

**Bills Committee on
Electoral Legislation (Miscellaneous Amendments) Bill 2018**

Proposed Committee Stage Amendments

This paper sets out the Government's proposed Committee Stage Amendments ("CSAs") (at **Annex A**) to the Electoral Legislation (Miscellaneous Amendments) Bill 2018 ("the Bill"), taking into account some of the suggestions in the letter dated 16 October 2018 from the Bills Committee Assistant Legal Advisor.

**Streamlining Mechanism for Appeals, Claims and Objections
Relating to Registration of Electors or Voters**

2. We propose that CSAs be made to clause 10 of the Bill to beef up the new section 32(4) and (5) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) ("Cap. 541B") in order to clarify that the scope of the new section 32(6) and (7) on processing incontrovertible claim and objection cases by written submissions are confined to notices of claim/ objection received in respect of a functional constituencies provisional register or a subsector provisional register. The draft CSAs marked-up against the existing legislation and the Bill are extracted at **Annex B**.

Returning Officer to Prepare Ballot Paper Statements

3. We propose that CSAs be made to Part 6 of the Bill (please see clauses 56, 56A, 61 and 61A) to better reflect the existing arrangement that in the Election Committee Subsector Elections and the Chief Executive Election, the Returning Officer of the respective election is to prepare a statement of ballot papers that are not counted, irrespective of whether the ballot papers concerned were questionable ballot papers or clearly invalid ones. Consequential amendments are also proposed to be made to update the references to the relevant provisions (please see clauses 56B, 62A and 62B). The draft CSAs marked-up against the existing legislation and the Bill are extracted at **Annex C**.

Other refinements

(i) Amendments to references

4. We propose that CSAs be made to clauses 12(2) and (3) as well as 19(2) and (3) of the Bill to correct certain references and to add appropriate references to relevant sections. The draft CSAs marked-up against the existing legislation and the Bill are extracted at **Annex D**.

(ii) Definition of “sub-subsector” in the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569C)

5. We propose that CSAs be made to clause 65 of the Bill to clarify the meaning of the term “sub-subsector”. The draft CSAs marked-up

against the existing legislation and the Bill are extracted at **Annex E**.

(iii) Removing obsolete reference to repealed provisions

6. We propose that CSAs be made to section 31(10) of Cap. 541B to remove the obsolete reference to section 26(5)(a), which has already been repealed. The draft CSAs marked-up against the existing legislation and the Bill are extracted at **Annex F**.

Advice sought

7. Members' views are sought on the proposed draft CSAs at the **Annex A**.

**Constitutional and Mainland Affairs Bureau
Registration and Electoral Office
December 2018**

Electoral Legislation (Miscellaneous Amendments) Bill 2018

Committee Stage

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
10(5)	(a) In the proposed section 32(4), by adding “received in respect of a functional constituencies provisional register or a subsector provisional register” after “notice of objection”. (b) In the proposed section 32(5), by adding “received in respect of a functional constituencies provisional register or a subsector provisional register” after “notice of claim”.
12	By deleting subclauses (2) and (3) and substituting— “(2) Section 1A(4), Table 1, column 2— Repeal “4(a) and 6(2)(a)” Substitute “4(3)(a)(ii) and 6(2)(a) and (2AA)(b)(i)”. (3) Section 1A(4), Table 1, column 2— Repeal “4(b) and 6(2)(b)” Substitute “4(3)(a)(i) and 6(2)(b) and (2AA)(a)(i)”.”.
19(2)	By deleting “(2AA)(b)(ii)” and substituting “(2AA)(b)(i)”.
19(3)	By deleting “(2AA)(a)(ii)” and substituting “(2AA)(a)(i)”.
56	By deleting subclauses (1) and (2) and substituting— “Section 78— Repeal subsection (7). ”.

New

By adding—

“56A. Section 78A added

After section 78—

Add

“78A. Returning Officer to prepare ballot paper statement

- (1) The Returning Officer is to prepare a statement of the ballot papers that are not counted.
- (2) The statement is to be made under the following heads—
 - (a) the ballot paper has on it any writing or mark by which the voter can possibly be identified;
 - (b) the ballot paper is endorsed with the words “TENDERED” and “重複”;
 - (c) the ballot paper is endorsed with the words “UNUSED” and “未用”;
 - (d) the ballot paper is endorsed with the words “SPOILT” and “損壞”;
 - (e) the ballot paper is substantially mutilated;
 - (f) the ballot paper is unmarked;
 - (g) the ballot paper is not marked in accordance with section 56(1) or (2);
 - (h) the ballot paper is one on which votes are recorded for a number of candidates exceeding—
 - (i) for a subsector ordinary election—the number of EC members allocated to the subsector concerned; or
 - (ii) for a subsector by-election—the number of EC members to be returned at the by-election;
 - (i) the ballot paper is void for uncertainty.”.

56B. Section 83 amended (Returning Officer to send ballot papers, accounts, packets, etc. to Chief Electoral

Officer)

Section 83(1)(b)—

Repeal

“78(7)”

Substitute

“78A(1)”.

61 By deleting subclauses (1) and (2) and substituting—

“Section 51—

Repeal subsections (6) and (7).”.

New By adding—

“61A. Section 51A added

After section 51—

Add

“51A. Returning Officer to prepare ballot paper statement

- (1) The Returning Officer is to prepare a statement of the ballot papers that are not counted.
- (2) The statement is to be made under the following heads—
 - (a) the ballot paper has on it any writing or mark by which the elector can possibly be identified;
 - (b) the ballot paper is endorsed with the words “TENDERED” and “重複”;
 - (c) the ballot paper is endorsed with the words “UNUSED” and “未用”;
 - (d) the ballot paper is endorsed with the words “SPOILT” and “損壞”;
 - (e) the ballot paper is substantially mutilated;
 - (f) the ballot paper is unmarked;
 - (g) the ballot paper is not marked by affixing an issued chop;

- (h) the ballot paper is one on which—
 - (i) for a contested election—votes for more than one candidate are recorded; or
 - (ii) for an uncontested election—both “SUPPORT” and “NOT SUPPORT” votes are recorded;
- (i) the ballot paper is void for uncertainty.”.”.

New

In Division 4 of Part 6, by adding—

“62A. Section 57 amended (ballot papers, accounts, packets, etc. to be sent to Chief Electoral Officer)

Section 57(b)—

Repeal

“51(6)”

Substitute

“51A(1)”.

62B. Section 70 amended (secrecy)

Section 70(1)(d)—

Repeal

“51(6)”

Substitute

“51A(1)”.”.

65(2)

In the proposed section 2(2), by adding “(within the meaning of section 1(1) of the Schedule to the Ordinance)” after “a subsector or sub-subsector”.

New

In Division 4 of Part 9, before Subdivision 1, by adding—

“Subdivision 1A—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)

80A. Section 31 amended (who may lodge a notice of claim)

Section 31(10)—

Repeal

“(5)(a) and (b)”

Substitute

“(5)(b)”.

**Proposed Committee Stage Amendments
Regarding Streamlining Mechanism for Appeals, Claims and
Objections Relating to Registration of Electors or Voters
(Paragraph 2 of the Bills Committee paper)**

Extracts of mark-up version

Note 1: The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2018.

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered.

Clause

Amendment Proposed

**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. Electoral Registration Officer to deliver copies of notices of objection, notices of claim and notices of appeal to Revising Officer

- (1) The Electoral Registration Officer must deliver to the Revising Officer, in accordance with this section, a copy of each notice of objection, notice of claim or notice of appeal received by the Electoral Registration Officer. The copies of those notices may be delivered in one or more batches as the Electoral Registration Officer considers appropriate.
- (2) The copy of a notice of objection and notice of claim must be delivered—
 - (a) *(Repealed L.N. 307 of 1999)*
 - (aa) *(Repealed L.N. 200 of 2001)*
 - (ab) in the case of a notice received in respect of 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—

10(1) (i) a District Council election year, not later than ~~2-September~~29 August in that year; or

10(2) (ii) a year which is not a District Council election year, not later than ~~2-July~~29 June in that year; or

(ac) in the case of a notice received in respect of an Election Committee register or an Election Committee omissions list, not later than the tenth day after the date of publication of the relevant Election Committee provisional register.

(b) *(Repealed L.N. 255 of 2002)*

(3) The copy of a notice of appeal must be delivered—

(a) in the case of a notice received by the Electoral Registration Officer not later than 11 days before the polling date for the functional constituency or subsector concerned, not later than 8 days before that polling date; or

(b) in the case of a notice received by the Electoral Registration Officer after the deadline referred to in section 31A(2)(d)—

10(3) (i) if the first ~~2-September~~29 August that follows the second day after the day on which the notice is so received falls in a

10(4) District Council election year, not later than that ~~2-September~~29 August; or

(ii) in any other case, not later than the first ~~2-July~~29 June that follows the second day after the day on which the notice is so received.

10(5) (4) The Electoral Registration Officer, when delivering to the Revising Officer a copy of a notice of objection received in respect of a functional constituencies provisional register or a subsector provisional register, must, in relation to the notice—

(a) inform the Revising Officer whether one or more of the conditions specified in subsection (6) are met; and

(b) if one or more of the conditions specified in subsection (6) are met—request the Revising Officer to determine the objection without

a hearing on the basis of written submissions only.

(5) The Electoral Registration Officer, when delivering to the Revising Officer a copy of a notice of claim received in respect of a functional constituencies provisional register or a subsector provisional register, must, in relation to the notice—

- (a) inform the Revising Officer whether one or more of the conditions specified in subsection (7) are met; and
- (b) if one or more of the conditions specified in subsection (7) are met—request the Revising Officer to determine the claim without a hearing on the basis of written submissions only.

(6) For the purposes of subsection (4), the conditions are—

- (a) the notice of objection does not state any ground on which the objection is made;
- (b) the notice of objection does not state a ground on which the objection is made that concerns the eligibility of a registered person (within the meaning of section 30) to be registered—
 - (i) in a functional constituencies provisional register or a subsector provisional register; or
 - (ii) in a particular part or section of a functional constituencies provisional register or a subsector provisional register;
- (c) the subject matter of the objection involves only a clerical error made in compiling or printing a functional constituencies provisional register or a subsector provisional register.

(7) For the purposes of subsection (5), the conditions are—

- (a) the notice of claim does not state any ground on which the claim is made;
- (b) the notice of claim does not state a ground on which the claim is made that concerns—
 - (i) the eligibility of the person lodging the notice of claim (*claimant*) to be registered—
 - (A) in a functional constituencies provisional register or a subsector provisional register; or
 - (B) in a particular part or section of a functional

constituencies provisional register or a subsector provisional register; or

(ii) an entry relating to the claimant in a functional constituencies provisional register or a subsector provisional register;

(c) the subject matter of the claim involves only a clerical error made in compiling or printing a functional constituencies provisional register or a subsector provisional register.

**Proposed Committee Stage Amendments
Regarding Returning Officer to Prepare Ballot Paper Statements
(Paragraph 3 of the Bills Committee paper)**

Extracts of mark-up version

Note 1: The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2018.

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered.

Clause

Amendment Proposed

**Electoral Affairs Commission (Electoral Procedure) (Election
Committee) Regulation
(Cap. 541 sub. leg. I)**

78. Returning Officer to make decisions on questionable ballot papers

(1)-(2) *(Repealed L.N. 114 of 2006)*

(3) If a ballot paper is forwarded to the Returning Officer under section 74A(a), a candidate, an election agent or a counting agent, if present at the counting of votes, may—

(a) inspect the ballot paper; and

(b) make representations to the Returning Officer concerning the ballot paper.

(4) After considering the representations, the Returning Officer must make a decision as to whether the vote recorded on the ballot paper is not to be counted under section 77 or is to be counted.

(5) If the Returning Officer decides the vote recorded on a ballot paper is not to be counted, that Officer must endorse the words “不獲接納” and “rejected” on the front of the ballot paper. If a candidate, an election

agent or a counting agent objects to the Returning Officer's decision, that Officer must also add the words “反對此選票不獲接納” and “rejection objected to”.

- (6) If a candidate, an election agent or a counting agent objects to the decision of the Returning Officer to count the vote recorded on a ballot paper, that Officer must endorse the words “反對此選票獲接納” and “acceptance objected to” on that ballot paper.

56

~~(7) The Returning Officer is to prepare a statement of the ballot papers which that Officer decides under this section to be ballot papers the votes recorded on which are not to be counted. The statement is to be under the following heads—~~

~~(a) writing or a mark by which the voter can possibly be identified; (L.N. 114 of 2006)~~

~~(b) endorsed with the words “重複” and “TENDERED”;~~

~~(c) endorsed with the words “未用” and “UNUSED”;~~

~~(d) endorsed with the words “損壞” and “SPOILT”;~~

~~(e) substantially mutilated;~~

~~(f) unmarked;~~

~~(g) marked in accordance with section 56; and 56(1) or (2);~~

~~(ga) on which votes are recorded for a number of candidates exceeding—~~

~~(i) for a subsector ordinary election the number of EC members allocated to the subsector concerned; or~~

~~(ii) for a subsector by-election the number of EC members to be returned at the by-election;~~

~~(h) void for uncertainty.~~

56A
(new)

78A. Returning Officer to prepare ballot paper statement

~~(1) The Returning Officer is to prepare a statement of the ballot papers that are not counted.~~

~~(2) The statement is to be made under the following heads—~~

- (a) has on the ballot paper any writing or mark by which the voter can possibly be identified;
- (b) endorsed with the words “TENDERED” and “重複”;
- (c) endorsed with the words “UNUSED” and “未用”;
- (d) endorsed with the words “SPOILT” and “損壞”;
- (e) substantially mutilated;
- (f) unmarked;
- (g) not marked in accordance with section 56(1) or (2);
- (h) on which votes are recorded for a number of candidates exceeding—
 - (i) for a subsector ordinary election—the number of EC members allocated to the subsector concerned; or
 - (ii) for a subsector by-election—the number of EC members to be returned at the by-election;
- (i) void for uncertainty.

83. Returning Officer to send ballot papers, accounts, packets, etc. to Chief Electoral Officer

- (1) As soon as practicable after preparing the notice of the result of the subsector election, the Returning Officer must send to the Chief Electoral Officer—
 - (a) the ballot paper accounts, verification of the ballot paper account and the re-verification of the ballot paper account;
 - (b) the statement referred to in section 78(7)78A(1);
 - (c) subject to subsection (2), the sealed packets made up under section 82;
 - (d) a copy of the notice of the result of the subsector election;
 - (e) all nomination forms;
 - (f) notices of withdrawal of candidature, if any;
 - (g) notices of appointment of election agents, polling agents and

56B
(new)

counting agents and copies of authorizations of election expense agents; and

- (h) any other document relating to the subsector election specified by the Commission.
- (2) At a central counting station where the votes are counted with the use of a computer, the sealed packets made up under section 82 are to be sent by the Chief Returning Officer (Subsectors) to the Chief Electoral Officer as soon as practicable after they have been made up.

**Electoral Procedure (Chief Executive Election)
Regulation
(Cap. 541 sub. leg. J)**

51. Determination of validity of questionable ballot papers

- (1) If a ballot paper is forwarded to the Returning Officer under section 49(2)(a), a candidate or his election agent or counting agent, if present within the counting station, is entitled to—
 - (a) inspect the ballot paper; and
 - (b) make representations to the Returning Officer concerning the ballot paper.
- (2) After considering the representations (if any) made under subsection (1), the Returning Officer shall determine whether the ballot paper—
 - (a) is valid and the vote shall be counted; or
 - (b) shall not be valid under section 50(1).
- (3) Notwithstanding section 50(1)(g), the Returning Officer may determine a ballot paper which is not marked in accordance with section 36(1)(b) as valid under subsection (2) and the vote shall be counted if, subject to other provisions of section 50(1), he is satisfied that the elector has marked the ballot paper by affixing the chop issued under section 34(1) on the ballot paper so as to clearly indicate his intention to vote for the candidate concerned.
- (4) If the Returning Officer determines that a ballot paper shall not be valid,

he shall—

- (a) endorse the words “rejected” and “不獲接納” on the front of it; and
- (b) where any candidate, election agent or counting agent objects to the determination, endorse the words “rejection objected to” and “反對此選票不獲接納” on the front of it.

(5) If—

- (a) the Returning Officer determines that a ballot paper is valid and the vote shall be counted; and
- (b) any candidate, election agent or counting agent objects to the determination,

the Returning Officer shall endorse the words “acceptance objected to” and “反對此選票獲接納” on the front of the ballot paper.

61

~~(6) If the Returning Officer determines under subsection (2) that any ballot paper shall not be valid, he shall prepare a statement for such ballot paper.~~

~~(7) A statement prepared under subsection (6) shall show the respective number of ballot papers under the following heads—~~

~~(a) has on it any writing or mark by which the elector can possibly be identified;~~

~~(b) endorsed with the words “TENDERED” and “重複”;~~

~~(c) endorsed with the words “SPOILT” and “損壞”;~~

~~(d) endorsed with the words “UNUSED” and “未用”;~~

~~(e) substantially mutilated;~~

~~(f) unmarked;~~

~~(g) not marked by affixing an issued chop; and~~

~~(ga) on which—~~

~~(i) for a contested election—votes for more than one candidate are recorded; or~~

~~(ii) for an uncontested election—both “SUPPORT” and “NOT SUPPORT” votes are recorded;~~

~~(h) void for uncertainty.~~

(8) A determination made under subsection (2) shall be final.

61A
(new)

51A. Returning Officer to prepare ballot paper statement

~~(1) The Returning Officer is to prepare a statement of the ballot papers that are not counted.~~

~~(2) The statement is to be made under the following heads—~~

~~(a) has on the ballot paper any writing or mark by which the voter can possibly be identified;~~

~~(b) endorsed with the words “TENDERED” and “重複”;~~

~~(c) endorsed with the words “UNUSED” and “未用”;~~

~~(d) endorsed with the words “SPOILT” and “損壞”;~~

~~(e) substantially mutilated;~~

~~(f) unmarked;~~

~~(g) not marked by affixing an issued chop;~~

~~(h) on which—~~

~~(i) for a contested election—votes for more than one candidate are recorded; or~~

~~(ii) for an uncontested election—both “SUPPORT” and “NOT SUPPORT” votes are recorded;~~

~~(i) void for uncertainty.~~

57. Ballot papers, accounts, packets, etc. to be sent to Chief Electoral Officer

The Returning Officer shall, as soon as practicable after discharging his duties under section 56, send to the Chief Electoral Officer—

(a) the ballot paper accounts;

(b) the statement prepared under section ~~51(6)51A(1)~~;

62A
(new)

- (c) the verification statement;
- (d) the sealed packets made up under section 56(1);
- (e) a copy of the notice referred to in section 55(b);
- (f) all nomination forms delivered to him in accordance with section 4(1);
- (g) all notices of withdrawal (if any) delivered to him in accordance with section 9(2);
- (h) all notices of appointment given to him under section 14(2) or 44(3);
- (i) all notices of revocation given to him under section 14(4) or 44(5); and
- (j) any other document relating to the election specified by the Commission.

70. Secrecy

- (1) No person shall—
 - (a) subject to subsection (2), divulge to any person whether an elector has or has not applied for a ballot paper or voted;
 - (aa) subject to subsection (2), divulge to any other person the identity of an elector in custody;
 - (b) communicate to another person any information obtained at the counting of the votes as to—
 - (i) in the case of a contested election, the candidate for whom a vote has been given on any particular ballot paper; or
 - (ii) in the case of an uncontested election, the choice as to whether to support the candidate on any particular ballot paper;
 - (c) interfere with an elector when he is marking the ballot paper;
 - (d) interfere with or attempt to interfere with a ballot box, a ballot paper (including a ballot paper that is not valid under section 50(1)), a copy of the final register, a statement prepared under

section ~~51(6)~~51A or a verification statement;

- (e) without the permission of the Commission or the Returning Officer, obtain or attempt to obtain in any manner within a polling station, a no canvassing zone or a no staying zone information as to—
 - (i) in the case of a contested election, the candidate for whom an elector is about to vote or has voted; or
 - (ii) in the case of an uncontested election, the choice as to whether to support the candidate which an elector is about to make or has made;
 - (f) communicate to another person any information obtained in a polling station as to—
 - (i) in the case of a contested election, the candidate for whom an elector is about to vote or has voted; or
 - (ii) in the case of an uncontested election, the choice as to whether to support the candidate which an elector is about to make or has made; or
 - (g) directly or indirectly induce an elector to display a ballot paper marked by the elector so as to make known to any person any information as to—
 - (i) in the case of a contested election, the candidate for whom the elector has voted; or
 - (ii) in the case of an uncontested election, the choice as to whether to support the candidate which the elector has made.
- (2) Subsection (1)(a) and (aa) does not apply to—
- (a) any act authorized by law; or
 - (b) anything done at the direction of a police officer or an officer of the Independent Commission Against Corruption investigating an offence under—
 - (i) the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);
 - (ii) sections 3, 4 and 8 of the Prevention of Bribery Ordinance (Cap. 201);

- (iii) section 13B of the Independent Commission Against Corruption Ordinance (Cap. 204); or
- (iv) this Ordinance.

**Proposed Committee Stage Amendments
Regarding Other Refinements – Amendments to References
(Paragraph 4 of the Bills Committee paper)**

Extracts of mark-up version

- Note 1:** The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2018.
- Note 2:** Wording of the proposed Committee Stage Amendments is shaded and bordered.

Clause

Amendment Proposed

**Registration of Electors (Appeals) Regulation
(Cap. 542 sub. leg. B)**

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

12(1)

~~(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>
12(2)	section 13(1)(a) of Cap. 541A and section 29(1)(a)(i) of Cap. 541B	sections 2(3)(c)(i), 4(a)-4(3)(a)(ii) and 6(2)(a) and (2AA)(b)(i) and 6(2)(a)
12(3)	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)-4(3)(a)(i) and 6(2)(b) and (2AA)(a)(i) 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. 541B

section 2(3)(b) and (c)(ii)

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)
8 July	section 2(4)(b)(iii) and (iv)
12(4) 11 September	sections 4(a) and 6(2)(a)
11 July	sections 4(b) and 6(2)(b)
<u>11 July</u>	<u>sections 4(3)(a)(i) and 6(2)(b) and (2AA)(a)(ii)</u>
<u>11 September</u>	<u>sections 4(3)(a)(ii) and 6(2)(a) and (2AA)(b)(ii)</u>
<u>7 July</u>	<u>section 6(2AA)(a)</u>
<u>7 September</u>	<u>section 6(2AA)(b)</u>

- (9) Subsections (2) and (3) are subject to sections 2(4A) and 6(2A).

**Election Committee (Registration) (Voters for Subsectors) (Members
of Election Committee) (Appeals) Regulation
(Cap. 569 sub. leg. B)**

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

19(1)

~~(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>
19(2)	section 29(1)(a)(i) of Cap. 541B	sections 3(4)(c)(i), 5(1)(aa) and 7(2)(aa) <u>5(3)(a)(ii) and 7(2)(aa) and (2AA)(b)(ii)(2AA)(b)(i)</u>
19(3)	section 29(1)(a)(ii) of Cap. 541B	sections 3(4)(b) and (c)(ii), 5(1)(ab) and 7(2)(ab) <u>5(3)(a)(i) and 7(2)(ab) and (2AA)(a)(ii)(2AA)(a)(i)</u>
	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 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 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(1)(aa) and 7(2)(aa)
11 July	sections 5(1)(ab) and 7(2)(ab)
<u>11 July</u>	<u>sections 5(3)(a)(i) and 7(2)(ab) and (2AA)(a)(ii)</u>

19(4)

11 September

sections 5(3)(a)(ii) and 7(2)(aa)
and (2AA)(b)(ii)

7 July

section 7(2AA)(a)

7 September

section 7(2AA)(b)

(9) Subsections (2) and (3) are subject to sections 3(5A) and 7(2A).

(10) *(Repealed 15 of 2016 s. 32)*

**Proposed Committee Stage Amendments
Regarding Other Refinements – Definition of “sub-subsector” in the
Election Committee (Subscribers and Election Deposit for
Nomination) Regulation (Cap. 569C)
(Paragraph 5 of the Bills Committee paper)**

Extracts of mark-up version

Note 1: The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2018.

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered.

Clause

Amendment Proposed

**Election Committee (Subscribers and Election Deposit for
Nomination) Regulation
(Cap. 569 sub. leg. C)**

2. Interpretation

- 65(1) **(1)** In this Regulation, unless the context otherwise requires—
- candidate* (候選人) means a person nominated as a candidate for a subsector at a subsector election;
 - subsector* (界別分組) has the meaning assigned to it by section 1 of the Schedule to the Ordinance;
 - subsector by-election* (界別分組補選) has the meaning assigned to it by section 1 of the Schedule to the Ordinance;
 - subsector election* (界別分組選舉) means a subsector ordinary election or a subsector by-election;
 - subsector ordinary election* (界別分組一般選舉) has the meaning assigned to it by section 1 of the Schedule to the Ordinance;

voter (投票人) means a voter within the meaning of section 11(1) of the Schedule to the Ordinance.

- 65(2) (2) For the purposes of sections 4(2), 5(3) and (5) and 6(1), a reference to the Returning Officer, in relation to a subsector or sub-subsector (within the meaning of section 1(1) of the Schedule to the Ordinance), includes—
- (a) an Assistant Returning Officer for the subsector or sub-subsector;
 - and
 - (b) the Chief Electoral Officer.

**Proposed Committee Stage Amendments
Regarding Other Refinements – Removing Obsolete Reference to
Repealed Provisions
(Paragraph 6 of the Bills Committee paper)**

Extracts of mark-up version

Note 1: The existing legislative provisions are marked up to show the amendments proposed in the Electoral Legislation (Miscellaneous Amendments) Bill 2018.

Note 2: Wording of the proposed Committee Stage Amendments is shaded and bordered.

Clause

Amendment Proposed

**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)**

31. Who may lodge a notice of claim

- (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—
 - (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).
- (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.
- (5) Any person whose request under section 26(1) to change 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 changed as requested.
- (6) Any person whose particulars in an entry have been changed by the Electoral Registration Officer under section 26(3) may make a claim objecting to the change.
- (6AA) Subsection (6AAB) applies to a natural person whose application under

section 26A(1) for change of a particular—

- (a) has been refused by the Electoral Registration Officer under section 26A(7) or (8); or
- (b) has been decided by the Electoral Registration Officer not to process further under section 26A(9).

(6AAB) The person may make a claim to have the particular changed in accordance with the information provided in the application.

(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.

(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 25 August in that year; or
- (ii) a year which is not a District Council election year, not later than 25 June in that year; or

(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.

(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.

(9) If the Electoral Registration Officer receives a claim referred to in subsection (5) or (6) after the deadline referred to in subsection (8)(a)(i) or (ii), the Officer may, having regard to the nature of the claim, treat it—

(a) as a request for change of registered particulars relating to a person for the purpose of the compilation of the next functional constituencies provisional register or the next subsector provisional register (as applicable); or

(b) as a claim for the purpose of the compilation of the functional constituencies final register or the subsector final register (as applicable) for the year following that in which the claim is submitted.

(9A) If the Electoral Registration Officer receives a claim referred to in subsection (6AAB) after the deadline referred to in subsection (8)(a)(i) or (ii), the Officer may, having regard to the nature of the claim, treat it as a claim for the purpose of the compilation of the functional constituencies final register or the subsector final register (as applicable) for the year following that in which the claim is submitted.

80A
(new)

(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)(5)(b)~~ applies. If the Electoral Registration Officer treats a claim in the manner described in subsection (9)(b) or (9A), it must be referred to the Revising Officer.

(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)

or (9A), makes any further claim or application, the latest claim or application, as the case may be, prevails.