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CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU  
GOVERNMENT SECRETARIAT  
EAST WING  
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HONG KONG

Our Ref.: CMAB C1/30/5/4  
Your Ref.: LS/B/23/17-18

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20 December 2018

Legislative Council Secretariat  
Legislative Council Complex,  
1 Legislative Council Road,  
Central, Hong Kong.  
(Attn: Ms Joanne MAK)

Dear Ms MAK,

**Electoral Legislation (Miscellaneous Amendments) Bill 2018**

At the Bills Committee meeting held on 19 December 2018, Members discussed and supported the Government's proposed Committee Stage Amendments ("CSAs").

2. We hereby attach the finalised CSAs for reference by the Bills Committee. The suggestion by the Assistant Legal Advisor on the Chinese CSAs on 19 December has been taken on board.

3. We are grateful to the Bills Committee and your Secretariat for the views and assistance throughout the scrutiny of the captioned Bill.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cherie'.

(Ms Cherie YEUNG)  
for Secretary for Constitutional and Mainland Affairs

c.c. Legislative Council Secretariat (Attn: Ms Wendy KAN)  
Department of Justice (Attn: Miss Emma WONG  
Mr Gary LI Ming-fung)  
Registration and Electoral Office (Attn: Mr WONG See-man  
Mr Raymond WANG  
Mr SHUM Nam-lung)

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— <b>Repeal</b> “4(a) and 6(2)(a)” <b>Substitute</b> “4(3)(a)(ii) and 6(2)(a) and (2AA)(b)(i)”. (3) Section 1A(4), Table 1, column 2— <b>Repeal</b> “4(b) and 6(2)(b)” <b>Substitute</b> “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— <b>Repeal subsection (7).”.</b>

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, by adding before Subdivision 1—

**“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)”.”.

《2018 年選舉法例(雜項修訂)條例草案》

委員會審議階段

由政制及內地事務局局長動議的修正案

條次

建議修正案

- 10(5) (a) 在建議的第 32(4)條中，刪去“在向審裁官送遞反對通知書的文本時，選舉登記主任”而代以“凡選舉登記主任就功能界別臨時選民登記冊或界別分組臨時投票人登記冊，接獲反對通知書，選舉登記主任在向審裁官送遞該通知書的文本時，”。
- (b) 在建議的第 32(5)條中，刪去“在向審裁官送遞申索通知書的文本時，選舉登記主任”而代以“凡選舉登記主任就功能界別臨時選民登記冊或界別分組臨時投票人登記冊，接獲申索通知書，選舉登記主任在向審裁官送遞該通知書的文本時，”。
- 12 刪去第(2)及(3)款而代以 ——
- “(2) 第 1A(4)條，列表 1，第 2 欄 ——
- 廢除
- “4(a)及 6(2)(a)”
- 代以
- “4(3)(a)(ii)及 6(2)(a)及(2AA)(b)(i)”。
- (3) 第 1A(4)條，列表 1，第 2 欄 ——
- 廢除
- “4(b)及 6(2)(b)”
- 代以
- “4(3)(a)(i)及 6(2)(b)及(2AA)(a)(i)”。
- 19(2) 刪去“(2AA)(b)(ii)”而代以“(2AA)(b)(i)”。
- 19(3) 刪去“(2AA)(a)(ii)”而代以“(2AA)(a)(i)”。



刪去第(1)及(2)款而代以 ——

“第 78 條 ——

廢除第(7)款。”。

新條文

加入 ——

“56A. 加入第 78A 條

在第 78 條之後 ——

加入

“78A. 選舉主任須擬備選票報表

- (1) 選舉主任須為不予點算的選票，擬備一份報表。
- (2) 有關報表須按以下分項擬備 ——
  - (a) 選票上有文字或記認，而藉此可能識別投票人身分；
  - (b) 選票上批註了“重複”及“TENDERED”的字樣；
  - (c) 選票上批註了“未用”及“UNUSED”的字樣；
  - (d) 選票上批註了“損壞”及“SPOILT”的字樣；
  - (e) 選票相當殘破；
  - (f) 選票未經填劃；
  - (g) 選票沒有按照第 56(1)或(2)條填劃；
  - (h) 選票上記錄了投予若干候選人的票，而所選取的人數，超逾 ——
    - (i) 就界別分組一般選舉而言——分配予有關界別分組的選委會委員席位數目；或
    - (ii) 就界別分組補選而言——須在該補選中選出的選委會委員席位數目；
  - (i) 選票因無明確選擇而無效。”。

56B. 修訂第 83 條(選舉主任須將選票、結算表、包裹等送交總選舉事務主任)

第 83(1)(b)條 ——

廢除

“78(7)”

代以  
“78A(1)”。

61 刪去第(1)及(2)款而代以 ——

“第 51 條 ——  
廢除第(6)及(7)款。”。

新條文 加入 ——

“61A. 加入第 51A 條  
在第 51 條之後 ——

加入

“51A. 選舉主任須擬備選票報表

- (1) 選舉主任須為不予點算的選票，擬備一份報表。
- (2) 有關報表須按以下分項擬備 ——
  - (a) 選票上有文字或記認，而藉此可能識別選民身分；
  - (b) 選票上批註了“重複”及“TENDERED”的字樣；
  - (c) 選票上批註了“未用”及“UNUSED”的字樣；
  - (d) 選票上批註了“損壞”及“SPOILT”的字樣；
  - (e) 選票相當殘破；
  - (f) 選票未經填劃；
  - (g) 選票並非用發給的印章蓋上而填劃；
  - (h) 選票符合以下說明 ——
    - (i) 就有競逐選舉而言——記錄了投予多於一名候選人的票；或
    - (ii) 就無競逐選舉而言——同時記錄了“支持”票及“不支持”票；
  - (i) 選票因無明確選擇而無效。”。

新條文 在第 6 部第 4 分部中，加入 ——

“62A. 修訂第 57 條(將選票、結算表、包裹等送交總選舉事務主任)

第 57(b)條 ——

廢除

“51(6)”

代以

“51A(1)”。

**62B. 修訂第 70 條(保密)**

第 70(1)(d)條 ——

廢除

“51(6)”

代以

“51A(1)”。

65(2) 在建議的第 2(2)條中，在“某界別分組或小組”之後加入“(本條例的附表第 1(1)條所指者)”。

新條文 在第 9 部第 4 分部中，在第 1 次分部之前加入 ——

**“第 1A 次分部 —— 《選舉管理委員會(登記)(立法會功能界別選民)(選舉委員會界別分組投票人)(選舉委員會委員)規例》(第 541 章，附屬法例 B)**

**80A. 修訂第 31 條(誰人可遞交申索通知書)**

第 31(10)條 ——

廢除

“(5)(a)及(b)”

代以

“(5)(b)”。