (2A) or (2B),~~ that the person is an elector registered in the final register for the Rural Area, issue to the person- (5 of 2014 s. 2)
- (a) one ballot paper to be used for the election for the Rural Area; and (5 of 2014 s. 2)
- (b) a chop provided under section 33(4) for marking the ballot paper.
- (2) If, at a polling station used for polling for more than one Rural Area, a person applies for a ballot paper at the issuing desk, the polling officer manning the desk shall, upon being satisfied ~~by inspecting the person's identity document, by inspecting the document or documents set out in subsection (2A) or (2B),~~ that-
- (a) the person is an elector registered in the final register for one of the Rural Areas for which the polling station is used for polling, issue to the person- (5 of 2014 s. 2)
- (i) one ballot paper to be used for the election for that Rural Area; and
- (ii) a chop provided under section 33(4) for marking the ballot paper; or
- (b) the person is an elector registered in the final registers for more than one Rural Area for which the polling station is used for polling, issue to the person- (5 of 2014 s. 2)
- (i) subject to subsection (3), one ballot paper to be used for the election for each of those Rural Areas; and
- (ii) a chop provided under section 33(4) for marking those ballot papers. (5 of 2014 s. 2)
- (2A) For a person applying for a ballot paper at a polling station (other than a dedicated polling station situated in a prison), the document or documents referred to in subsections (1) and (2) are any of the following—
- (a) the person's identity document;
- (b) a document issued by the Commissioner of Registration acknowledging that the person has applied—
- (i) to be registered under the Registration of Persons Ordinance (Cap. 177); or
- (ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177 sub. leg. A);
- (c) a valid Hong Kong Special Administrative Region Passport issued to the person under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
- (d) a valid identity book for a seaman issued to the person under regulation 3 of the



Immigration Regulations (Cap. 115 sub. leg. A);

(e) a valid document of identity issued to the person under regulation 3 of the Immigration Regulations (Cap. 115 sub. leg. A);

(f) all of the following documents—

(i) a document evidencing a report to a police officer of the loss or destruction of the ~~person's identity document~~ document referred to in paragraph (a) or (b);

(ii) a valid passport or similar travel document (not being one referred to in another paragraph in this subsection) issued to the person showing the person's name and photograph;

~~(iii) a copy of the person's identity document in paper form showing the person's name, photograph and identity document number.~~

(2B) For a person applying for a ballot paper at a dedicated polling station situated in a prison, the document referred to in subsections (1) and (2) is a document issued by the Commissioner of Correctional Services showing—

(a) the person's name;

(b) the person's photograph; and

(c) the prisoner registration number allocated by that Commissioner to the person for identification purposes.

(3) If a person referred to in subsection (2)(b) does not wish to cast all the votes which he is entitled to cast for the Rural Areas for which the polling station is used for polling or he does not wish to do so at the same time, he- (5 of 2014 s. 2)

(a) shall be issued, upon his application, one ballot paper to be used for the election for the Rural Area for which he is going to cast his vote; and (5 of 2014 s. 2)

(b) may cast his remaining vote later, before the close of the poll (whether he has left and subsequently returns to the polling station or he has not left the polling station).

(4) For the purposes of subsections (1), (2) and (3), where the person is an elector registered in a final register-

(a) for an Existing Village, the person must be issued a ballot paper to be used for an election for an Existing Village;

(b) for an Indigenous Village, the person must be issued a ballot paper to be used for an election for an Indigenous Village;

(c) for a Composite Indigenous Village, the person must be issued a ballot paper to be used for an election for a Composite Indigenous Village; or (5 of 2014 s. 47)

(d) for a Market Town, the person must be issued a ballot paper to be used for an election for a Market Town. (5 of 2014 s. 47)

(5) Before a ballot paper or ballot papers are issued to an elector, the polling officer shall call out the name of the elector as stated in the copy of the relevant final register or registers in that officer's possession.

(6) To ensure that the correct ballot paper or ballot papers are issued to an elector, the polling officer may require the elector to verify the entry relating to him in the relevant final register or registers.

(7) A person shall not be prevented from voting only because of an omission or inaccuracy of a particular required to be registered in the relevant final register, other than the omission of his name and, where applicable, his principal residential address.

(8) If a ballot paper or ballot papers are issued to an elector, the polling officer shall, subject to subsection (9), record that a ballot paper or ballot papers have been so issued by one or both of the following means-

- (a) placing a line in the copy of the relevant final register or registers in that officer's possession across the name and, where applicable, the principal residential address of the elector;
  - (b) marking the copy of the relevant final register or registers in that officer's possession in such other manner as the Director of Home Affairs may direct.
- (9) No record shall be made of the particular ballot paper or ballot papers issued to an elector.