

LEGISLATIVE COUNCIL BRIEF

ELECTORAL LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018

INTRODUCTION

A At the meeting of the Executive Council on 26 June 2018, the Council ADVISED and the Acting Chief Executive ORDERED that the Electoral Legislation (Miscellaneous Amendments) Bill 2018, at **Annex A**, should be introduced into the Legislative Council (“LegCo”).

2. The Bill amends certain electoral legislation to improve the voter registration (“VR”) arrangements, and the electoral procedures for the Chief Executive (“CE”), Election Committee Subsector (“ECSS”), Legislative Council (“LegCo”), District Council (“DC”), and Rural Representative (“RR”) elections. The amendments include enhancing the VR system, introducing a targeted exemption from criminal liability in respect of the activity of a third party on the Internet, rationalising electoral procedures and improving the clarity and consistency of certain electoral legislation.

JUSTIFICATIONS

(A) Enhancing the VR system

(1) Increase of maximum penalties for offences relating to VR

3. In view of the concerns expressed by members of the public on matters relating to VR in the 2015 VR cycle, the Government embarked on a review of the existing VR system and the relevant arrangements, and conducted a public consultation on enhancement of the VR system between 26 November 2015 and 8 January 2016. The Government published the Consultation Report on 21 January 2016. Among others, as the community is generally of the view that the offence of making false statements in VR would severely affect the fairness and impartiality of the electoral system and that the penalties should have a sufficient deterrent effect, we **propose** to

increase the maximum penalties for making false statements in VR as set out in the subsidiary legislation under the Electoral Affairs Commission Ordinance (Cap. 541) from the current maximum penalties of a fine of level 2 (currently \$5,000) and imprisonment for 6 months to a fine of level 3 (currently \$10,000) and imprisonment for 2 years. The LegCo Panel on Constitutional Affairs (“CA Panel”) was consulted on 19 April 2017 and in general expressed support for the proposal.

(2) Improving the VR claim and objection mechanism

4. In the past, the Registration and Electoral Office (“REO”) received at most a few notices of objection in each VR cycle. During the 2015 VR cycle (DC election year), 49 notices of objection, involving a total of 2 001 electors, were received by the REO. Six objectors subsequently withdrew their objections to 550 electors after lodging their notices, and the total number of electors being objected to was 1 451. The surge in the number of objection cases in 2015 aroused public concerns on whether the existing objection mechanism may be susceptible to abuse. In the public consultation on enhancement of the VR system held between 26 November 2015 and 8 January 2016, public views were sought, inter alia, on the proposals to improve the objection mechanism. Having considered the views received, we **propose** to introduce the following measures to improve the claim and objection mechanism. The CA Panel was consulted on 23 February 2017 and in general expressed support for the proposals.

(a) Appellant’s responsibility to provide sufficient information about the case

5. We **propose** to specify in the law that it is the duty of the person lodging a claim / an objection (“appellant”) to provide sufficient information about the case so as to inform the Revising Officer, the Electoral Registration Officer (“ERO”) and the elector(s) being objected to in objection cases of the grounds of the claim / objection. Apart from claim and objection cases, this proposal would also apply to appeals against the ERO’s decision not to register replacement or substitution of authorized representatives for functional constituencies or subsectors.

(b) Attendance of the appellant at the hearings

6. We **propose** to provide an option for the Revising Officer to dismiss the claim or objection case direct if the appellant or his / her

representative does not attend the hearing. Apart from claim and objection cases, this proposal would apply to appeals against the ERO's decision not to register replacement or substitution of authorized representatives for functional constituencies or subsectors.

(c) Processing incontrovertible claim and objection cases by written submissions

7. At present, hearings are conducted for all claim and objection cases. We **propose** to specify in the law that incontrovertible claim and objection cases can be processed by written submissions. Under this proposal, the ERO would first screen whether (a) no ground is submitted in a claim or an objection, or (b) the ground(s) submitted by the appellant are irrelevant to registration eligibilities, or (c) the case involves only a clerical error made in compiling or printing a register. If any of the above-mentioned conditions is met, the ERO would request the Revising Officer to determine the case by written submissions and the Revising Officer must direct that the case be determined without a hearing on the basis of written submissions only. This proposal would alleviate the workload of the Revising Officer and reduce possible inconvenience caused to the electors concerned. The appellants and the electors being objected to could still request to review the ruling made under this mechanism (a hearing will be conducted) if he/she is not satisfied with the Revising Officer's ruling.

(d) Statutory deadlines under the proposed arrangement

8. At present, the ERO is required to forward notices of claims / objections received to the Revising Officer by the statutory deadline of 2 July (for non-DC election year) or 2 September (for DC election year). In practice, the ERO forwards the notices to the Revising Officer as soon as possible after the statutory deadline for making claims / objections (i.e. 25 June or 25 August). We **propose** to revise the statutory deadline for forwarding notices to the Revising Officer to **29 June (non-DC election year) or 29 August (DC election year)**, so as to allow more time for the Revising Officer to process claims / objections either by way of hearing or written submissions. At the same time, the ERO shall make request(s) to the Revising Officer for processing any applicable case(s) by written submissions in lieu of hearing. The Revising Officer must inform the appellant (and the elector being objected to in an objection case) that the case will be processed by written submissions in lieu of hearing by the same deadline of 29 June (non-DC election year) or 29 August (DC election year). The appellant or elector(s) being objected to (for objections) may make

written representations regarding the claim or objection concerned and submit them, by post or by hand, to the Revising Officer by a date specified by the Revising Officer.

9. We also **propose** to set a deadline for informing the appellant (and the elector being objected to in an objection case) of the Revising Officer's ruling in respect of the claim / objection handled by written submissions in lieu of hearing, i.e. **7 July (for non-DC election year) or 7 September (for DC election year)**. The appellant may then consider if he/she wishes to request a review of the ruling. The Revising Officer will conduct a hearing to review such case as appropriate. The deadline for reviewing claims / objections handled by written submissions is the same as other claim / objection cases which require hearings, i.e. **11 July (for non-DC election year) or 11 September (for DC election year)**.

10. As a technical amendment to align with the current requirement in sending VR notices (e.g. applications, inquiries and notifications) to persons by the ERO by surface mail, we **propose** to amend the relevant provisions in the Registration of Electors (Appeals) Regulation (Cap. 542B) and the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569B) so that notices issued by the Revising Officer to the appellants and the elector(s) being objected to (in the case of objections) shall be sent by surface mail instead of registered post.

(B) Broadening the pool of eligible candidates for appointment as Revising Officer

11. Under section 77 of the Legislative Council Ordinance (Cap. 542), the Chief Justice may appoint any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap. 87), to be a Revising Officer for the purposes of this Ordinance. If no appointment is made, the Registrar of the High Court is taken to be a Revising Officer. As the work of Revising Officer is non-judicial in nature, the Judiciary has suggested the Government to review the arrangement to appoint serving Magistrates as Revising Officer and consider if the pool of eligible candidates may be broadened. Having considered the suggestion of the Judiciary, we **propose** to amend the relevant provisions in the Legislative Council Ordinance (Cap. 542), the

Chief Executive Election Ordinance (Cap. 569) and the Rural Representative Election Ordinance (Cap. 576) to include also former and retired magistrates in the pool of eligible candidates for appointment as Revising Officer.

(C) Introducing a targeted exemption from criminal liability in respect of the activity of a third party on the Internet

12. During the public consultation exercises conducted by the Electoral Affairs Commission (“EAC”) and the discussion of the LegCo CA Panel on the guidelines on election-related activities of several public elections, there were concerns that commentary on candidates, changing profile pictures or suggesting voting for a particular candidate on the social media could be regarded as publishing election advertisements (“EAs”), and that the associated expenses would be regarded as election expenses, hence subjecting web surfers to inadvertent breach of electoral laws and restricting freedom of expression.

13. In this regard, we published the Consultation Paper on Review of Electoral Arrangements in November 2017 to invite public views on, among others, the regulation of EAs published through the Internet. Under the current regulatory regime, if a web surfer comments on individual candidates, changes profile pictures or suggests voting for a particular candidate on the Internet with the intention of promoting or prejudicing the election of a candidate or candidates at an election, such acts might be construed as publication of EAs. As such, the related expenses (notably electricity and Internet access charges involved in such publication), however trivial, are all regarded as election expenses. If the web surfer concerned is not a candidate or a candidate’s election expense agent, he/she will be regarded as illegally incurring election expenses under section 23(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (“ECICO”) (Cap. 554). It is noted that despite the clarifications made by the EAC in its guidelines on election-related activities, there are still concerns among some members of the public on possible breaches of electoral laws that might arise from the expression of views on the Internet. In this regard, the breach itself, i.e., expenses incurred in publishing the views concerned (which are electricity and Internet access charges in normal circumstances), is indeed trivial.

14. After balancing the objective of upholding the fairness of elections against the need to safeguard the freedom enjoyed by the public in their daily expression of views on the Internet, we **propose** that a targeted exemption be included in respect of the illegal conduct in section 23(1) of the ECICO, to the effect that if a third party (i.e., individuals or bodies that are neither the relevant candidates whose elections are being promoted or prejudiced nor their election expense agents) publishes any form of publication on the Internet to promote or prejudice the elections of candidates (hence publishing EAs) and incurs election expenses, and the election expenses thus incurred are merely electricity and/ or Internet access charges, such act will no longer be regarded as an illegal conduct^{1,2}. We received overwhelming support on our proposed targeted exemption during the public consultation, and it has been reflected in our Consultation Report on Review of Electoral Arrangements published on 15 May 2018.

(D) Rationalising electoral procedures and improving the clarity and consistency of certain electoral legislation

15. In preparation for the elections in the next election cycle, we have also reviewed the electoral legislation, and intend to further improve the electoral procedures and improve the clarity and consistency of certain electoral legislation, in the light of the experience gained from previous elections.

(1) Clarification of issuance of ballot papers in ECSS elections

16. Currently, a person who is voting as both a voter and an authorised representative in ECSS elections is to be issued with two ballot papers. We **propose** to make reference to the relevant provisions for the LegCo elections to clarify in the legislation that a person who is entitled to be issued with two ballot papers in ECSS elections must be handed over the ballot papers in one go.

¹ Costs of designing and setting up online platforms and costs involved in the design, paid-for publicity, paid publication of EAs, etc. will however not be exempted.

² The proposal will not affect the obligation of candidates or their election expense agents under the existing electoral legislation. The definitions of EAs and election expenses under the existing legislation will remain intact.

(2) Rationalisation of counting process for CE elections

17. Currently, the relevant legislation for CE elections provides that the Returning Officer (“RO”) must, before the counting of votes, count, record, verify the number of ballot papers from all the polling stations and prepare a written statement. And, the RO must, after the counting of votes, record and verify the number of valid and invalid ballot papers, and prepare a written statement. Those requirements involve duplication of efforts which prolongs the counting process and delays the declaration of election result. To speed up the counting process, we **propose** to amend those requirements by making reference to the arrangements for the main counting stations in DC and LegCo elections, and those for the counting stations in RR elections, i.e., before the counting of votes, to count, record and verify the number of ballot papers and prepare a written statement for ballot papers from dedicated polling station(s), and to mix such ballot papers with ballot papers in at least one of the ballot boxes at the main polling station, in order to protect secrecy of votes. And, after the counting of votes, to count, record and verify the number of ballot papers and prepare a written statement for the ballot papers from the main polling station, thereby saving the additional time currently spent on the duplicating procedures.

(3) Rationalisation of the authority for issuing the notification for returning or forfeiting election deposits

18. Currently, election deposits are required for DC, ECSS and LegCo elections. Relevant legislation provides that the RO is to notify the Director of Accounting Services to return or forfeit the election deposit lodged by the candidates. We **propose** to amend the legislation to allow Assistant RO or the Chief Electoral Officer to issue the notification as well, in order to provide flexibility for possible scenarios (e.g. department restructuring and the lapse of the supernumerary post of the RO for DC (second) functional constituency).

(4) Classification of certain ballot papers as clearly invalid to streamline the counting process

19. Under the existing EAC regulations, the candidates and their agents may inspect and make representations concerning any questionable ballot papers before the RO or Presiding Officer (as applicable) makes decisions on those papers whereas they may only inspect but not make

representations concerning clearly invalid ballot papers the votes recorded on which are not to be counted. The legislation for DC, LegCo and RR elections now provides that certain overmarked ballot papers are to be treated as clearly invalid. We **propose** to introduce similar provision to the CE and ECSS elections to align the arrangements as appropriate. Besides, we **propose** to stipulate in the legislation for DC and LegCo elections^{3,4} that a ballot paper with vote recorded for a candidate/ a single or multiple candidates list with the candidate/ the only candidate(s) on the list deceased or disqualified is to be treated as clearly invalid, in order to streamline the counting process. The existing arrangement which allows candidates and their agents to inspect questionable or clearly invalid ballot papers would remain unchanged.

(5) Rationalisation of the stamping arrangements for ballot papers under specified circumstances

20. Currently, the legislation for DC, ECSS, LegCo and RR elections requires, before the issuance of a ballot paper to a voter, corresponding words be stamped on it to cross out the name and other related information of any candidate who is deceased or disqualified after the close of nominations but before the date of the election. We **propose** to cross out the relevant information by a line and to display a corresponding notice in a prominent place of each polling station, in order to address operational difficulties in stamping, e.g. difficulties in stamping properly due to the small size of wording on a ballot paper with a large number of candidates/candidate lists; and possibility of the ballot paper being stained by the ink of the stamp and thereby becoming a questionable ballot paper.

(6) Minor technical amendments

21. We **propose** to introduce some minor technical amendments to the electoral legislation as set out in **Annex B**.

B

³ This proposal is not applicable to CE elections which would be terminated if a candidate dies or is disqualified after the close of nominations but before the declaration of the election result.

⁴ The proposal may unnecessarily complicate the ECSS and RR elections in which the number of members/ representatives to be elected may reach double digits.

OTHER OPTIONS

22. The proposed amendments have to be effected by legislative means. There is no alternative option.

THE BILL

23. The main provisions are summarised below –

- (a) Part 1 sets out the short title of the Bill and provides for commencement of the Bill;
- (b) Part 2 amends Cap. 541 and various voter registration regulations made under it to increase the maximum penalties for the offence of making a false statement and a related offence in VR;
- (c) Part 3 amends various electoral legislation to streamline the mechanism for making an appeal, claim or objection relating to registration of an elector or voter in a register;
- (d) Part 4 amends section 23 of Cap. 554 to introduce an exemption from criminal liability for a person publishing an EA on the Internet and the only election expenses incurred for the purpose of publishing the EA are electricity charges and charges necessary for accessing the Internet;
- (e) Part 5 amends various electoral legislation to replace the stamping arrangements for ballot papers under specified circumstances;
- (f) Part 6 amends various electoral legislation to improve the counting process;
- (g) Part 7 amends various electoral legislation to clarify who may issue the notification for returning or forfeiting election deposits;
- (h) Part 8 amends various electoral legislation to broaden the pool of eligible candidates of Revising Officer; and
- (i) Part 9 contains certain minor or technical amendments to various electoral legislation.

C The existing provisions being amended are at **Annex C**.

LEGISLATIVE TIMETABLE

24. The legislative timetable will be:

Publication in the Gazette	29 June 2018
First reading and commencement of Second Reading debate	11 July 2018
Resumption of Second Reading debate, Committee Stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

25. The Bill is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, civil service, economic, productivity, environmental, sustainability or family implications. The proposed amendments will not affect the current binding effect of the Ordinances and subsidiary legislation which the Bill seeks to amend.

GENDER IMPLICATION

26. Article 7 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women requires that “State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and in particular, shall ensure to women, on equal terms with men, the right: a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies...” In the electoral system of Hong Kong, as safeguarded by the Basic Law, women have the same rights as men to vote and to stand for election in accordance with the law. In this context, this proposal **does not** have any gender implication.

PUBLIC CONSULTATION

27. We consulted the CA Panel on the proposals of the Bill on 21 May 2018 and the CA Panel did not express objection to our proposals.

PUBLICITY

28. A press release will be issued on 29 June 2018, and a spokesman will be made available to address enquiries.

ENQUIRY

29. Any enquiry on this brief can be addressed to Ms Cherie Yeung, Principal Assistant Secretary for Constitutional and Mainland Affairs, at 2810 2908.

Constitutional and Mainland Affairs Bureau
27 June 2018

Electoral Legislation (Miscellaneous Amendments) Bill 2018

Contents

Clause		Page
	Part 1	
	Preliminary	
1.	Short title and commencement	1
2.	Enactments amended	2
	Part 2	
	Increasing Maximum Penalties for Certain Offences Relating to Registration of Electors or Voters	
	Division 1—Electoral Affairs Commission Ordinance (Cap. 541)	
3.	Section 7 amended (regulations)	3
	Division 2—Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)	
4.	Section 22 amended (offences and penalties)	3
	Division 3—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.	Section 42 amended (offences and penalties)	4

Clause		Page
	Division 4—Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K)	
6.	Section 32 amended (offences and penalties)	4
	Part 3	
	Streamlining Mechanism for Appeals, Claims and Objections Relating to Registration of Electors or Voters	
	Division 1—Registers for Geographical Constituencies, Functional Constituencies and Election Committee Subsectors	
	Subdivision 1—Legislative Council Ordinance (Cap. 542)	
7.	Section 34 amended (right of appeal to Revising Officer against decisions of Electoral Registration Officer)	5
	Subdivision 2—Chief Executive Election Ordinance (Cap. 569)	
8.	Schedule, section 48 amended (right of appeal to Revising Officer against decisions of Electoral Registration Officer)	5
	Subdivision 3—Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)	
9.	Section 16 amended (Electoral Registration Officer to deliver copies of notices of objection and notices of claim to Revising Officer)	6
	Subdivision 4—Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg.	

Clause	Page
B)	
10. Section 32 amended (Electoral Registration Officer to deliver copies of notices of objection, notices of claim and notices of appeal to Revising Officer)	8
Subdivision 5—Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)	
11. Section 1 amended (interpretation).....	11
12. Section 1A amended (effect of inclement weather warning on date and period)	12
13. Section 2 amended (fixing of hearing and notifying the appellant thereof).....	13
14. Sections 2A and 2B added.....	16
2A. Revising Officer to determine certain claims or objections based on written submissions	16
2B. Appellant to provide sufficient information	18
15. Sections 3 and 4 substituted.....	19
3. Appellant and person in respect of whom objection is made to be notified of rulings etc.....	19
4. Electoral Registration Officer to be notified of rulings made under section 2(5) and (5A) etc.	20
16. Section 4A added.....	21
4A. Electoral Registration Officer to be notified of	

Clause	Page
rulings made under section 2A(5)	21
17. Section 6 amended (review of rulings by Revising Officer)	22
Subdivision 6—Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)	
18. Section 2 amended (interpretation).....	23
19. Section 2A amended (effect of inclement weather warning on date and period)	24
20. Section 3 amended (fixing of hearing and notifying appellant thereof)	25
21. Sections 3A and 3B added.....	28
3A. Revising Officer to determine certain claims or objections based on written submissions	28
3B. Appellant to provide sufficient information	30
22. Sections 4 and 5 substituted.....	30
4. Appellant and person in respect of whom objection is made to be notified of rulings etc.....	30
5. Electoral Registration Officer to be notified of rulings made under section 3(6) and (6A) etc.	31
23. Section 5A added.....	33
5A. Electoral Registration Officer to be notified of rulings made under section 3A(5)	33
24. Section 7 amended (review of rulings by Revising Officer)	34

Clause	Page
Division 2—Amendments to Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576 sub. leg. A) in Relation to Registers for Existing Villages, Indigenous Villages and Composite Indigenous Villages and Market Towns	
25. Section 2 amended (fixing a hearing date and notifying the appellant).....	35
26. Section 2A added.....	36
2A. Appellant to provide sufficient information	36
27. Section 3 amended (disposal of appeal)	36
28. Section 4 amended (Revising Officers notify parties of outcome of appeal)	37
29. Section 7 amended (review of rulings by Revising Officer)	37
Part 4	
Amendment to Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) Relating to Persons other than Candidates and Election Expense Agents Incurring Election Expenses for Publishing Election Advertisements on Internet	
30. Section 23 amended (illegal conduct for persons other than candidates and election expense agents to incur election expenses)	38
Part 5	
Replacing Stamping Requirement for Certain Ballot Papers	
Division 1—Electoral Affairs Commission (Electoral Procedure) (Legislative	

Clause	Page
Council) Regulation (Cap. 541 sub. leg. D)	
31. Section 37 amended (Chief Electoral Officer to carry out other duties relating to polling stations)	39
32. Section 37A added.....	39
37A. Presiding Officer to display notice relating to deceased or disqualified candidates.....	39
33. Section 49 amended (form of ballot papers and order of appearance of lists or names of candidates on ballot papers)	40
34. Section 80 amended (votes recorded on invalid ballot papers not to be counted)	40
Division 2—Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)	
35. Section 40 amended (Chief Electoral Officer to carry out other duties relating to polling stations)	41
36. Section 40A added.....	41
40A. Presiding Officer to display notice relating to deceased or disqualified candidates.....	41
37. Section 52 amended (form of ballot paper and order of appearance of names of candidates on ballot papers)	42
38. Section 78 amended (votes recorded on invalid ballot papers not to be counted)	42
Division 3—Electoral Affairs Commission (Electoral Procedure) (Election	

Clause	Page
Committee) Regulation (Cap. 541 sub. leg. I)	
39. Section 37 amended (Chief Electoral Officer to carry out other duties relating to polling stations)	43
40. Section 37A added.....	43
37A. Presiding Officer to display notice relating to deceased or disqualified candidates.....	43
41. Section 49 amended (form of ballot papers and order of appearance of names of candidates on ballot papers).....	44
42. Section 77 amended (votes recorded on invalid ballot papers not to be counted)	44
Division 4—Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)	
43. Section 33 amended (miscellaneous arrangements relating to voting)	45
44. Section 63 amended (determination of validity of questionable ballot papers)	46
Part 6	
Improving Counting Process	
Division 1—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)	
45. Section 75 amended (counting of votes for geographical constituencies).....	47

Clause	Page
46. Section 76 amended (counting of votes for special functional constituencies)	47
47. Section 77A amended (counting of votes for District Council (second) functional constituency).....	48
48. Section 80 amended (votes recorded on invalid ballot papers not to be counted)	48
49. Section 81 amended (Returning Officer or Presiding Officer to make decisions on questionable ballot papers).....	49
Division 2—Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)	
50. Section 76 amended (counting of votes)	51
51. Section 78 amended (votes recorded on invalid ballot papers not to be counted)	51
52. Section 79 amended (Presiding Officer to make decisions on questionable ballot papers)	52
Division 3—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)	
53. Section 56 amended (how ballot papers are to be marked)	52
54. Section 74A amended (invalid and questionable ballot papers)	52
55. Section 77 amended (votes recorded on invalid ballot papers not to be counted)	53
56. Section 78 amended (Returning Officer to make decisions on	

Clause	Page
questionable ballot papers).....	54
57. Schedule 2 amended (form of ballot paper and form of notice of result of subsector election).....	54
Division 4—Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)	
58. Section 2 amended (interpretation).....	55
59. Section 49 amended (counting of votes)	55
60. Section 50 amended (some ballot papers invalid)	56
61. Section 51 amended (determination of validity of questionable ballot papers)	56
62. Section 52 amended (verification of ballot paper account)	57

Part 7**Clarifying who may Instruct Director of Accounting Services to Return or Forfeit Election Deposits****Division 1—Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg. C)**

63. Section 1 amended (interpretation).....	59
---	----

Division 2—District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A)

64. Section 1 amended (interpretation).....	59
---	----

Division 3—Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569 sub. leg. C)

Clause	Page
65. Section 2 amended (interpretation).....	60

Part 8**Broadening Eligibility Criteria of Revising Officers****Division 1—Legislative Council Ordinance (Cap. 542)**

66. Section 77 amended (appointment of Revising Officer)	61
--	----

Division 2—Chief Executive Election Ordinance (Cap. 569)

67. Schedule, section 46 amended (appointment of Revising Officer)	61
--	----

Division 3—Rural Representative Election Ordinance (Cap. 576)

68. Section 53 amended (appointment of Revising Officer)	62
--	----

Part 9**Minor Amendments****Division 1—Definitions of *identity document* and *identity card*****Subdivision 1—Legislative Council Ordinance (Cap. 542)**

69. Section 3 amended (interpretation).....	64
---	----

Subdivision 2—District Councils Ordinance (Cap. 547)

70. Section 2 amended (interpretation).....	64
---	----

Subdivision 3—Chief Executive Election Ordinance (Cap. 569)

71. Schedule, section 32 amended (misnomer or inaccuracy not to affect operation of election document)	65
--	----

Subdivision 4—Rural Representative Election Ordinance (Cap. 576)

Clause	Page
72. Section 2 amended (interpretation).....	65
Subdivision 5—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)	
73. Section 2 amended (interpretation).....	66
Subdivision 6—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)	
74. Section 1 amended (interpretation).....	66
Subdivision 7—Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)	
75. Section 2 amended (interpretation).....	67
Subdivision 8—Election Committee (Appeals) Regulation (Cap. 569 sub. leg. A)	
76. Section 2 amended (interpretation).....	67
Division 2—Treating Unmarked Ballot Papers as Unused Ballot Papers	
Subdivision 1—Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)	
77. Section 39 substituted.....	68
39. Marking “UNUSED” on ballot paper.....	68
Subdivision 2—Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)	

Clause	Page
78. Section 51 substituted.....	68
51. Marking “UNUSED” on ballot paper.....	68
Division 3—Providing Identity Document Numbers of Election Expense Agents	
Subdivision 1—Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)	
79. Section 14 amended (provisions applicable to appointment of agents)	69
Subdivision 2—Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)	
80. Section 24 amended (provisions applicable to appointment of agents)	69
Division 4—Other Technical Amendments	
Subdivision 1—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)	
81. Section 75 amended (counting of votes for geographical constituencies).....	70
82. Section 81 amended (Returning Officer or Presiding Officer to make decisions on questionable ballot papers).....	70
Subdivision 2—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)	
83. Section 53 amended (Presiding Officer to issue ballot papers	

Clause	Page
to voter or authorized representative).....	71
Subdivision 3—Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K)	
84. Section 32 amended (offences and penalties).....	71

A BILL

To

Amend certain electoral legislation to increase the maximum penalties for certain offences relating to registration of electors or voters; to streamline the mechanism for appeals, claims and objections relating to registration of electors or voters; to introduce an exemption from criminal liability for incurring election expenses for publishing election advertisements on the Internet; to replace the stamping requirement for certain ballot papers; to improve the counting process; to clarify who may instruct the Director of Accounting Services to return or forfeit election deposits; to broaden the eligibility criteria of Revising Officers; and to make other minor amendments that do not affect the substance of the electoral systems.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Electoral Legislation (Miscellaneous Amendments) Ordinance 2018.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) The provisions specified in subsection (4) come into operation on—

- (a) 1 February 2019; or
- (b) if the day on which this Ordinance is published in the Gazette is later than 1 February 2019—the day on which this Ordinance is published in the Gazette.
- (4) The provisions are—
 - (a) Division 4 of Part 2;
 - (b) Division 2 of Part 3;
 - (c) Division 4 of Part 5;
 - (d) Division 3 of Part 8;
 - (e) Subdivision 4 of Division 1 of Part 9;
 - (f) Subdivision 2 of Division 2 of Part 9;
 - (g) Subdivision 2 of Division 3 of Part 9; and
 - (h) Subdivision 3 of Division 4 of Part 9.

2. Enactments amended

The enactments specified in Parts 2 to 9 are amended as set out in those Parts.

Part 2

Increasing Maximum Penalties for Certain Offences Relating to Registration of Electors or Voters

Division 1—Electoral Affairs Commission Ordinance (Cap. 541)

3. Section 7 amended (regulations)

Section 7(5)—

Repeal

“level 2 and imprisonment not exceeding 6 months”

Substitute

“level 3 and imprisonment not exceeding 2 years”.

Division 2—Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

4. Section 22 amended (offences and penalties)

Section 22(1) and (2)—

Repeal

“level 2 and to imprisonment for 6 months”

Substitute

“level 3 and to imprisonment for 2 years”.

Division 3—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. Section 42 amended (offences and penalties)

(1) Section 42(1) and (2)—

Repeal

“level 2 and to imprisonment for 6 months”

Substitute

“level 3 and to imprisonment for 2 years”.

(2) Section 42(7) and (8)—

Repeal

everything after “that other person”

Substitute

“also commits the offence.”.

Division 4—Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K)

6. Section 32 amended (offences and penalties)

Section 32(1) and (2)—

Repeal

“level 2 and to imprisonment for 6 months”

Substitute

“level 3 and to imprisonment for 2 years”.

Part 3

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

Division 1—Registers for Geographical Constituencies, Functional Constituencies and Election Committee Subsectors

Subdivision 1—Legislative Council Ordinance (Cap. 542)

7. Section 34 amended (right of appeal to Revising Officer against decisions of Electoral Registration Officer)

After section 34(2)—

Add

“(2A) A Revising Officer may determine an appeal without a hearing on the basis of written submissions only.

“(2B) Subsections (3) and (4) apply if a hearing is held for an appeal.”.

Subdivision 2—Chief Executive Election Ordinance (Cap. 569)

8. Schedule, section 48 amended (right of appeal to Revising Officer against decisions of Electoral Registration Officer)

The Schedule, after section 48(2)—

Add

“(2A) A Revising Officer may determine an appeal without a hearing on the basis of written submissions only.

- (2B) Subsections (3) and (4) apply if a hearing is held for an appeal.”.

Subdivision 3—Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

9. Section 16 amended (Electoral Registration Officer to deliver copies of notices of objection and notices of claim to Revising Officer)

- (1) Section 16(3)(a)—

Repeal

“2 September”

Substitute

“29 August”.

- (2) Section 16(3)(b)—

Repeal

“2 July”

Substitute

“29 June”.

- (3) After section 16(3)—

Add

“(4) The Electoral Registration Officer, when delivering to the Revising Officer a copy of a notice of objection, 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, 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 14) to be registered—
- (i) in a provisional register; or
- (ii) in a particular section or subsection of a provisional register;
- (c) the subject matter of the objection involves only a clerical error made in compiling or printing a 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 provisional register; or
 - (B) in a particular section or subsection of a provisional register; or
 - (ii) an entry relating to the claimant in a provisional register;
- (c) the subject matter of the claim involves only a clerical error made in compiling or printing a provisional register.”.

**Subdivision 4—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)**

**10. Section 32 amended (Electoral Registration Officer to deliver
copies of notices of objection, notices of claim and notices of
appeal to Revising Officer)**

- (1) Section 32(2)(ab)(i)—

Repeal

“2 September”

Substitute

“29 August”.

- (2) Section 32(2)(ab)(ii)—

Repeal

“2 July”

Substitute

“29 June”.

- (3) Section 32(3)(b)(i)—

Repeal

“2 September” (wherever appearing)

Substitute

“29 August”.

- (4) Section 32(3)(b)(ii)—

Repeal

“2 July”

Substitute

“29 June”.

- (5) After section 32(3)—

Add

- “(4) The Electoral Registration Officer, when delivering to the Revising Officer a copy of a notice of objection, 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, 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.”.

Subdivision 5—Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)

11. Section 1 amended (interpretation)

- (1) Section 1, English text, definition of *objection*—

Repeal the full stop

Substitute a semicolon.

- (2) Section 1, Chinese text, definition of 團體選民—

Repeal the full stop

Substitute a semicolon.

- (3) Section 1—

Add in alphabetical order

“*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;

provisional register (臨時選民登記冊) means—

- (a) a provisional register of geographical constituencies compiled under section 32(1)(a)(i) or (1A)(a)(i) of the Legislative Council Ordinance (Cap. 542); or
- (b) a provisional register of functional constituencies compiled under section 32(1)(a)(ii) or (1A)(a)(ii) of that Ordinance;

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 a day that is not—

- (a) a general holiday; or
- (b) a Saturday.”.

12. Section 1A amended (effect of inclement weather warning on date and period)

- (1) Section 1A—

Repeal subsection (1).

- (2) Section 1A(4), Table 1, column 2—

Repeal

“4(a)”

Substitute

“4(3)(a)(ii)”.

- (3) Section 1A(4), Table 1, column 2—

Repeal

“4(b)”

Substitute

“4(3)(a)(i)”.

- (4) Section 1A(8), Table 3—

Repeal

“11 September sections 4(a) and 6(2)(a)

11 July sections 4(b) and 6(2)(b)”

Substitute

“11 July sections 4(3)(a)(i) and 6(2)(b) and
(2AA)(a)(ii)

11 September sections 4(3)(a)(ii) and 6(2)(a) and
(2AA)(b)(ii)

7 July section 6(2AA)(a)

7 September section 6(2AA)(b)”.

13. Section 2 amended (fixing of hearing and notifying the appellant thereof)

- (1) Before section 2(1)—

Add

“(1A) This section does not apply to a claim or an objection if the Revising Officer directs under section 2A(2) that the claim or objection be determined without a hearing on the basis of written submissions only.”.

- (2) Section 2(1)(b)—

Repeal

“registered”.

- (3) Section 2(2)(c)(iii)—

Repeal

“; and”

Substitute a semicolon.

- (4) Section 2(2)(d)—

Repeal

“stand.”

Substitute

“stand; and”.

- (5) After section 2(2)(d)—

Add

“(e) also in the case of a notice sent to an appellant, state that if the appellant—

- (i) does not appear at the hearing; and
- (ii) is not represented at the hearing by a legal practitioner or any other person (authorized in writing by the appellant),

the Revising Officer may make a ruling dismissing the appeal, claim or objection, whether or not the appellant has made representations in writing regarding the appeal, claim or objection.”.

- (6) Section 2(3)(a)—

Repeal

“2014 and ending on 2 September 2015”

Substitute

“2018 and ending on 29 August 2019”.

- (7) Section 2(3)(a)—

Repeal

“2015 and 11 September 2015”

Substitute

“2019 and 11 September 2019”.

- (8) Section 2(3)(b)—

Repeal

“3 September in any year subsequent to 2014”

Substitute

“30 August in any year subsequent to 2018”.

- (9) Section 2(3)(b)—

Repeal

“2 July”

Substitute

“29 June”.

- (10) Section 2(3)(c)—

Repeal

“3 July in any year subsequent to 2014”

Substitute

“30 June in any year subsequent to 2018”.

- (11) Section 2(3)(c)(i)—

Repeal

“2 September”

Substitute

“29 August”.

- (12) Section 2(3)(c)(ii)—

Repeal

“2 July”

Substitute

“29 June”.

(13) After section 2(5)—

Add

“(5A) Without limiting subsection (5), if the appellant—

- (a) does not appear at the hearing; and
- (b) is not represented at the hearing by a legal practitioner or any other person (authorized in writing by the appellant),

the Revising Officer may make a ruling dismissing the appeal, claim or objection, whether or not the appellant has made representations in writing regarding the appeal, claim or objection.”.

(14) Section 2—

Repeal subsection (6).**14. Sections 2A and 2B added**

After section 2—

Add**“2A. Revising Officer to determine certain claims or objections based on written submissions**

(1) This section applies if—

- (a) the Revising Officer receives a copy of a notice of claim or a notice of objection from the Electoral Registration Officer; and
- (b) the Electoral Registration Officer requests under a specified provision that the claim or objection be determined without a hearing on the basis of written submissions only.

- (2) The Revising Officer must direct that the claim or objection be determined without a hearing on the basis of written submissions only.
- (3) The Revising Officer must send by post a notice specified in subsection (4) to the party to whom the claim or objection relates—
 - (a) if the provisional register concerned is compiled for a year that is not a District Council election year—not later than 29 June in that year; or
 - (b) if the provisional register concerned is compiled for a District Council election year—not later than 29 August in that year.
- (4) The notice must state that—
 - (a) the claim or objection is to be determined by the Revising Officer without a hearing on the basis of written submissions only;
 - (b) the party may make written representations regarding the claim or objection and submit them by post or by hand at the address, and by the date, specified in the notice; and
 - (c) after the claim or objection is determined, the party will be notified of the ruling of the Revising Officer by the date specified in section 3.
- (5) The Revising Officer must make a ruling either allowing or dismissing the claim or objection.
- (6) In this section—

party (一方) means—

 - (a) in relation to a claim—the person who made the claim; or
 - (b) in relation to an objection—

- (i) the person who made the objection; or
- (ii) the person in respect of whom the objection is made;

specified provision (指明條文) means—

- (a) section 16(4) or (5) of the GC Registration Regulation; or
- (b) section 32(4) or (5) of the FC Registration Regulation.

2B. Appellant to provide sufficient information

- (1) An appellant must provide sufficient information about the appeal, claim or objection concerned to inform the following persons of the grounds of the appeal, claim or objection—
 - (a) the Revising Officer;
 - (b) the Electoral Registration Officer;
 - (c) in relation to an objection—the person in respect of whom the objection is made.
- (2) The information may be provided—
 - (a) in the notice of appeal, notice of claim or notice of objection (as appropriate);
 - (b) if a hearing is held for the appeal, claim or objection—in the representations referred to in section 2(2)(c); or
 - (c) if the claim or objection is determined without a hearing on the basis of written submissions only—in the written representations referred to in section 2A(4)(b).”.

15. Sections 3 and 4 substituted

Sections 3 and 4—

Repeal the sections

Substitute

“3. Appellant and person in respect of whom objection is made to be notified of rulings etc.

- (1) If a decision of the Electoral Registration Officer stands under section 2(5)(a), the Revising Officer must notify the party concerned of that fact.
- (2) If the Revising Officer makes a ruling under section 2(5)(b) or (5A) or section 2A(5), the Revising Officer must notify the party concerned of the ruling.
- (3) A notification under subsection (1) or (2) must be sent to the party by post.
- (4) A notification in relation to a ruling made under section 2A(5) must be sent—
 - (a) if the provisional register concerned is compiled for a year that is not a District Council election year—not later than 7 July in that year; or
 - (b) if the provisional register concerned is compiled for a District Council election year—not later than 7 September in that year.

(5) In this section—

party (一方) means—

- (a) in relation to an appeal—the corporate elector who made the appeal;
- (b) in relation to a claim—the person who made the claim; or
- (c) in relation to an objection—

- (i) the person who made the objection; or
 - (ii) the person in respect of whom the objection is made.
- 4. **Electoral Registration Officer to be notified of rulings made under section 2(5) and (5A) etc.**
 - (1) If a hearing is held under section 2 for an appeal, a claim or an objection, the Revising Officer must, in accordance with subsection (3), give the Electoral Registration Officer written notice—
 - (a) that the decision of the Electoral Registration Officer in respect of the appeal, claim or objection is to stand under section 2(5)(a); or
 - (b) of the ruling of the Revising Officer made under section 2(5)(b) or (5A) in respect of the appeal, claim or objection.
 - (2) If a hearing is held for—
 - (a) a review under section 6(1)(a) of a ruling in respect of an appeal, a claim or an objection; or
 - (b) a review under section 6(1)(b) of a ruling in respect of a claim or an objection,the Revising Officer must, in accordance with subsection (3), give the Electoral Registration Officer written notice of the result of the review.
 - (3) The Revising Officer must give the notice to the Electoral Registration Officer—
 - (a) after a hearing in connection with a claim or an objection is concluded—
 - (i) during the period beginning on 1 June in a year that is not a District Council election

- year and ending on 11 July in that year—not later than 17 July in that year; or
 - (ii) during the period beginning on 1 August in a District Council election year and ending on 11 September in that year—not later than 17 September in that year; or
 - (b) after a hearing in connection with an appeal is concluded—
 - (i) during the period referred to in section 2(4)(a)—on a date at least 3 working days before the polling date mentioned in that section;
 - (ii) during the period referred to in section 2(4)(b)(ii), (iii) or (iv)(B)—not later than 17 July in the relevant year; or
 - (iii) during the period referred to in section 2(4)(b)(i) or (iv)(A)—not later than 17 September in the relevant year.”.
16. **Section 4A added**
Before section 5—
Add
- “4A. **Electoral Registration Officer to be notified of rulings made under section 2A(5)**
If a ruling is made under section 2A(5), the Revising Officer must notify the Electoral Registration Officer of the ruling—
 - (a) if the provisional register concerned is compiled for a year that is not a District Council election year—not later than 7 July in that year; or”

- (b) if the provisional register concerned is compiled for a District Council election year—not later than 7 September in that year.”.

17. Section 6 amended (review of rulings by Revising Officer)

(1) Section 6(1)—

Repeal

everything after “objection”

Substitute

“is made—

- (a) review a ruling made under section 2(5)(b) or (5A), and for that purpose, rehear the matter wholly or in part and reverse or confirm the ruling; or
- (b) review a ruling made under section 2A(5), and for that purpose, hold a hearing and reverse or confirm the ruling.”.

(2) Section 6(2), after “2(5)(b)”—

Add

“or (5A)”.

(3) After section 6(2)—

Add

“(2AA) A ruling under section 2A(5)—

- (a) if made during the period beginning on 1 June in a year that is not a District Council election year and ending on 7 July in that year—may only be reviewed during the period—
 - (i) beginning on 1 June in that year; and
 - (ii) ending on 11 July in that year; or

- (b) if made during the period beginning on 1 August in a District Council election year and ending on 7 September in that year—may only be reviewed during the period—

- (i) beginning on 1 August in that year; and

- (ii) ending on 11 September in that year.”.

(4) Section 6(3), after “2(5)(b)”—

Add

“or (5A) or section 2A(5)”.

(5) Section 6—

Repeal subsection (4).

Subdivision 6—Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)

18. Section 2 amended (interpretation)

(1) Section 2, English text, definition of *subsector register*—

Repeal the full stop

Substitute a semicolon.

(2) Section 2—

Add in alphabetical order

“*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 a day that is not—

- (a) a general holiday; or
- (b) a Saturday.”.

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

(1) Section 2A—

Repeal subsection (1).

(2) Section 2A(4), Table 1, column 2—

Repeal

“5(1)(aa) and 7(2)(aa)”

Substitute

“5(3)(a)(ii) and 7(2)(aa) and (2AA)(b)(ii)”.

(3) Section 2A(4), Table 1, column 2—

Repeal

“5(1)(ab) and 7(2)(ab)”

Substitute

“5(3)(a)(i) and 7(2)(ab) and (2AA)(a)(ii)”.

(4) Section 2A(8), Table 3—

Repeal

“11 September sections 5(1)(aa) and 7(2)(aa)

11 July sections 5(1)(ab) and 7(2)(ab)”

Substitute

“11 July sections 5(3)(a)(i) and 7(2)(ab) and

(2AA)(a)(ii)

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)”.

20. Section 3 amended (fixing of hearing and notifying appellant thereof)

(1) Before section 3(1)—

Add

“(1A) This section does not apply to a claim or an objection if the Revising Officer directs under section 3A(2) that the claim or objection be determined without a hearing on the basis of written submissions only.”.

(2) Section 3(1)(b)—

Repeal

“registered”.

(3) Section 3(2)(c)(iii)—

Repeal

“; and”

Substitute a semicolon.

(4) Section 3(2)(d)—

Repeal

“stand.”

Substitute

“stand; and”.

(5) After section 3(2)(d)—

Add

“(e) also in the case of a notice sent to an appellant, state that if the appellant—

- (i) does not appear at the hearing; and
- (ii) is not represented at the hearing by a legal practitioner or any other person (authorized in writing by the appellant),

the Revising Officer may make a ruling dismissing the appeal, claim or objection, whether or not the appellant has made representations in writing regarding the appeal, claim or objection.”.

(6) Section 3(4)(ab)—

Repeal

“2014 and ending on 2 September 2015”

Substitute

“2018 and ending on 29 August 2019”.

(7) Section 3(4)(ab)—

Repeal

“2015 and 11 September 2015”

Substitute

“2019 and 11 September 2019”.

(8) Section 3(4)(b)—

Repeal

“3 September in any year subsequent to 2014”

Substitute

“30 August in any year subsequent to 2018”.

(9) Section 3(4)(b)—

Repeal

“2 July”

Substitute

“29 June”.

(10) Section 3(4)(c)—

Repeal

“3 July in any year subsequent to 2014”

Substitute

“30 June in any year subsequent to 2018”.

(11) Section 3(4)(c)(i)—

Repeal

“2 September”

Substitute

“29 August”.

(12) Section 3(4)(c)(ii)—

Repeal

“2 July”

Substitute

“29 June”.

(13) After section 3(6)—

Add

“(6A) Without limiting subsection (6), if the appellant—

- (a) does not appear at the hearing; and
- (b) is not represented at the hearing by a legal practitioner or any other person (authorized in writing by the appellant),

the Revising Officer may make a ruling dismissing the appeal, claim or objection, whether or not the appellant has made representations in writing regarding the appeal, claim or objection.”.

(14) Section 3—

Repeal subsection (7).

21. Sections 3A and 3B added

After section 3—

Add

“3A. Revising Officer to determine certain claims or objections based on written submissions

(1) This section applies if—

- (a) the Revising Officer receives a copy of a notice of claim or a notice of objection from the Electoral Registration Officer;
- (b) the claim or objection is made in respect of a subsector provisional register; and
- (c) the Electoral Registration Officer requests under a specified provision that the claim or objection be determined without a hearing on the basis of written submissions only.

(2) The Revising Officer must direct that the claim or objection be determined without a hearing on the basis of written submissions only.

(3) The Revising Officer must send by post a notice specified in subsection (4) to the party to whom the claim or objection relates—

- (a) if the subsector provisional register concerned is compiled for a year that is not a District Council

election year—not later than 29 June in that year; or

- (b) if the subsector provisional register concerned is compiled for a District Council election year—not later than 29 August in that year.

(4) The notice must state that—

- (a) the claim or objection is to be determined by the Revising Officer without a hearing on the basis of written submissions only;
- (b) the party may make written representations regarding the claim or objection and submit them by post or by hand at the address, and by the date, specified in the notice; and
- (c) after the claim or objection is determined, the party will be notified of the ruling of the Revising Officer by the date specified in section 4.

(5) The Revising Officer must make a ruling either allowing or dismissing the claim or objection.

(6) In this section—

party (一方) means—

- (a) in relation to a claim—the person who made the claim; or
- (b) in relation to an objection—
 - (i) the person who made the objection; or
 - (ii) the person in respect of whom the objection is made;

specified provision (指明條文) means section 32(4) or (5) of the Regulation.

3B. Appellant to provide sufficient information

- (1) An appellant must provide sufficient information about the appeal, claim or objection concerned to inform the following persons of the grounds of the appeal, claim or objection—
 - (a) the Revising Officer;
 - (b) the Electoral Registration Officer;
 - (c) in relation to an objection—the person in respect of whom the objection is made.
- (2) The information may be provided—
 - (a) in the notice of appeal, notice of claim or notice of objection (as appropriate);
 - (b) if a hearing is held for the appeal, claim or objection—in the representations referred to in section 3(2)(c); or
 - (c) if the claim or objection is determined without a hearing on the basis of written submissions only—in the written representations referred to in section 3A(4)(b).”.

22. Sections 4 and 5 substituted

Sections 4 and 5—

Repeal the sections

Substitute

“4. Appellant and person in respect of whom objection is made to be notified of rulings etc.

- (1) If a decision of the Electoral Registration Officer stands under section 3(6)(a), the Revising Officer must notify the party concerned of that fact.

- (2) If the Revising Officer makes a ruling under section 3(6)(b) or (6A) or section 3A(5), the Revising Officer must notify the party concerned of the ruling.
- (3) A notification under subsection (1) or (2) must be sent to the party by post.
- (4) A notification in relation to a ruling made under section 3A(5) must be sent—
 - (a) if the subsector provisional register concerned is compiled for a year that is not a District Council election year—not later than 7 July in that year; or
 - (b) if the subsector provisional register concerned is compiled for a District Council election year—not later than 7 September in that year.

(5) In this section—

***party* (一方) means—**

- (a) in relation to an appeal—the corporate voter who made the appeal;
- (b) in relation to a claim—the person who made the claim; or
- (c) in relation to an objection—
 - (i) the person who made the objection; or
 - (ii) the person in respect of whom the objection is made.

5. Electoral Registration Officer to be notified of rulings made under section 3(6) and (6A) etc.

- (1) If a hearing is held under section 3 for an appeal, a claim or an objection, the Revising Officer must, in accordance with subsection (3), give the Electoral Registration Officer written notice—

- (a) that the decision of the Electoral Registration Officer in respect of the appeal, claim or objection is to stand under section 3(6)(a); or
 - (b) of the ruling of the Revising Officer made under section 3(6)(b) or (6A) in respect of the appeal, claim or objection.
- (2) If a hearing is held for—
- (a) a review under section 7(1)(a) of a ruling in respect of an appeal, a claim or an objection; or
 - (b) a review under section 7(1)(b) of a ruling in respect of a claim or an objection,
- the Revising Officer must, in accordance with subsection (3), give the Electoral Registration Officer written notice of the result of the review.
- (3) The Revising Officer must give the notice to the Electoral Registration Officer—
- (a) after a hearing in connection with a claim or an objection in respect of a subsector provisional register is concluded—
 - (i) during the period beginning on 1 June in a year that is not a District Council election year and ending on 11 July in that year—not later than 17 July in that year; or
 - (ii) during the period beginning on 1 August in a District Council election year and ending on 11 September in that year—not later than 17 September in that year;
 - (b) after a hearing in connection with an appeal is concluded—

- (i) during the period referred to in section 3(3)(a)—on a date at least 3 working days before the polling date mentioned in that section;
 - (ii) during the period referred to in section 3(3)(b)(ii), (iii) or (iv)(B)—not later than 17 July in the relevant year; or
 - (iii) during the period referred to in section 3(3)(b)(i) or (iv)(A)—not later than 17 September in the relevant year; or
- (c) after a hearing in connection with a claim or an objection in respect of an Election Committee provisional register is concluded not later than the twentieth day after the date of publication mentioned in section 3(5)—not later than the twenty-first day after the date of publication.
- (4) Despite subsection (3)(c), if a hearing is postponed under section 2A or 3(5A) and concluded later than the twentieth day after the date of publication, the Revising Officer may give the notice to the Electoral Registration Officer on or before the next working day (which is not an inclement weather warning day) following the date on which the hearing is concluded.”.

23. Section 5A added

Before section 6—

Add

“5A. Electoral Registration Officer to be notified of rulings made under section 3A(5)

If a ruling is made under section 3A(5), the Revising Officer must notify the Electoral Registration Officer of the ruling—

- (a) if the subsector provisional register concerned is compiled for a year that is not a District Council election year—not later than 7 July in that year; or
- (b) if the subsector provisional register concerned is compiled for a District Council election year—not later than 7 September in that year.”.

24. Section 7 amended (review of rulings by Revising Officer)

(1) Section 7(1)—

Repeal

everything after “objection”

Substitute

“is made—

- (a) review a ruling made under section 3(6)(b) or (6A), and for that purpose, rehear the matter wholly or in part and reverse or confirm the ruling; or
- (b) review a ruling made under section 3A(5), and for that purpose, hold a hearing and reverse or confirm the ruling.”.

(2) Section 7(2), after “3(6)(b)”—

Add

“or (6A)”.

(3) After section 7(2)—

Add

“(2AA) A ruling under section 3A(5)—

- (a) if made during the period beginning on 1 June in a year that is not a District Council election year and ending on 7 July in that year—may only be reviewed during the period—

(i) beginning on 1 June in that year; and

(ii) ending on 11 July in that year; or

- (b) if made during the period beginning on 1 August in a District Council election year and ending on 7 September in that year—may only be reviewed during the period—

(i) beginning on 1 August in that year; and

(ii) ending on 11 September in that year.”.

(4) Section 7(3), after “3(6)(b)”—

Add

“or (6A) or section 3A(5)”.

(5) Section 7—

Repeal subsection (4).

Division 2—Amendments to Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576 sub. leg. A) in Relation to Registers for Existing Villages, Indigenous Villages and Composite Indigenous Villages and Market Towns

25. Section 2 amended (fixing a hearing date and notifying the appellant)

After section 2(3)—

Add

“(3A) Without limiting subsections (2) and (3), a notice of hearing sent to an appellant must state that if the appellant—

- (a) does not appear at the hearing; and

(b) is not represented at the hearing by a legal practitioner or an authorized representative,
the Revising Officer may make a ruling dismissing the claim or objection, whether or not the appellant has made representations in writing regarding the claim or objection.”.

26. Section 2A added

After section 2—

Add

“2A. Appellant to provide sufficient information

- (1) An appellant must provide sufficient information about the claim or objection concerned to inform the following persons of the grounds of the claim or objection—
 - (a) the Revising Officer;
 - (b) the Electoral Registration Officer;
 - (c) in relation to an objection—the person in respect of whom the objection is made.
- (2) The information may be provided—
 - (a) in the notice of claim or notice of objection (as appropriate); or
 - (b) in the representations referred to in section 2(2)(c).”.

27. Section 3 amended (disposal of appeal)

After section 3(2)—

Add

- “(3) Without limiting subsections (1) and (2), if the appellant—

(a) does not appear at the hearing; and
(b) is not represented at the hearing by a legal practitioner or an authorized representative,
the Revising Officer may make a ruling dismissing the claim or objection, whether or not the appellant has made representations in writing regarding the claim or objection.”.

28. Section 4 amended (Revising Officers notify parties of outcome of appeal)

Section 4(2) and (4), after “3(2)”—

Add

“or (3)”.

29. Section 7 amended (review of rulings by Revising Officer)

Section 7(1) and (2), after “3(2)”—

Add

“or (3)”.

Part 4

Amendment to Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) Relating to Persons other than Candidates and Election Expense Agents Incurring Election Expenses for Publishing Election Advertisements on Internet

30. Section 23 amended (illegal conduct for persons other than candidates and election expense agents to incur election expenses)

After section 23(1)—

Add

“(1A) However, subsection (1) does not apply if—

- (a) the person publishes an election advertisement on the Internet; and
- (b) the only election expenses incurred by the person for the purpose of publishing the advertisement are either or both of the following charges—
 - (i) electricity charges;
 - (ii) charges necessary for accessing the Internet.”.

Part 5

Replacing Stamping Requirement for Certain Ballot Papers

Division 1—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

31. Section 37 amended (Chief Electoral Officer to carry out other duties relating to polling stations)

Section 37(2)—

Repeal

everything after “crossed out”

Substitute a full stop.

32. Section 37A added

After section 37—

Add

- “37A. Presiding Officer to display notice relating to deceased or disqualified candidates

(1) This section applies if—

- (a) the name of, and other information relating to, a candidate (*applicable candidate*) on a ballot paper are crossed out under section 37(2); and
- (b) the ballot paper is used for polling at a polling station.

- (2) The Presiding Officer of the polling station must ensure that a notice specified in subsection (3) is displayed in a prominent place—
 - (a) if the polling station is not a dedicated polling station—outside the polling station; or
 - (b) if the polling station is a dedicated polling station—inside the polling station.
- (3) The notice must state that—
 - (a) the applicable candidate is—
 - (i) a deceased candidate regarding whom a declaration referred to in section 22A(3) has been made; or
 - (ii) a disqualified candidate regarding whom a declaration referred to in section 22B(3) has been made; and
 - (b) the name of, and other information relating to, the applicable candidate on the ballot paper are crossed out under section 37(2).”.

33. Section 49 amended (form of ballot papers and order of appearance of lists or names of candidates on ballot papers)

Section 49(13A)(b)—

Repeal

“in accordance with”

Substitute

“under”.

34. Section 80 amended (votes recorded on invalid ballot papers not to be counted)

Section 80(3)—

Repeal

everything after “solely”

Substitute

“because the name of, and other information relating to, a candidate on the ballot paper are crossed out under section 37(2).”.

Division 2—Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)

35. Section 40 amended (Chief Electoral Officer to carry out other duties relating to polling stations)

Section 40(2)—

Repeal

everything after “crossed out”

Substitute a full stop.

36. Section 40A added

After section 40—

Add

“40A. Presiding Officer to display notice relating to deceased or disqualified candidates

(1) This section applies if—

- (a) the name of, and other information relating to, a candidate (*applicable candidate*) on a ballot paper are crossed out under section 40(2); and
- (b) the ballot paper is used for polling at a polling station.

- (2) The Presiding Officer of the polling station must ensure that a notice specified in subsection (3) is displayed in a prominent place—
 - (a) if the polling station is not a dedicated polling station—outside the polling station; or
 - (b) if the polling station is a dedicated polling station—inside the polling station.
- (3) The notice must state that—
 - (a) the applicable candidate is—
 - (i) a deceased candidate regarding whom a declaration referred to in section 24(3) has been made; or
 - (ii) a disqualified candidate regarding whom a declaration referred to in section 25(3) has been made; and
 - (b) the name of, and other information relating to, the applicable candidate on the ballot paper are crossed out under section 40(2).”.

37. Section 52 amended (form of ballot paper and order of appearance of names of candidates on ballot papers)

Section 52(8)(b)—

Repeal

“in accordance with”

Substitute

“under”.

38. Section 78 amended (votes recorded on invalid ballot papers not to be counted)

Section 78(3)—

Repeal

everything after “solely”

Substitute

“because the name of, and other information relating to, a candidate on the ballot paper are crossed out under section 40(2).”.

Division 3—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)

39. Section 37 amended (Chief Electoral Officer to carry out other duties relating to polling stations)

Section 37(2)—

Repeal

everything after “crossed out”

Substitute a full stop.

40. Section 37A added

After section 37—

Add

“37A. Presiding Officer to display notice relating to deceased or disqualified candidates

(1) This section applies if—

- (a) the name of, and other information relating to, a candidate (*applicable candidate*) on a ballot paper are crossed out under section 37(2); and
- (b) the ballot paper is used for polling at a polling station.

- (2) The Presiding Officer of the polling station must ensure that a notice specified in subsection (3) is displayed in a prominent place—
 - (a) if the polling station is not a dedicated polling station—outside the polling station; or
 - (b) if the polling station is a dedicated polling station—inside the polling station.
- (3) The notice must state that—
 - (a) the applicable candidate is—
 - (i) a deceased candidate regarding whom a declaration referred to in section 20(3) has been made; or
 - (ii) a disqualified candidate regarding whom a declaration referred to in section 21(3) has been made; and
 - (b) the name of, and other information relating to, the applicable candidate on the ballot paper are crossed out under section 37(2).”.

41. Section 49 amended (form of ballot papers and order of appearance of names of candidates on ballot papers)

Section 49(8)(b)—

Repeal

“in accordance with”

Substitute

“under”.

42. Section 77 amended (votes recorded on invalid ballot papers not to be counted)

Section 77(3)—

Repeal

everything after “solely”

Substitute

“because the name of, and other information relating to, a candidate on the ballot paper are crossed out under section 37(2).”.

Division 4—Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L)

43. Section 33 amended (miscellaneous arrangements relating to voting)

- (1) Section 33(3)—

Repeal

everything after “crossed out”

Substitute a full stop.

- (2) After section 33(3)—

Add

“(3A) If the name of, and other information relating to, a candidate (*applicable candidate*) on a ballot paper are crossed out under subsection (3), the Presiding Officer of the polling station at which the ballot paper is used for polling must ensure that a notice specified in subsection (3B) is displayed in a prominent place—

- (a) if the polling station is not a dedicated polling station—outside the polling station; or
- (b) if the polling station is a dedicated polling station—inside the polling station.

- (3B) The notice must state that—

- (a) the applicable candidate is—
 - (i) a deceased candidate regarding whom a declaration referred to in section 17(3) has been made; or
 - (ii) a disqualified candidate regarding whom a declaration referred to in section 18(3) has been made; and
- (b) the name of, and other information relating to, the applicable candidate on the ballot paper are crossed out under subsection (3).”.

44. Section 63 amended (determination of validity of questionable ballot papers)

Section 63(9)—

Repeal

everything after “solely”

Substitute

“because the name of, and other information relating to, a candidate on the ballot paper are crossed out under section 33(3).”.

Part 6

Improving Counting Process

Division 1—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

45. Section 75 amended (counting of votes for geographical constituencies)

Section 75(7)(b)—

Repeal

“and (i)”

Substitute

“, (i) and (ia)”.

46. Section 76 amended (counting of votes for special functional constituencies)

(1) Section 76(6)(a)(ii)—

Repeal

“56(2)”

Substitute

“56(2A)”.

(2) Section 76(6)(b), after “(f)”—

Add

“, (ga)”.

47. Section 77A amended (counting of votes for District Council (second) functional constituency)

Section 77A(4)(b)—

Repeal

“and (i)”

Substitute

“, (i) and (ia)”.

48. Section 80 amended (votes recorded on invalid ballot papers not to be counted)

(1) After section 80(1)(g)—

Add

“(ga) an FC ballot paper for a special functional constituency which is not marked in accordance with section 56(2);”.

(2) Section 80(1)(h)—

Repeal

“56(2)”

Substitute

“56(2A)”.

(3) Section 80(1)(i)—

Repeal

“and”.

(4) After section 80(1)(i)—

Add

“(ia) a GC ballot paper or an FC ballot paper for the District Council (second) functional constituency—

(i) on which the vote recorded is for a single candidate list and the name of, and other information relating

to, the candidate on the list are crossed out under section 37(2); or

(ii) on which the vote recorded is for a multiple candidates list and the names of, and other information relating to, all the candidates on the list are crossed out under section 37(2);”.

(5) Section 80(2)—

Repeal

“56(2)”

Substitute

“56(2A)”.

(6) Section 80(3)—

Repeal

“For the avoidance of doubt”

Substitute

“Subject to subsection (1)(ia)”.

(7) Section 80(4)(a)—

Repeal

“(ha), (hb), (hc) or (i)”

Substitute

“(ga), (ha), (hb), (hc), (i) or (ia)”.

49. Section 81 amended (Returning Officer or Presiding Officer to make decisions on questionable ballot papers)

(1) Section 81(2)(b)(ii)—

Repeal

“56(2)”

Substitute

“56(2A)”.

- (2) Section 81(3)—

Repeal

“56(2)” (wherever appearing)

Substitute

“56(2A)”.

- (3) Section 81(6)(h)—

Repeal

“and”.

- (4) Section 81(6)—

Repeal paragraph (i)

Substitute

- “(i) for a GC ballot paper or an FC ballot paper for the District Council (second) functional constituency—a ballot paper on which votes for more than one list of candidates are recorded;
- (j) for a GC ballot paper or an FC ballot paper for the District Council (second) functional constituency, a ballot paper on which—
- (i) a vote for a single candidate list is recorded and the name of, and other information relating to, the candidate on the list are crossed out under section 37(2); or
- (ii) a vote for a multiple candidates list is recorded and the names of, and other information relating to, all the candidates on the list are crossed out under section 37(2).”.

Division 2—Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)

- 50. Section 76 amended (counting of votes)**

Section 76(5)(b)—

Repeal

“and (i)”

Substitute

“, (ha) and (i)”.

- 51. Section 78 amended (votes recorded on invalid ballot papers not to be counted)**

- (1) Section 78(1)(h)—

Repeal

“and”.

- (2) After section 78(1)(h)—

Add

“(ha) on which a vote for a candidate is recorded and the name of, and other information relating to, the candidate are crossed out under section 40(2);”.

- (3) Section 78(2)(a)—

Repeal

“or (i)”

Substitute

“, (ha) or (i)”.

- (4) Section 78(3)—

Repeal

“For the avoidance of doubt”

Substitute

“Subject to subsection (1)(ha),”.

52. Section 79 amended (Presiding Officer to make decisions on questionable ballot papers)

(1) Section 79(6)(h)—

Repeal

“and”.

(2) After section 79(6)(h)—

Add

“(ha) a ballot paper on which a vote for a candidate is recorded and the name of, and other information relating to, the candidate are crossed out under section 40(2);”.

Division 3—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)

53. Section 56 amended (how ballot papers are to be marked)

Section 56(1)—

Repeal

“shading”

Substitute

“filling in black”.

54. Section 74A amended (invalid and questionable ballot papers)

(1) Section 74A(a)(ii)—

Repeal

“section 56”

Substitute

“section 56(1) or (2)”.

(2) Section 74A(b)—

Repeal

“and (f)”

Substitute

“, (f) and (ga)”.

55. Section 77 amended (votes recorded on invalid ballot papers not to be counted)

(1) Section 77(1)(g)—

Repeal

“56; and”

Substitute

“56(1) or (2);”.

(2) After section 77(1)(g)—

Add

“(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;”.

(3) Section 77(4)(a)—

Repeal

“or (f)”

Substitute

“, (f) or (ga)”.

56. Section 78 amended (Returning Officer to make decisions on questionable ballot papers)

(1) Section 78(7)(g)—

Repeal

“56; and”

Substitute

“56(1) or (2);”.

(2) After section 78(7)(g)—

Add

“(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;”.

57. Schedule 2 amended (form of ballot paper and form of notice of result of subsector election)

Schedule 2, Form 1—

Repeal

“shade”

Substitute

“fill”.

**Division 4—Electoral Procedure (Chief Executive Election)
Regulation (Cap. 541 sub. leg. J)**

58. Section 2 amended (interpretation)

Section 2(1), definition of *verification statement*, after “section”—

Add

“49(1A)(a)(iii) or”.

59. Section 49 amended (counting of votes)

(1) Section 49—

Repeal subsection (1A)

Substitute

“(1A) After opening all ballot boxes in accordance with section 48, the Returning Officer must—

- (a) in the counting zone—
 - (i) count and record the number of ballot papers in the ballot box or boxes received from a dedicated polling station (*DPS ballot papers*);
 - (ii) verify the ballot paper account of the dedicated polling station by comparing it with the number of DPS ballot papers recorded under subparagraph (i); and
 - (iii) prepare a written statement about the result of the verification; and
- (b) after preparing the statement under paragraph (a)(iii) but before the counting of votes under subsection (1), mix the DPS ballot papers with the ballot papers in at least one of the ballot boxes from the main polling station.”.

(2) Section 49(1)—

Repeal

“Ballot papers shall”

Substitute

“All ballot papers must”.

- (3) Section 49(2)(b)—

Repeal

“or (f)”

Substitute

“, (f) or (ga)”.

60. Section 50 amended (some ballot papers invalid)

- (1) After section 50(1)(g)—

Add

“(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;”.

- (2) Section 50(2)(a)—

Repeal

“or (f)”

Substitute

“, (f) or (ga)”.

61. Section 51 amended (determination of validity of questionable ballot papers)

- (1) Section 51(7)(g)—

Repeal

“and”.

- (2) After section 51(7)(g)—

Add

“(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;”.

62. Section 52 amended (verification of ballot paper account)

- (1) Section 52(1)—

Repeal

“shall”

Substitute

“must, after the counting of votes in accordance with section 49”.

- (2) Section 52(1)(c)—

Repeal

“accounts by comparing them”

Substitute

“account of the main polling station by comparing it”.

- (3) Section 52(2)—

Repeal

“shall, in preparing the verification statement, compare the ballot paper accounts”

Substitute

“must, in preparing a verification statement under section 49(1A)(a)(iii) or subsection (1)(d), compare the ballot paper account of the polling station concerned”.

- (4) Section 52(3), English text—

Repeal paragraphs (a) and (b)

Substitute

- “(a) a ballot paper account; or
(b) a verification statement.”.
-

Part 7

Clarifying who may Instruct Director of Accounting Services to Return or Forfeit Election Deposits

Division 1—Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542 sub. leg. C)

63. Section 1 amended (interpretation)

After section 1(2)—

Add

- “(3) For the purposes of sections 3(3), 4(4) and (6) and 5(1), a reference to the Returning Officer, in relation to a geographical constituency or functional constituency, includes—
- (a) an Assistant Returning Officer for the geographical constituency or functional constituency; and
 - (b) the Chief Electoral Officer appointed under section 9 of the Electoral Affairs Commission Ordinance (Cap. 541).”.

Division 2—District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A)

64. Section 1 amended (interpretation)

After section 1(2)—

Add

- “(3) For the purposes of sections 3(2), 4(3) and (5) and 5(1), a reference to the Returning Officer, in relation to a constituency, includes—

- (a) an Assistant Returning Officer for the constituency; and
- (b) the Chief Electoral Officer appointed under section 9 of the Electoral Affairs Commission Ordinance (Cap. 541).”.

Division 3—Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569 sub. leg. C)

65. Section 2 amended (interpretation)

- (1) Section 2—

Renumber the section as section 2(1).

- (2) After section 2(1)—

Add

“(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, includes—

- (a) an Assistant Returning Officer for the subsector or sub-subsector; and
- (b) the Chief Electoral Officer.”.

Part 8

Broadening Eligibility Criteria of Revising Officers

Division 1—Legislative Council Ordinance (Cap. 542)

66. Section 77 amended (appointment of Revising Officer)

- (1) Section 77(1)—

Repeal

“any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap. 87),”

Substitute

“an eligible person”.

- (2) After section 77(4)—

Add

“(5) In subsection (1)—

eligible person (合資格人士) means—

- (a) a magistrate;
- (b) a former magistrate;
- (c) a retired magistrate; or
- (d) a legal officer as defined by section 2 of the Legal Officers Ordinance (Cap. 87).”.

Division 2—Chief Executive Election Ordinance (Cap. 569)

67. Schedule, section 46 amended (appointment of Revising Officer)

- (1) The Schedule, section 46(1)—

Repeal

“any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap. 87),”

Substitute

“an eligible person”.

- (2) The Schedule, after section 46(4)—

Add

“(5) In subsection (1)—

eligible person (合資格人士) means—

- (a) a magistrate;
- (b) a former magistrate;
- (c) a retired magistrate; or
- (d) a legal officer as defined by section 2 of the Legal Officers Ordinance (Cap. 87).”.

Division 3—Rural Representative Election Ordinance (Cap. 576)

68. Section 53 amended (appointment of Revising Officer)

- (1) Section 53(1)—

Repeal

“any magistrate”

Substitute

“an eligible person”.

- (2) After section 53(4)—

Add

“(5) In subsection (1)—

eligible person (合資格人士) means—

- (a) a magistrate;
- (b) a former magistrate; or
- (c) a retired magistrate.”.

Part 9

Minor Amendments

Division 1—Definitions of *identity document* and *identity card*

Subdivision 1—Legislative Council Ordinance (Cap. 542)

69. Section 3 amended (interpretation)

Section 3(1), definition of *identity document*—

Repeal paragraph (b)

Substitute

“(b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or”.

Subdivision 2—District Councils Ordinance (Cap. 547)

70. Section 2 amended (interpretation)

Section 2, definition of *identity document*—

Repeal paragraph (b)

Substitute

“(b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration

of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or”.

Subdivision 3—Chief Executive Election Ordinance (Cap. 569)

71. Schedule, section 32 amended (misnomer or inaccuracy not to affect operation of election document)

The Schedule, section 32(3), definition of *identity document*—

Repeal paragraph (b)

Substitute

“(b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or”.

Subdivision 4—Rural Representative Election Ordinance (Cap. 576)

72. Section 2 amended (interpretation)

Section 2(1), definition of *identity card*—

Repeal paragraph (b)

Substitute

“(b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance;”.

**Subdivision 5—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)**

73. Section 2 amended (interpretation)

Section 2(1), definition of *identity document*—

Repeal paragraph (b)

Substitute

- “(b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or”.

**Subdivision 6—Electoral Affairs Commission (Electoral
Procedure) (Election Committee) Regulation (Cap. 541 sub. leg.
I)**

74. Section 1 amended (interpretation)

Section 1(1), definition of *identity document*—

Repeal paragraph (b)

Substitute

- “(b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or”.

**Subdivision 7—Electoral Procedure (Chief Executive Election)
Regulation (Cap. 541 sub. leg. J)**

75. Section 2 amended (interpretation)

Section 2(1), definition of *identity document*—

Repeal paragraph (b)

Substitute

- “(b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or”.

**Subdivision 8—Election Committee (Appeals) Regulation (Cap.
569 sub. leg. A)**

76. Section 2 amended (interpretation)

Section 2(1), definition of *identity document*—

Repeal paragraph (b)

Substitute

- “(b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or”.

**Division 2—Treating Unmarked Ballot Papers as Unused
Ballot Papers**

**Subdivision 1—Electoral Procedure (Chief Executive Election)
Regulation (Cap. 541 sub. leg. J)**

77. **Section 39 substituted**

Section 39—

Repeal the section

Substitute

“39. Marking “UNUSED” on ballot paper

The Presiding Officer must, as far as reasonably practicable, endorse the words “UNUSED” and “未用” on a ballot paper that—

- (a) has been issued; but
- (b) has not been put into a ballot box.”.

**Subdivision 2—Electoral Procedure (Rural Representative
Election) Regulation (Cap. 541 sub. leg. L)**

78. **Section 51 substituted**

Section 51—

Repeal the section

Substitute

“51. Marking “UNUSED” on ballot paper

The Presiding Officer must, as far as reasonably practicable, endorse the words “UNUSED” and “未用” on a ballot paper that—

- (a) has been issued; but
- (b) has not been put into a ballot box.”.

**Division 3—Providing Identity Document Numbers of
Election Expense Agents**

**Subdivision 1—Electoral Procedure (Chief Executive Election)
Regulation (Cap. 541 sub. leg. J)**

79. **Section 14 amended (provisions applicable to appointment of
agents)**

Section 14(3)—

Repeal paragraph (d)

Substitute

“(d) state—

- (i) for an election agent—the identity card number of the agent; and
- (ii) for an election expense agent—the identity document number of the agent; and”.

**Subdivision 2—Electoral Procedure (Rural Representative
Election) Regulation (Cap. 541 sub. leg. L)**

80. **Section 24 amended (provisions applicable to appointment of
agents)**

Section 24(3)—

Repeal paragraph (d)

Substitute

“(d) state—

- (i) for an election agent—the identity card number of the agent; and
- (ii) for an election expense agent—the identity document number of the agent; and”.

Division 4—Other Technical Amendments

Subdivision 1—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

81. Section 75 amended (counting of votes for geographical constituencies)

Section 75(7)(a)—

Repeal

“Presiding Officer”

Substitute

“Returning Officer or the Presiding Officer (as appropriate)”.

82. Section 81 amended (Returning Officer or Presiding Officer to make decisions on questionable ballot papers)

Section 81(1), before “76(6)(a)” —

Add

“75(7)(a),”.

Subdivision 2—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)

83. Section 53 amended (Presiding Officer to issue ballot papers to voter or authorized representative)

After section 53(3)—

Add

“(3A) If a person is entitled to be issued with 2 ballot papers, the ballot papers must be handed over to the person at the same time.”.

Subdivision 3—Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K)

84. Section 32 amended (offences and penalties)

Section 32(1)(a), after “application”—

Add

“made under section 9(1) or 19A(1)”.

Explanatory Memorandum

This Bill amends various pieces of electoral legislation for the purposes set out in the long title of the Bill.

2. The Bill is divided into 9 Parts.

Part 1 of the Bill

3. Part 1 sets out the short title and provides for commencement.

Part 2 of the Bill

4. Currently, the offence of making a false statement in registration of an elector or a voter is punishable on conviction on indictment by the maximum penalty of a fine of \$5,000 and imprisonment for 6 months. Part 2 amends the Electoral Affairs Commission Ordinance (Cap. 541) (*EACO*) and various registration regulations made under EACO to increase the maximum penalties for the offence and a related offence to a fine of \$10,000 and imprisonment for 2 years.

Part 3 of the Bill

5. Part 3 contains amendments to streamline the mechanism for an appeal, a claim or an objection relating to registration of an elector or a voter.
6. In particular, Division 1 of Part 3 amends the Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B) and Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B) to—
- (a) require the person making an appeal, a claim or an objection (*appellant*) to provide sufficient information to inform the Revising Officer and the Electoral

Registration Officer of the grounds of the appeal, claim or objection;

- (b) empower the Revising Officer to dismiss an appeal, a claim or an objection if the appellant or their representative does not appear at the hearing;
- (c) provide that the Revising Officer must direct that a claim or an objection be determined on the basis of written submissions if one or more of the following conditions are met—
- (i) the person making the claim or objection does not state any ground on which the claim or objection is made;
- (ii) the ground on which the claim or objection is made does not relate to the eligibility of a person to be registered in a register;
- (iii) the subject matter of the claim or objection involves only a clerical error made in compiling or printing a register;
- (d) advance the statutory deadlines for forwarding notices of claim and notices of objection to the Revising Officer to allow more time for the Revising Officer to process the cases; and
- (e) simplify the service requirement so that notices issued by the Revising Officer may be sent by surface mail instead of registered post.
7. Division 2 of Part 3 introduces amendments to the Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576 sub. leg. A) similar to those set out in paragraph 6(a) and (b).

Part 4 of the Bill

8. Part 4 contains amendments to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (*ECICO*). Currently, under section 23(1) of *ECICO*, a person commits an offence if the person is not a candidate or a candidate's election expense agent but incurs election expenses at or in connection with an election.
9. Part 4 adds a new section 23(1A) to *ECICO* so that a person is exempted from criminal liability under section 23(1) of *ECICO* if the person publishes an election advertisement on the Internet and the only election expenses incurred for the purpose of publishing the advertisement are electricity charges and charges necessary for accessing the Internet.

Part 5 of the Bill

10. If the name of a deceased or disqualified candidate appears on a ballot paper, the current electoral procedure regulations made under EACO for a Legislative Council (*LegCo*) election, District Councils (*DC*) election, Election Committee Subsectors (*ECSS*) election and Rural Representative (*RR*) election require that the name of, and other information relating to, the deceased or disqualified candidate be crossed out by stamping on the ballot paper the words “已故” and “DECEASED” or “喪失資格” and “DISQUALIFIED”.
11. Part 5 amends those regulations to replace the stamping requirement by simply requiring that the name of, and other information relating to, the deceased or disqualified candidate be crossed out. The officer in charge of a polling station is required to display a notice on the polling day to explain to the electors and voters the simplified requirement.

Part 6 of the Bill

12. Part 6 improves the counting process in a Chief Executive (*CE*) election, *ECSS* election, *LegCo* election and *DC* election.
13. Under the current electoral procedure regulations, an invalid ballot paper is not to be counted, and unlike a questionable ballot paper, a determination of the Returning Officer or Presiding Officer is not required. To speed up the counting process, Part 6 provides that all of the following ballot papers are invalid and not to be counted—
 - (a) an overmarked ballot paper in a *CE* election or *ECSS* election;
 - (b) a ballot paper for a geographical constituency or the District Council (second) functional constituency in a *LegCo* election on which the vote recorded is for a list and the candidate on the list (or for a multiple candidates list, all the candidates on the list) is a deceased or disqualified candidate;
 - (c) a ballot paper in a *DC* election on which the vote recorded is for a deceased or disqualified candidate;
 - (d) a ballot paper for a special functional constituency in a *LegCo* election that is not marked with Arabic numerals.
14. Division 3 of Part 6 also clarifies the way in which a ballot paper in an *ECSS* election must be marked.
15. Division 4 of Part 6 also refines certain counting procedures in a *CE* election to bring them in line with those in a *LegCo* election, *DC* election and *RR* election. After the amendments, the number of ballot papers and the ballot paper account of a dedicated polling station (*DPS*) are to be counted and verified first. The ballot papers of a *DPS* are then to be mixed with the ballot papers in at least one of the ballot boxes from the main polling station (*MPS*) before counting the votes. The number of ballot papers of the *MPS* is to be

recorded and the ballot paper account is to be verified after counting the votes.

Part 7 of the Bill

16. Part 7 contains amendments to regulations made under the Legislative Council Ordinance (Cap. 542) (*LCO*), District Councils Ordinance (Cap. 547) and Chief Executive Election Ordinance (Cap. 569) (*CEEO*) relating to subscribers and election deposits for nomination. Currently, only a Returning Officer may instruct the Director of Accounting Services to return or forfeit an election deposit in a LegCo election, DC election and ECSS election. Part 7 amends those regulations to also empower the Assistant Returning Officer for the constituency or subsector concerned and the Chief Electoral Officer to process the return or forfeiture of an election deposit.

Part 8 of the Bill

17. Under the current LCO, CEEO and Rural Representative Election Ordinance (Cap. 576) (*RREO*), the Chief Justice may appoint a serving magistrate to be a Revising Officer in a LegCo election, CE election or RR election. Part 8 amends LCO, CEEO and RREO to broaden the pool of eligible candidates by empowering the Chief Justice to appoint a former or retired magistrate to be a Revising Officer.

Part 9 of the Bill

18. Part 9 contains other minor or technical amendments that do not affect the substance of the electoral systems.
19. Division 1 of Part 9 amends the definitions of *identity document* and *identity card* in various electoral legislation to provide a more accurate reference to certain certificate of exemption issued by the Commissioner of Registration.

20. Divisions 2, 3 and 4 of Part 9 make minor or technical amendments to various provisions to achieve procedural consistency or certainty.

Proposed minor technical amendments to be included in the Bill

The minor or technical amendments to be included are –

- (a) tallying the provisions related to marking of a ballot paper in the Election Committee Subsector (“ECSS”) elections under section 56 and Form 1 of Schedule 2 to the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I);
- (b) amending sections 75(7)(a) and 81 in Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) to accurately reflect the existing actual counting arrangement for Legislative Council (“LegCo”) Geographical Constituencies (“GCs”). That is, questionable ballot papers should be separated and forwarded to the Presiding Officer (“PRO”) or (in case they are GC ballot papers misplaced in a Functional Constituency (“FC”) ballot box) to the Returning Officer (instead of to the PRO), because the PRO would not be handling misplaced ballot papers in the Central Counting Station;
- (c) amending the references to sections 56(2) and 56(2A) in sections 76(6)(a)(ii), 80(1)(h), 80(2), 81(2)(b)(ii) and 81(3) of Cap. 541D to reflect the legislative intent that LegCo special FC ballot papers not marked with descending Arabic numerals are clearly invalid, whereas those with Arabic numerals marked outside the circle opposite the name of the candidate are questionable ballot papers;
- (d) clarifying in the legislation for Chief Executive (“CE”) and Rural Representative (“RR”) elections that a ballot paper returned by an elector and kept by the PRO should be marked “UNUSED” by the PRO if the elector does not return to the polling station to cast the vote before the close of poll, by making reference to the existing legislation for District Council (“DC”), ECSS and LegCo elections;
- (e) codifying the existing requirement for the identity document number of election expense agents to be stated in a notice of appointment in CE and RR elections by making reference to the legislation for DC, ECSS and LegCo elections;
- (f) amending the definition of identity card/identity document in the legislation for CE, DC, ECSS, LegCo and RR elections to more accurately describe certain certificate of exemption issued by the Commissioner of Registration); and

- (g) amending section 32(1)(a) of the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) in relation to the part of offences and penalties so as to clarify that a person, who makes any false statement in the application for registration in the register of electors or for change of principal particulars in the register, commits an offence.

Electoral Affairs Commission Ordinance

(Cap. 541)

7. Regulations

- (5) Regulations under this section may provide that any contravention of a requirement in or made under the regulations is an indictable or summary offence and is punishable by a fine not exceeding level 2 and imprisonment not exceeding 6 months. (*Amended 8 of 1999 s. 89; 12 of 2014 s. 176*)

Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation

(Cap. 541 sub. leg. A)

16. Electoral Registration Officer to deliver copies of notices of objection and notices of claim to Revising Officer

- (1) Every year the Electoral Registration Officer must deliver to the Revising Officer, in accordance with this section, a copy of each notice of objection or notice of claim received by the Electoral Registration Officer.
- (2) The copies of those notices may be delivered in one or more batches as the Electoral Registration Officer considers appropriate. (*L.N. 284 of 1999; L.N. 254 of 2002*)
- (3) The copy of a notice of objection and notice of claim must be delivered—
 - (a) in the case of a notice received in respect of a register compiled, or an omissions list prepared in compiling a provisional register, for a District Council election year, not later than 2 September in that year; or
 - (b) in the case of a notice received in respect of a register compiled, or an omissions list prepared in compiling a provisional register, for a year which is not a District Council election year, not later than 2 July in that year. (*L.N. 254 of 2002*)

Section 22

Cap. 541A

22. Offences and penalties

- (1) Any person who in any—
 - (a) application made under section 4;
 - (b) response to a requirement for particulars or proof made under section 5;
 - (c) response to a requirement made under section 6;
 - (d) reply to an inquiry made under section 7;
 - (e) application made under section 10A; (*L.N. 172 of 2017*)
 - (f) notice of objection; or
 - (g) notice of claim,makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply or notice commits an offence and is liable on conviction on indictment to a fine at level 2 and to imprisonment for 6 months. (*12 of 2014 s. 177; L.N. 172 of 2017*)
- (2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates or persuades another person—
 - (a) to make a false statement in an application, response, reply or notice referred to in subsection (1); or

Section 22

Cap. 541A

- (b) to provide information which the first mentioned person knows to be wrong in a material particular, in an application, response, reply or notice referred to in subsection (1), (*L.N. 172 of 2017*)commits an offence and is liable on conviction on indictment to a fine at level 2 and to imprisonment for 6 months. (*12 of 2014 s. 177*)
- (3) Any person who—
 - (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or an extract from a register;
 - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling a register;
 - (c) uses or permits another person to use any information relating to a person contained in a register or an extract from a register; or
 - (d) imparts to any other person any information referred to in paragraph (a), (b) or (c),for a purpose other than a purpose related to an election, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (4) Any person who fails to furnish information in response to a requirement under section 6 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (5) Notwithstanding anything to the contrary in subsection (3), any person who contravenes section 21(3) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

Section 22

Cap. 541A

- (6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not know or could not have reasonably ascertained or provided the information required of him or her.
- (7) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of—
 - (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542);
 - (b) sections 19, 21, 24 and 30 of the District Councils Ordinance (Cap. 547); and (*L.N. 284 of 1999; L.N. 254 of 2002; 3 of 2013 s. 15*)
 - (c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap. 569) and sections 9, 18 and 30 of the Schedule to that Ordinance. (*L.N. 254 of 2002*)
- (8) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of—
 - (a) sections 39 and 40 of the Legislative Council Ordinance (Cap. 542);
 - (b) sections 19, 21 and 24 of the District Councils Ordinance (Cap. 547); and (*L.N. 284 of 1999; L.N. 254 of 2002; 3 of 2013 s. 15*)
 - (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) and sections 9 and 18 of the Schedule to that Ordinance. (*L.N. 254 of 2002*)
- (9) In this section, ***election*** (選舉) has the meaning assigned to it by section 21(5). (*L.N. 254 of 2002*)

Section 2

Cap. 541B

**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)

2. Interpretation

(1) In this Regulation, unless the context otherwise requires—
identity document (身分證明文件) means—

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177);
- (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 Electoral Registration Officer as proof of the person's identity; (*L.N. 200 of 2001*)

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—
 - (i) a District Council election year, not later than 2 September in that year; or
 - (ii) a year which is not a District Council election year, not later than 2 July in that year; or *(L.N. 255 of 2002)*
 - (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. *(L.N. 200 of 2001)*
 - (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)— *(L.N. 255 of 2002)*
 - (i) if the first 2 September that follows the second day after the day on which the notice is so received falls in a District Council election year, not later than that 2 September; or
 - (ii) in any other case, not later than the first 2 July that follows the second day after the day on which the notice is so received. *(L.N. 200 of 2001)*

(L.N. 200 of 2001; L.N. 255 of 2002)

42. Offences and penalties

- (1) Any person who in any—
 - (a) response to a requirement under section 9 or 10;
 - (b) application made under section 19 or 26A; (*L.N. 173 of 2017*)
 - (c) specified form on which notice of the appointment, replacement or substitution of an authorized representative is given under section 20;
 - (d) response to a requirement for particulars or proof made under section 21;
 - (e) reply to an inquiry made under section 22;
 - (f) request made under section 26 or 33;
 - (g) notice of objection; (*L.N. 200 of 2001*)
 - (h) notice of claim; or (*L.N. 200 of 2001*)
 - (i) notice of appeal, (*L.N. 200 of 2001*)makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable on conviction on indictment to a fine at level 2 and to imprisonment for 6 months. (*12 of 2014 s. 178*)
- (2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates, or persuades another person—
 - (a) to make a false statement in an application, response, reply, request or notice referred to in subsection (1); or

- (b) to provide information which the first-mentioned person knows to be wrong in a material particular, in an application, response, reply, request or notice referred to in paragraph (a),

commits an offence and is liable on conviction on indictment to a fine at level 2 and to imprisonment for 6 months. (*12 of 2014 s. 178*)
- (3) Any person who—
 - (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or an extract from a functional constituencies register, a subsector register or an Election Committee register; (*L.N. 200 of 2001*)
 - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling such a register;
 - (c) uses or permits another person to use any information relating to a person contained in a register or an extract from such a register; or
 - (d) imparts to any other person any information referred to in paragraph (a), (b) or (c),

for a purpose other than a purpose related to an election, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (4) Any person who fails to furnish information in response to a requirement under section 9 or 10 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

Section 42

Cap. 541B

- (5) Notwithstanding anything to the contrary in subsection (3), any person who contravenes section 41(3) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not know or could not have reasonably ascertained or provided the information required of him or her.
- (7) If a corporate body is convicted of an offence under this section, and the offence is proved to have been committed with the consent or connivance of, or was attributable to the neglect or omission on the part of a director, manager, secretary or any other person concerned in the management of the corporate body, the director, manager, secretary or that other person is liable for the offence and to a fine at level 2 and to imprisonment for 6 months.
- (8) If a partner of a partnership is convicted of an offence under this section and it is proved that the offence was committed with the consent or connivance of, or was attributable to the neglect or omission on the part of any other partner or person concerned in the management of the partnership, the other partner or that other person is liable for the offence and to a fine at level 2 and to imprisonment for 6 months.
- (9) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of—
 - (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap. 542); (*L.N. 200 of 2001*)
 - (b) sections 19, 21, 24 and 30 of the District Councils Ordinance (Cap. 547); and (*L.N. 307 of 1999; L.N. 200 of 2001; 3 of 2013 s. 16*)

Section 42

Cap. 541B

- (c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap. 569) and sections 9, 18 and 30 of the Schedule to that Ordinance. (*L.N. 200 of 2001; L.N. 255 of 2002*)
- (10) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of—
 - (a) sections 39 and 40 of the Legislative Council Ordinance (Cap. 542); (*L.N. 200 of 2001*)
 - (b) sections 19, 21 and 24 of the District Councils Ordinance (Cap. 547); and (*L.N. 307 of 1999; L.N. 200 of 2001; 3 of 2013 s. 16*)
 - (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) and sections 9 and 18 of the Schedule to that Ordinance. (*L.N. 200 of 2001; L.N. 255 of 2002*)
- (11) In this section, ***election*** (選舉) has the meaning assigned to it by section 41(5). (*L.N. 255 of 2002*)

**Electoral Affairs Commission (Electoral Procedure)
(Legislative Council) Regulation**

(Cap. 541 sub. leg. D)

37. Chief Electoral Officer to carry out other duties relating to polling stations

- (1) The Chief Electoral Officer must provide at each polling station sufficient compartments as that Officer considers necessary to enable electors and authorized representatives to vote, screened from observation.
- (2) The Chief Electoral Officer must supply to each Presiding Officer, the number of ballot papers the Chief Electoral Officer considers necessary for the constituency or constituencies for which the polling station is to be used for polling. The Chief Electoral Officer must ensure that the name of any deceased or disqualified candidate regarding whom notice under section 22A(1) or 22B(1) is given or declarations under section 22A(3) or 22B(3) are made, and other information relating to that candidate, if printed on the ballot papers, are crossed out by stamping the words “已故” and “DECEASED” or “喪失資格” and “DISQUALIFIED”, as the case may require. (*L.N. 84 of 2004*)
- (3) The Chief Electoral Officer must also supply to the Presiding Officer a copy of the appropriate part of the final register or registers.
- (4) There may be added to the copy the identity document numbers of the electors and authorized representatives and such other additional particulars or information as the Chief Electoral Officer thinks fit to include.

- (5) The form in which the copy is supplied may be in a printed form, a form which is capable of being read by a computer or any other form determined by the Chief Electoral Officer.
- (6) The Chief Electoral Officer must provide at each polling station—
 - (a) materials; and
 - (b) if the polling station is also assigned for conducting the poll for a geographical constituency or ordinary functional constituency, chops bearing the mark “✓”, with or without other design,that are necessary to enable electors and authorized representatives to mark ballot papers. (*L.N. 65 of 2000*)
- (7) The Chief Electoral Officer must do other acts and things as that Officer considers necessary for holding the poll effectively.

(*L.N. 65 of 2000*)

Section 49

Cap. 541D

49. Form of ballot papers and order of appearance of lists or names of candidates on ballot papers

- (1) A ballot paper to be used to vote for a geographical constituency is to be in Form 1 in Schedule 3.
- (2) A ballot paper to be used to vote for a special functional constituency is to be in Form 2 in Schedule 3.
- (2A) A ballot paper to be used to vote for the District Council (second) functional constituency is to be in Form 2A in Schedule 3. (*L.N. 73 of 2011*)
- (3) A ballot paper to be used to vote for any other functional constituency is to be in Form 3(a) or 3(b) in Schedule 3, as appropriate. (*L.N. 65 of 2000; L.N. 73 of 2011*)
- (4) The Chief Electoral Officer may modify the layout of the form of any ballot paper prescribed in Schedule 3 to incorporate particulars relating to candidates to be printed on a ballot paper in accordance with the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M). (*L.N. 84 of 2004; L.N. 47 of 2007; L.N. 66 of 2008*)
- (5) The Commission may decide—
 - (a) to have a ballot paper printed in white or in colour or colour pattern;
 - (b) the colour in which a ballot paper is to be printed or the colour pattern to be printed on a ballot paper;
 - (c) to have different types of ballot paper printed in different colours or with different colour patterns;
 - (d) whether or not to have a design on the back of a ballot paper;
 - (e) the design to be printed on the back of a ballot paper; or
 - (f) to have different designs printed on the back of different types of ballot papers.

Section 49

Cap. 541D

- (6) The order in which lists of candidates appear on a GC ballot paper is to be determined by the Returning Officer by the drawing of lots. A number is to be allocated to each list according to the result of the draw, and the number is to be printed on the ballot paper against the list of candidates. (*L.N. 73 of 2011*)
- (6A) The order in which lists of candidates appear on an FC ballot paper for the District Council (second) functional constituency is to be determined by the Returning Officer by the drawing of lots. A 3-digit number is to be allocated to each list according to the result of the draw, and the number is to be printed on the ballot paper against the list of candidates. (*L.N. 73 of 2011; 11 of 2012 s. 63*)
- (6B) In each list to which subsections (6) and (6A) apply, each candidate is to be allocated a letter of the alphabet to indicate the order of priority, beginning with the letter “a” for the candidate ranking first in priority; and the letter so allocated is to be printed on the ballot paper against the name of the candidate. (*L.N. 73 of 2011*)
- (7) The order in which the names of candidates appear on an FC ballot paper for a functional constituency (other than the District Council (second) functional constituency) is to be determined by the Returning Officer by the drawing of lots. (*L.N. 147 of 1998; L.N. 73 of 2011*)
- (8) Each ordinary functional constituency is to be assigned one or more letters of the alphabet by the Chief Electoral Officer as the code of the functional constituency. (*L.N. 73 of 2011; 11 of 2012 s. 63*)

Section 49

Cap. 541D

- (8A) Each candidate for an ordinary functional constituency (other than the District Council (second) functional constituency) is to be allocated a number preceded by the code assigned under subsection (8), according to the result of the draw. The code and the number are to be printed on the ballot paper against the name of the candidate. (*L.N. 73 of 2011; 11 of 2012 s. 63*)
- (9) A letter of the alphabet is to be allocated to each candidate for a special functional constituency according to the result of the draw and that letter preceded by an appropriate abbreviation for the name of the special functional constituency is to be printed on the ballot paper against the name of the candidate. (*L.N. 147 of 1998*)
- (10) (*Repealed L.N. 84 of 2004*)
- (11) A candidate may be present at the drawing of lots under this section or be represented by a person authorized in writing by him or her.
- (12) The Returning Officer must give notice to each candidate of the arrangements for the drawing of lots under this section. In the case of a multiple candidates list, notice need to be given only to the candidate ranking first in priority on the list.
- (13) A ballot paper is to contain the following information—
- (a) the name of the candidate;
 - (aa) insofar as may be applicable to the candidate, the particulars specified in the Schedule to the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); (*L.N. 66 of 2008*)
 - (b) if the Commission so determines, the address of the candidate as shown on the notice of nominations; and
 - (c) the number or a letter of the alphabet allocated to the candidate or the list of candidates under this section.

Section 49

Cap. 541D

- (13A) In the case of the death or disqualification of a candidate who has been allocated a number or a letter of the alphabet under this section, the name of the candidate and the information under subsection (13) relating to that candidate—
- (a) are to be omitted from the ballot paper; or
 - (b) if printed on the ballot paper, are to be crossed out in accordance with section 37(2). (*L.N. 65 of 2000*)
- (13B) The number or letter of the alphabet allocated to a candidate under this section is not to be altered even if the information relating to another candidate for the constituency concerned who has died or is disqualified is omitted from the ballot paper or crossed out under subsection (13A). (*L.N. 65 of 2000; L.N. 84 of 2004*)
- (14) A ballot paper is to have the date and description of the election printed on the front of it.
- (15) A number may be printed on the counterfoil of a ballot paper, but that number is not to be printed or shown in any manner on the ballot paper.
- (16) A notice required to be given to a candidate under subsection (12) may be given to the election agent instead of to the candidate. (*L.N. 147 of 1998*)

Section 75

Cap. 541D

75. Counting of votes for geographical constituencies

- (1) At the counting zone for a geographical constituency, the ballot papers for that constituency, that is—
- (a) in the case of a general election, the ballot papers referred to in section 74A(1);
 - (b) in the case of a by-election, the ballot papers referred to in section 74B(1A) and (1B),
- must be dealt with by the Presiding Officer as provided in this section. (*L.N. 147 of 1998; L.N. 65 of 2000; L.N. 84 of 2004; 12 of 2014 s. 71*)
- (2)-(4) (*Repealed L.N. 84 of 2004*)
- (4A) The Presiding Officer of a main counting station must, when counting the votes at the main counting station, mix the ballot papers in at least one of the ballot boxes at the polling station designated as the main counting station together with— (*L.N. 130 of 2009; 11 of 2012 s. 50*)
- (a) the ballot papers that have been delivered to the main counting station from one or more small polling stations; and
 - (b) the ballot papers that have been delivered to the main counting station from one or more ballot paper sorting stations, or one or more dedicated polling stations, as may be appropriate. (*L.N. 84 of 204; L.N. 130 of 2009; L.N. 197 of 2009; 11 of 2012 s. 50*)
- (5) GC ballot papers are to be separated with reference to the list of candidates for which the vote has been recorded.

Section 75

Cap. 541D

- (6) The votes recorded on the GC ballot papers, including those recorded on the GC ballot papers handed over to a Returning Officer under section 74(8)(c) or 74AAA(4)(c), are to be counted according to the system of counting described in section 49 of the Legislative Council Ordinance (Cap. 542). (*L.N. 84 of 2004; 11 of 2012 s. 71*)
- (7) In the course of counting in accordance with subsection (6)—
- (a) any ballot paper—
 - (i) which appears to have any writing or mark by which the elector can possibly be identified;
 - (ii) which appears to be not marked in accordance with section 55(2);
 - (iii) which appears to be substantially mutilated; or
 - (iv) which appears to be void for uncertainty,is questionable and must be separated and forwarded to the Presiding Officer to decide whether the vote is to be counted in accordance with section 81; and
 - (b) any ballot paper described in section 80(1)(b), (c), (d), (f), (ha) and (i) must be separated and the vote is not to be counted pursuant to section 80. (*L.N. 84 of 2004*)

Section 76

Cap. 541D

76. Counting of votes for special functional constituencies

- (1) At the counting zone for a special functional constituency, the ballot papers for that special functional constituency, that is—
 - (a) in the case of a general election, the ballot papers retained under section 74(1)(e) and those handed over under sections 74(8)(a), 74AAA(4)(a), 74A(3) and 74AB(3); (*11 of 2012 s. 51*)
 - (b) in the case of a by-election, the ballot papers whose numbers are counted and recorded under section 74B(1)(a),
must be dealt with by the Returning Officer as provided in this section. (*L.N. 147 of 1998; L.N. 65 of 2000*)
- (2) (*Repealed L.N. 84 of 2004*)
- (3) Ballot papers for a special functional constituency that have been delivered from 2 or more polling stations must be mixed. (*L.N. 84 of 2004*)
- (4) (*Repealed L.N. 84 of 2004*)
- (5) The votes recorded on the ballot papers for each special functional constituency are to be counted according to the system of counting described in section 50 of the Legislative Council Ordinance (Cap. 542).
- (6) In the course of counting in accordance with subsection (5)—
 - (a) any ballot paper—
 - (i) which appears to have any writing or mark by which the elector can possibly be identified;
 - (ii) which appears to be not marked in accordance with section 56(2);
 - (iii) which appears to be substantially mutilated; or
 - (iv) which appears to be void for uncertainty,
is questionable and must be separated and forwarded to

Section 76

Cap. 541D

- the Returning Officer to decide whether the vote is to be counted in accordance with section 81; and
- (b) any ballot paper described in section 80(1)(b), (c), (d), (f) and (hc) must be separated and the vote is not to be counted pursuant to section 80. (*L.N. 84 of 2004*)

Section 77A

Cap. 541D

77A. Counting of votes for District Council (second) functional constituency

- (1) At the counting zone for the District Council (second) functional constituency, the ballot papers for the constituency in the ballot boxes given into the Returning Officer's charge under section 72 and those handed over under sections 74(8)(b), 74A(3) and 74AB(3) must be dealt with by the Returning Officer as provided in this section. *(14 of 2015 s. 18)*
- (1A) In relation to the ballot papers from any small polling station or dedicated polling station, the Returning Officer must, before counting the votes recorded on those ballot papers, mix those ballot papers together with the ballot papers in at least one of the ballot boxes from a polling station (other than a small polling station or dedicated polling station). *(14 of 2015 s. 18)*
- (2) The ballot papers are to be separated with reference to the list of candidates for which the vote has been recorded.
- (3) The votes recorded on the ballot papers are to be counted according to the system of counting described in section 49 of the Legislative Council Ordinance (Cap. 542).
- (4) In the course of counting in accordance with subsection (3)—
 - (a) any ballot paper—
 - (i) which appears to have any writing or mark by which the elector can possibly be identified;
 - (ii) which appears to be not marked in accordance with section 55(2);
 - (iii) which appears to be substantially mutilated; or
 - (iv) which appears to be void for uncertainty,

Section 77A

Cap. 541D

- is questionable and must be separated and forwarded to the Returning Officer or an Assistant Returning Officer to decide whether the vote is to be counted in accordance with section 81; and
- (b) any ballot paper described in section 80(1)(b), (c), (d), (f), (ha) and (i) must be separated and the vote is not to be counted pursuant to section 80.

(11 of 2012 s. 73)

Section 80

Cap. 541D

80. Votes recorded on invalid ballot papers not to be counted

- (1) When counting the votes, a ballot paper of any of the following descriptions is not to be regarded as valid and the vote recorded on the ballot paper is not to be counted— (*L.N. 84 of 2004; L.N. 66 of 2008*)
 - (b) on which there is writing or a mark by which the elector can possibly be identified;
 - (b) which has the words “重複” and “TENDERED” endorsed on the front of it;
 - (c) which has the words “損壞” and “SPOILT” endorsed on the front of it;
 - (d) which has the words “未用” and “UNUSED” endorsed on the front of it; (*L.N. 66 of 2008*)
 - (e) which is substantially mutilated;
 - (f) which is unmarked;
 - (g) subject to subsection (2)—
 - (i) a GC ballot paper or an FC ballot paper for the District Council (second) functional constituency, which is not marked in accordance with section 55(2); or (*L.N. 73 of 2011*)
 - (ii) an FC ballot paper for an ordinary functional constituency (other than the District Council (second) functional constituency) which is not marked in accordance with section 57(2); (*L.N. 73 of 2011*)

Section 80

Cap. 541D

- (h) subject to subsection (2), an FC ballot paper for a special functional constituency which is not marked in accordance with section 56(2);
 - (ha) a GC ballot paper or an FC ballot paper for the District Council (second) functional constituency, which is not marked in accordance with section 55(1); (*L.N. 84 of 2004; L.N. 73 of 2011*)
 - (hb) an FC ballot paper for an ordinary functional constituency (other than the District Council (second) functional constituency) which is not marked in accordance with section 57(1); (*L.N. 84 of 2004; L.N. 73 of 2011*)
 - (hc) an FC ballot paper for a special functional constituency which is marked as described in section 56(3); (*L.N. 84 of 2004*)
 - (i) a GC ballot paper or an FC ballot paper for the District Council (second) functional constituency, on which votes for more than 1 list of candidates have been recorded; and (*L.N. 84 of 2004; L.N. 66 of 2008; L.N. 73 of 2011*)
 - (j) which the Returning Officer or the Presiding Officer, as may be appropriate, determines as being void for uncertainty.
- (2) In the case of a ballot paper referred to in subsection (1)(g)(i) or (ii) or (h), if the Returning Officer or the Presiding Officer, as may be appropriate, is satisfied that the intention of the elector or authorized representative is clear notwithstanding the deviation from the requirements in section 55(2), 56(2) or 57(2), as the case may be, that Officer may count the vote recorded on that ballot paper. (*11 of 2012 s. 53*)
- (3) For the avoidance of doubt, it is declared that the Returning Officer or the Presiding Officer, as may be appropriate, is not

Section 80

Cap. 541D

to make a decision not to count the vote recorded on a ballot paper solely for the reason that the ballot paper is stamped with the words “已故” and “DECEASED” or “喪失資格” and “DISQUALIFIED”, as the case may be, in accordance with section 37(2). (*L.N. 65 of 2000*)

- (4) A candidate, an election agent or a counting agent—
- (a) may inspect a ballot paper referred to in subsection (1)(b), (c), (d), (f), (ha), (hb), (hc) or (i); but
 - (b) is not entitled to make representations to the Returning Officer or the Presiding Officer concerning the ballot paper. (*L.N. 66 of 2008*)

(L.N. 65 of 2000; L.N. 84 of 2004)

Section 81

Cap. 541D

81. Returning Officer or Presiding Officer to make decisions on questionable ballot papers

- (1) If a ballot paper is forwarded to the Returning Officer under section 76(6)(a), 77(7)(a) or 77A(4)(a), or to the Presiding Officer under section 75(7)(a), as may be appropriate, a candidate, an election agent or a counting agent, if present at the counting zone, may— (*L.N. 66 of 2008; 11 of 2012 s. 76*)
 - (a) inspect the ballot paper; and
 - (b) make representations to that Officer concerning the ballot paper. (*L.N. 84 of 2004; L.N. 66 of 2008*)
- (2) After considering the representations (if any) made under subsection (1), the Returning Officer or the Presiding Officer, as may be appropriate, must determine whether the ballot paper—
 - (a) is valid and the vote is to be counted; or
 - (b) is not to be regarded as valid pursuant to section 80 and the vote is not to be counted for—
 - (i) having on the ballot paper any writing or mark by which, in that Officer’s opinion, the elector can possibly be identified;
 - (ii) subject to subsection (3), being a ballot paper not marked in accordance with section 55(2), 56(2) or 57(2) (as may be applicable);
 - (iii) being a ballot paper which is substantially mutilated; or
 - (iv) being void for uncertainty. (*L.N. 84 of 2004*)
- (3) In the case of a ballot paper which is not marked in accordance with section 55(2), 56(2) or 57(2) (as may be applicable), if the Returning Officer or the Presiding Officer, as may be appropriate, is satisfied that the intention of the

Section 81

Cap. 541D

elector or authorized representative is clear notwithstanding the deviation from the requirements in section 55(2), 56(2) or 57(2), as the case may be, that Officer may count the vote recorded on that ballot paper. (*L.N. 84 of 2004*)

- (4) If the Returning Officer or the Presiding Officer, as may be appropriate, decides a questionable ballot paper the vote recorded on which is not to be counted, that Officer must endorse the words “不獲接納” and “rejected” on the front of it. If a candidate or an election agent or a counting agent objects to that Officer’s decision, that Officer must also add the words “反對此選票不獲接納” and “rejection objected to”. (*L.N. 84 of 2004*)
- (5) If a candidate or an election agent or a counting agent objects to the decision of the Returning Officer or the Presiding Officer, as may be appropriate, to count the vote recorded on a questionable ballot paper, that Officer must endorse the words “反對此選票獲接納” and “acceptance objected to” on that ballot paper. (*L.N. 84 of 2004*)

Section 81

Cap. 541D

- (6) The Returning Officer or the Presiding Officer, as may be appropriate, is to prepare a statement of the ballot papers which are not to be regarded as valid. The statement is to be under the following heads—
 - (a) writing or mark by which the elector can possibly be identified;
 - (b) endorsed with the words “重複” and “TENDERED”;
 - (c) endorsed with the words “損壞” and “SPOILT”;
 - (d) endorsed with the words “未用” and “UNUSED”; (*L.N. 66 of 2008*)
 - (e) substantially mutilated;
 - (f) unmarked;
 - (g) not marked in accordance with section 55, 56 or 57 (as may be applicable);
 - (h) void for uncertainty; and
 - (i) (in the case of a GC ballot paper or an FC ballot paper for the District Council (second) functional constituency) a ballot paper on which votes for more than 1 list of candidates have been recorded. (*L.N. 84 of 2004; L.N. 73 of 2011*)
- (7) Under this section, on behalf of a multiple candidates list, any one of the candidates, the election agent or the counting agent of the list may inspect a ballot paper, make representations or object to the decision of the Returning Officer or the Presiding Officer, as may be appropriate. In any other case, the candidate, the election agent or the counting agent may inspect the ballot paper, make representations concerning it or object to the decision of that Officer. (*L.N. 84 of 2004; L.N. 66 of 2008*)

Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation

(Cap. 541 sub. leg. F)

40. Chief Electoral Officer to carry out other duties relating to polling stations

- (1) The Chief Electoral Officer must provide at each polling station sufficient compartments as that Officer considers necessary to enable electors to vote, screened from observation.
- (2) The Chief Electoral Officer must supply to each Presiding Officer the number of ballot papers the Chief Electoral Officer considers necessary for the constituency for which the polling station is to be used for polling. The Chief Electoral Officer must ensure that the name of any deceased or disqualified candidate regarding whom a declaration under section 24 or 25 is made, and other information relating to that candidate, if printed on the ballot papers, are crossed out by stamping the words “已故” and “DECEASED” or “喪失資格” and “DISQUALIFIED”, as the case may require.
- (3) The Chief Electoral Officer must also supply to the Presiding Officer—
 - (a) in the case of the first ordinary election, a copy of the appropriate part of the final register; or
 - (b) in the case of any subsequent ordinary election, a copy or extract of the appropriate part of the final register.
- (4) A copy under subsection (3)(a)—
 - (a) must, in an entry relating to an elector, show—
 - (i) the identity document number of the elector; and

- (ii) the sex of the elector, denoted by the letter “M” for male and “F” for female; and
- (b) may contain additional particulars or information the Chief Electoral Officer thinks fit to include,

and the entries in the copy may be re-arranged in the format or order as the Chief Electoral Officer considers appropriate.
- (5) A copy or extract under subsection (3)(b) may contain additional particulars or information the Chief Electoral Officer thinks fit to include.
- (6) The form in which a copy or extract is supplied may be in a printed form, a form which is capable of being read by a computer or any other form determined by the Chief Electoral Officer.
- (7) The Chief Electoral Officer must provide at each polling station chops bearing the mark “✓”, with or without other design, and other materials that are necessary to enable electors to mark the ballot papers.
- (8) The Chief Electoral Officer may do other acts and things as that Officer considers necessary for holding the poll effectively.

52. Form of ballot paper and order of appearance of names of candidates on ballot papers

- (1) A ballot paper is to be in the form prescribed in Schedule 2.
- (1A) The Chief Electoral Officer may modify the layout of the form of a ballot paper prescribed in Schedule 2 to incorporate particulars relating to candidates to be printed on a ballot paper in accordance with the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M). (*L.N. 79 of 2007*)
- (2) The Commission may decide—
 - (a) to have a ballot paper printed in white or in colour or colour pattern;
 - (b) the colour in which a ballot paper is to be printed or the colour pattern to be printed on a ballot paper;
 - (c) whether or not to have a design on the back of a ballot paper; or
 - (d) the design to be printed on the back of a ballot paper.
- (3) The Commission may assign a code for each constituency. The code is to be printed on the front of a ballot paper.
- (4) The order in which the names of candidates appear on a ballot paper is to be determined by the Returning Officer by the drawing of lots. A number is to be allocated to each candidate according to the result of the draw.
- (5) A candidate may be present at the drawing of lots under this section or be represented by a person authorized in writing by him or her.
- (6) The Returning Officer must give notice to each candidate of the arrangements for the drawing of lots under this section.
- (7) A ballot paper is to contain the following information—
 - (a) the name of the candidate;

- (aa) insofar as may be applicable to the candidate, the particulars specified in the Schedule to the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M); (*L.N. 79 of 2007*)
 - (b) if the Commission so determines, the address of the candidate as shown on the notice of nominations; and
 - (c) the number allocated to the candidate under this section.
- (8) In the case of death or disqualification of a candidate who has been allocated a number under this section, the name of the candidate and the information under subsection (7) relating to that candidate—
 - (a) are to be omitted from the ballot paper; or
 - (b) if printed on the ballot paper, are to be crossed out in accordance with section 40(2).
 - (9) The number allocated to a candidate under this section is not to be altered even if the information relating to another candidate for the constituency concerned who has died or is disqualified is omitted from the ballot paper or crossed out under subsection (8).
 - (10) A ballot paper is to have the date and description of the election printed on the front of it.
 - (11) A number may be printed on the counterfoil of a ballot paper, but that number is not to be printed or shown in any manner on the ballot paper.
 - (12) A notice required to be given to a candidate under subsection (6) may be given to the election agent instead of the candidate.

Section 76

Cap. 541F

76. Counting of votes

- (1) At the counting zone for each counting station, the ballot papers for that counting station must be dealt with by the Presiding Officer as provided in this section. (*L.N. 125 of 2003*)
- (2) The Presiding Officer of a main counting station must, when counting the votes at the main counting station, mix the ballot papers in at least one of the ballot boxes at the polling station designated as the main counting station together with— (*L.N. 131 of 2009; 11 of 2012 s. 57*)
 - (a) the ballot papers that have been delivered to the main counting station from one or more small polling stations or special polling stations; and
 - (b) the ballot papers that have been delivered to the main counting station from one or more ballot paper sorting stations, or one or more dedicated polling stations, as may be appropriate. (*L.N. 125 of 2003 and L.N. 191 of 2003; L.N. 131 of 2009; L.N. 197 of 2009; 11 of 2012 s. 57*)
- (3) Ballot papers are to be sorted with reference to the candidate for which the vote has been recorded.
- (4) The votes recorded on the ballot papers are to be counted according to the system of counting described in section 41 of the District Councils Ordinance (Cap. 547).
- (5) In the course of counting in accordance with subsection (4)—
 - (a) any ballot paper—
 - (i) which appears to have any writing or mark by which the elector can possibly be identified;
 - (ii) which appears to be not marked in accordance with section 58(2);
 - (iii) which appears to be substantially mutilated; or
 - (iv) which appears to be void for uncertainty,

Section 76

Cap. 541F

is questionable and shall be separated and forwarded to the Presiding Officer to decide whether the vote should be counted in accordance with section 79; and

- (b) any ballot paper described in section 78(1)(b), (c), (d), (f), (g) and (i) shall be separated and shall not be counted pursuant to section 78. (*L.N. 125 of 2003*)

Section 78

Cap. 541F

78. Votes recorded on invalid ballot papers not to be counted*(Amended L.N. 79 of 2007)*

- (1) When counting the votes, a ballot paper of any of the following descriptions is not to be regarded as valid and the vote recorded on the ballot paper is not to be counted— *(L.N. 79 of 2007)*
 - (a) on which there is writing or a mark by which the elector can possibly be identified; *(L.N. 79 of 2007)*
 - (b) which has the words “重複” and “TENDERED” endorsed on the front of it;
 - (c) which has the words “損壞” and “SPOILT” endorsed on the front of it;
 - (d) which has the words “未用” and “UNUSED” endorsed on the front of it; *(L.N. 79 of 2007)*
 - (e) which is substantially mutilated;
 - (f) which is unmarked;
 - (g) a ballot paper which is not marked in accordance with section 58(1); *(L.N. 125 of 2003)*
 - (h) which the Presiding Officer determines as being void for uncertainty; and *(L.N. 79 of 2007)*
 - (i) which contains votes for more than 1 candidate. *(L.N. 125 of 2003)*
- (2) A candidate, an election agent or a counting agent—
 - (a) may inspect a ballot paper referred to in subsection (1)(b), (c), (d), (f), (g) or (i); but
 - (b) is not entitled to make representations to the Presiding Officer concerning the ballot paper. *(L.N. 79 of 2007)*

Section 78

Cap. 541F

- (3) For the avoidance of doubt it is stated that the Presiding Officer is not to make a decision not to count a ballot paper solely for the reason that the ballot paper is stamped with the words “已故” and “DECEASED” or “喪失資格” and “DISQUALIFIED”, as the case may be, in accordance with section 40(2).

(L.N. 125 of 2003)

Section 79

Cap. 541F

79. Presiding Officer to make decisions on questionable ballot papers

- (1) If a ballot paper is forwarded to the Presiding Officer under section 76(5)(a), a candidate, an election agent or a counting agent, if present at the counting zone, may— (*L.N. 79 of 2007*)
 - (a) inspect the ballot paper; and
 - (b) make representations to the Presiding Officer concerning the ballot paper. (*L.N. 125 of 2003*)
- (2) After considering the representations (if any) made under subsection (1), the Presiding Officer shall determine whether the ballot paper—
 - (a) is valid and the vote shall be counted; or
 - (b) shall not be counted pursuant to section 78 for—
 - (i) having on it any writing or mark by which, in that Officer's opinion, the elector can possibly be identified;
 - (ii) subject to subsection (3), being a ballot paper not marked in accordance with section 58(2);
 - (iii) being a ballot paper which is substantially mutilated; or
 - (iv) being void for uncertainty. (*L.N. 125 of 2003*)
- (3) In the case of a ballot paper which is not marked in accordance with section 58(2), if the Presiding Officer is satisfied that the intention of the elector is clear notwithstanding the deviation from the requirement in section 58(2), the Presiding Officer may count that ballot paper. (*L.N. 125 of 2003*)

Section 79

Cap. 541F

- (4) If the Presiding Officer decides a questionable ballot paper is not to be counted, that Officer must endorse the words “不獲接納” and “rejected” on the front of it. If a candidate, an election agent or a counting agent objects to the Presiding Officer's decision, that Officer must also add the words “反對此選票不獲接納” and “rejection objected to”.
- (5) If a candidate, an election agent or a counting agent objects to the decision of the Presiding Officer to count a questionable ballot paper, that Officer must endorse the words “反對此選票獲接納” and “acceptance objected to” on that ballot paper.
- (6) The Presiding Officer is to prepare a statement of the ballot papers referred to in section 78(1) which are not to be counted. The statement is to be under the following heads— (*L.N. 125 of 2003*)
 - (a) writing or mark by which the elector can possibly be identified;
 - (b) endorsed with the words “重複” and “TENDERED”;
 - (c) endorsed with the words “損壞” and “SPOILT”;
 - (d) endorsed with the words “未用” and “UNUSED”;
 - (e) substantially mutilated;
 - (f) unmarked;
 - (g) not marked in accordance with section 58;
 - (h) void for uncertainty; and
 - (i) a ballot paper which contains votes for more than 1 candidate. (*L.N. 125 of 2003*)

(*L.N. 125 of 2003; L.N. 79 of 2007*)

Section 1

Cap. 541I

Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation

(Cap. 541 sub. leg. I)

1. Interpretation

(1) In this Regulation, unless the context otherwise requires—
identity card (身分證) has the meaning assigned to it by section 1A of the Registration of Persons Ordinance (Cap. 177);

identity document (身分證明文件) means—

- (a) an identity card;
- (b) a document issued to a 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; or
- (c) any other document issued to a person that is acceptable as proof of the person's identity to the Electoral Registration Officer (as defined in section 1(1) of the Schedule to the Chief Executive Election Ordinance (Cap. 569)); ...

Section 37

Cap. 541I

37. Chief Electoral Officer to carry out other duties relating to polling stations

- (1) The Chief Electoral Officer must provide at each polling station sufficient compartments as that Officer considers necessary to enable voters and authorized representatives to mark ballot papers, screened from observation.
- (2) The Chief Electoral Officer must supply to each Presiding Officer, the number of ballot papers the Chief Electoral Officer considers necessary for the subsector or subsectors for which the polling station is to be used for polling. The Chief Electoral Officer must ensure that the name of any deceased or disqualified candidate regarding whom notice under section 20(1) or 21(1) is given or declarations under section 20(3) or 21(3) are made, and other information relating to that candidate, if printed on the ballot papers, are crossed out by stamping the words “已故” and “DECEASED” or “喪失資格” and “DISQUALIFIED”, as the case may require.
- (3) The Chief Electoral Officer must also supply to the Presiding Officer a copy of the part of the subsector final register relating to that subsector or subsectors.
- (4) The copy may contain the identity document numbers of the voters and authorized representatives and such other additional particulars or information as the Chief Electoral Officer thinks fit to include.
- (5) The form in which the copy is supplied may be a printed form, a form which is capable of being read by a computer or any other form determined by the Chief Electoral Officer.
- (6) The Chief Electoral Officer must provide at each polling station—
 - (a) materials; and

Section 37

Cap. 541I

- (b) if the polling station is to be used for polling for a subsector by-election in relation to which the Commission has made a direction under section 56(2), chops bearing the mark “✓”, with or without any design,
that are necessary to enable voters and authorized representatives to mark the ballot papers.
- (7) The Chief Electoral Officer must do other acts and things as that Officer considers necessary for holding the poll effectively.

Section 49

Cap. 541I

49. Form of ballot papers and order of appearance of names of candidates on ballot papers

- (1) Subject to subsection (2), a ballot paper to be used to vote at a subsector election is to be in Form 1 in Schedule 2.
- (2) If the Commission has made a direction under section 56(2) in relation to a subsector by-election, the ballot paper to be used to vote at the subsector by-election is to be in Form 2 in Schedule 2.
- (3) The Commission may decide—
 - (a) to have a ballot paper printed in white or in colour or a colour pattern;
 - (b) the colour in which a ballot paper is to be printed or the colour pattern to be printed on a ballot paper;
 - (c) to have the ballot papers for different subsectors printed in different colours or with different colour patterns;
 - (d) whether or not to have a design on the back of a ballot paper;
 - (e) the design to be printed on the back of a ballot paper; or
 - (f) to have different designs printed on the back of ballot papers for different subsectors.
- (4) The order in which the names of candidates appear on a ballot paper is to be determined by the Returning Officer by the drawing of lots. A number is to be allocated to each candidate in accordance with the result of the draw.
- (5) A candidate may be present at the drawing of lots under this section or be represented by a person authorized in writing by him or her.
- (6) The Returning Officer must give notice to each candidate of the arrangements for the drawing of lots under this section.
- (7) A ballot paper is to contain the following information—

Section 49

Cap. 541I

- (a) the name of the candidate;
 - (b) if the Commission so determines, the address of the candidate as shown on the notice of nominations that has been published under section 18; and
 - (c) the number allocated to the candidate under this section.
- (8) In the case of the death or disqualification of a candidate who has been allocated a number under this section, the name of the candidate and the information under subsection (7) relating to that candidate—
- (a) are to be omitted from the ballot paper; or
 - (b) if printed on the ballot paper, are to be crossed out in accordance with section 37(2).
- (9) The number allocated to a candidate under this section is not to be altered even if the information relating to another candidate for the subsector concerned who has died or is disqualified is omitted from the ballot paper or crossed out under subsection (8).
- (10) A ballot paper is to have the date and description of the subsector election printed on the front of it.
- (11) A number may be printed on the counterfoil of a ballot paper, but that number is not to be printed or shown in any manner on the ballot paper.
- (12) A notice required to be given to a candidate under subsection (6) may be given to the election agent of the candidate instead of to the candidate.

Section 53

Cap. 541I

53. Presiding Officer to issue ballot papers to voter or authorized representative

- (1) At a polling station used only for polling for one subsector, the Presiding Officer is, subject to subsection (3), to issue one ballot paper to a person who is voting only as a voter or only as an authorized representative.
- (2) At a polling station used for polling for more than one subsector, the Presiding Officer is, subject to subsection (3), to issue—
 - (a) one appropriate ballot paper to a person who is voting only as a voter or only as an authorized representative; and
 - (b) 2 appropriate ballot papers to a person who is voting as a voter and as an authorized representative.
- (3) Subject to section 60, if a person has been issued with a ballot paper for a subsector, a Presiding Officer must not issue another ballot paper for the subsector to that person.
- (4) Before a ballot paper is issued under this section, the name of the voter or authorized representative, as may be applicable, as stated in the copy of the subsector final register must be called out.
- (5) Immediately before issuing the ballot paper, the Presiding Officer must place a line in the copy of the subsector final register across the name and identity document number of the voter or authorized representative to denote that the ballot paper the person is entitled to have issued to him or her at that polling station has been so issued.
- (6) No record is to be made of the particular ballot paper issued to a voter or authorized representative.

Section 56

Cap. 541I

56. How ballot papers are to be marked

- (1) Subject to subsection (2), a voter or authorized representative voting at a subsector election must mark the ballot paper by shading the ovals on it opposite the names of the candidates of his or her choice.
- (2) The Commission may, in relation to a subsector by-election, direct that the ballot paper must be marked with a chop provided for that purpose by the Chief Electoral Officer at the polling station and bearing the mark “✓”, with or without any design. If the Commission so directs—
 - (a) a voter or authorized representative voting at the subsector by-election must mark the ballot paper with the chop; and
 - (b) the chop is to be affixed to give a single “✓” in the circles on the ballot paper opposite the names of the candidates of the voter’s or authorized representative’s choice.
- (3) At a subsector ordinary election, a voter or authorized representative may vote for as many candidates as the number of EC members allocated to the subsector concerned. At a subsector by-election, a voter or authorized representative may vote for as many candidates as the number of EC members to be returned at the subsector by-election.

Section 74A

Cap. 541I

74A. Invalid and questionable ballot papers

In the course of counting in accordance with section 73(2) or (3), or 74(2) or (3)—

- (a) any ballot paper which—
 - (i) appears to have any writing or mark by which the voter can possibly be identified;
 - (ii) appears to be not marked in accordance with section 56;
 - (iii) appears to be substantially mutilated; or
 - (iv) appears to be void for uncertainty,is questionable and must be separated and forwarded to the Returning Officer to decide whether the vote is to be counted under section 78; and
- (b) any ballot paper described in section 77(1)(b), (c), (d) and (f) must be separated and the vote is not to be counted under section 77.

(L.N. 114 of 2006)

77. Votes recorded on invalid ballot papers not to be counted

(L.N. 75 of 2011)

- (1) When counting votes, a ballot paper of any of the following descriptions is not to be regarded as valid and the vote recorded on the ballot paper is not to be counted— *(L.N. 114 of 2006; L.N. 176 of 2006; L.N. 75 of 2011)*
 - (a) on which there is writing or a mark by which the voter can possibly be identified; *(L.N. 114 of 2006)*
 - (b) which has the words “重複” and “TENDERED” endorsed on the front of it;
 - (c) which has the words “未用” and “UNUSED” endorsed on the front of it; *(L.N. 75 of 2011)*
 - (d) which has the words “損壞” and “SPOILT” endorsed on the front of it;
 - (e) which is substantially mutilated;
 - (f) which is unmarked;
 - (g) subject to subsection (2), which is not marked in accordance with section 56; and
 - (h) which the Returning Officer determines as being void for uncertainty.
- (2) In the case of a ballot paper referred to in subsection (1)(g) that is used for a subsector by-election in relation to which the Commission has made a direction under section 56(2), if the Returning Officer is satisfied that the intention of the voter or authorized representative is clear notwithstanding the deviation from the requirements in section 56(2)(b), that Officer may count the vote recorded on that ballot paper.
- (3) For the avoidance of doubt, it is declared that the Returning Officer is not to make a decision not to count the vote recorded on a ballot paper solely for the reason that the ballot paper is stamped with the words “已故” and “DECEASED” or “喪失資格” and “DISQUALIFIED”, as the case may be,

in accordance with section 37(2).

- (4) A candidate, an election agent or a counting agent—
 - (a) may inspect a ballot paper referred to in subsection (1)(b), (c), (d) or (f); but
 - (b) is not entitled to make representations to the Returning Officer concerning the ballot paper. *(L.N. 114 of 2006)*

Section 78

Cap. 541I

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. *(L.N. 114 of 2006)*
- (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”. *(L.N. 114 of 2006)*
- (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. *(L.N. 114 of 2006)*
- (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”;

Section 78

Cap. 541I

- (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
- (h) void for uncertainty.

Schedule 2

[ss. 49 & 81]

Form of Ballot Paper and Form of Notice of Result of Subsector Election

(L.N. 75 of 2011)

FORM 1

BALLOT PAPER FOR SUBSECTOR ELECTION

<small>(選舉管理委員會(選舉程序)(選舉委員會)規例) ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE) (ELECTION COMMITTEE) REGULATION</small>		選票
<small>選舉委員會界別分組一般選舉 / 補選 ELECTION COMMITTEE SUBSECTOR ORDINARY ELECTION / BY-ELECTION</small>		BALLOT PAPER
<small>* (選舉日期) *(date of election)</small>		<small>*(界別分組/小組名稱) *(Name of subsector / sub-subsector)</small>
請選出不多於#(數目)名候選人 MARK UP TO #(Number) CHOICES AND NO MORE		
請用黑色筆填滿你所選擇的候選人姓名左邊的橢圓圈。 Please shade in black the ovals opposite the names of the candidates of your choice.		
<small>*(候選人姓名公告上顯示的候選人姓名) *(Name of candidate as shown in Notice of Nominations)</small>		
1 ○		16 ○
2 ○		17 ○
3 ○		18 ○
...		...
13 ○		28 ○
14 ○		29 ○
15 ○		30 ○

* Only the appropriate information will be printed.

+ Address of the candidate to be included if required under section 49(7)(b).

The relevant number will be printed.

Electoral Procedure (Chief Executive Election) Regulation

(Cap. 541 sub. leg. J)

2. Interpretation

(1) In this Regulation, unless the context otherwise requires—
identity card (身分證) has the same meaning as it has in the
Registration of Persons Ordinance (Cap. 177);
identity document (身分證明文件) means—

- (a) an identity card;
- (b) a document issued to a person under regulations made
under the Registration of Persons Ordinance (Cap. 177)
certifying that he is exempt from being required to
register under that Ordinance; or (L.N. 279 of 2001)
- (c) any other document issued to a person which is
acceptable to the Returning Officer as proof of the
person's identity;...

verification statement (核實報表) means a statement prepared
under section 52(1)(d).

(2) In this Regulation, the expression **candidate** (候選人) also
means—

- (a) in sections 5(1), 12, 15 and 21, a person who is being or
has been nominated to stand for an election;
- (b) in sections 13 and 16 and Part 10, a person who has
publicly declared an intention to stand for an election at
any time before close of nominations; (11 of 2012 s. 15)
- (c) in section 14, a person referred to in paragraph (a) or (b).

Section 14

Cap. 541J

14. Provisions applicable to appointment of agents

- (1) In this section—
 - (a) **agent** (代理人) means an election agent or election expense agent;
 - (b) a reference to the Returning Officer shall be construed as a reference to the Chief Electoral Officer if the Returning Officer has not been appointed.
- (2) An appointment of an agent shall be effected by giving a notice of appointment to the Returning Officer.
- (3) A notice of appointment shall—
 - (a) be delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of an appointment made on the polling date) by post; (*15 of 2016 s. 44*)
 - (b) be in specified form;
 - (c) state the name and address of the agent;
 - (d) (in the case of an election agent) state the identity card number of the agent; and
 - (e) be signed by the candidate and the agent.
- (4) The appointment of an agent may be revoked by giving a notice of revocation to the Returning Officer.
- (5) A notice of revocation shall be—
 - (a) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of a revocation of appointment made on the polling date) by post; (*15 of 2016 s. 44*)
 - (b) in specified form; and
 - (c) signed by the candidate.
- (6) If an agent dies or the appointment of an agent is revoked, the candidate may, subject to this Part, appoint another person as an agent to replace the first-mentioned agent.

Section 14

Cap. 541J

- (7) The appointment of or revocation of the appointment of an agent is not effective until the notice of appointment or notice of revocation, as the case may be, is received by the Returning Officer.
- (8) The Returning Officer shall display in a prominent place immediately outside his office a notice of the particulars of the election agents.
- (9) All notices of appointment of election expense agent given by any candidate under subsection (2) shall be made available for inspection by the public—
 - (a) free of charge;
 - (b) at an office of the Returning Officer specified by him; and
 - (c) during ordinary business hours,
 until the end of the period during which the copy of the election return lodged by the candidate is available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

39. Marking “UNUSED” on ballot paper

If a ballot paper has been issued and has not been put into the ballot box otherwise than under the circumstances prescribed in section 35(1) or (5), the Presiding Officer shall endorse the words “UNUSED” and “未用” on the front of the ballot paper.

49. Counting of votes

(1A) After opening all ballot boxes in accordance with section 48, the Returning Officer must—

- (a) count and record the number of ballot papers in each ballot box;
 - (b) verify the ballot paper accounts received from all the polling stations by comparing them with the number of ballot papers recorded under paragraph (a) and prepare a statement in writing as to the result of the verification; and
 - (c) arrange to mix the ballot papers cast at all polling stations. (*L.N. 133 of 2009*)
- (1) Ballot papers shall then be— (*L.N. 133 of 2009*)
- (a) sorted according to the choices marked on them;
 - (b) placed in separate boxes; and
 - (c) counted manually.
- (2) In the course of sorting and counting in accordance with subsection (1)— (*L.N. 209 of 2006*)
- (a) any ballot paper which—
 - (i) appears to have on it any writing or mark by which the elector can possibly be identified;
 - (ii) appears to be substantially mutilated;
 - (iii) appears to be not marked in accordance with section 36(1)(b); or
 - (iv) appears to be void for uncertainty,
 shall be separated and forwarded to the Returning Officer; and
 - (b) any ballot paper described in section 50(1)(b), (c), (d) or (f) shall be separated. (*L.N. 209 of 2006*)

Section 50

Cap. 541J

50. Some ballot papers invalid*

- (1) Upon counting of votes, a ballot paper of any of the following descriptions shall not be valid and the vote recorded on the ballot paper shall not be counted— (*L.N. 209 of 2006*)
 - (a) on which there is any writing or mark by which the elector can possibly be identified; (*L.N. 209 of 2006*)
 - (b) which has the words “TENDERED” and “重複” endorsed on it;
 - (c) which has the words “SPOILT” and “損壞” endorsed on it;
 - (d) which has the words “UNUSED” and “未用” endorsed on it;
 - (e) which is substantially mutilated;
 - (f) which is unmarked;
 - (g) is not marked in accordance with section 36(1)(b);
 - (h) which the Returning Officer determines as being void for uncertainty. (*L.N. 209 of 2006*)
- (2) A candidate, an election agent or a counting agent—
 - (a) may inspect a ballot paper described in subsection (1)(b), (c), (d) or (f); but
 - (b) is not entitled to make representations to the Returning Officer concerning the ballot paper. (*L.N. 209 of 2006*)

Section 51

Cap. 541J

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— (*L.N. 209 of 2006*)
 - (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— (*L.N. 209 of 2006*)
 - (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

Section 51

Cap. 541J

- (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.
- (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—
- has on it any writing or mark by which the elector can possibly be identified;
 - endorsed with the words “TENDERED” and “重複”;
 - endorsed with the words “SPOILT” and “損壞”;
 - endorsed with the words “UNUSED” and “未用”;
 - substantially mutilated;
 - unmarked;
 - not marked by affixing an issued chop; and
 - void for uncertainty.
- (8) A determination made under subsection (2) shall be final.

(L.N. 209 of 2006)

Section 52

Cap. 541J

52. Verification of ballot paper account

- (1) The Returning Officer shall—
- record the number of— (*L.N. 209 of 2006*)
 - in the case of a contested election, valid votes obtained by each candidate; or
 - in the case of an uncontested election, valid “SUPPORT” and “NOT SUPPORT” votes obtained by the candidate; (*L.N. 209 of 2006*)
 - record the number of ballot papers which are not valid under section 50(1); (*L.N. 209 of 2006*)
 - verify the ballot paper accounts by comparing them with the numbers recorded under paragraphs (a) and (b); and
 - prepare a statement in writing as to the result of the verification.
- (2) If—
- the Returning Officer considers it necessary to do so; or
 - a candidate, an election agent or a counting agent present within the counting station so requests,
- the Returning Officer shall, in preparing the verification statement, compare the ballot paper accounts with the number of ballot papers recorded by him and the unused ballot papers, the spoilt ballot papers, the ballot papers that have not been issued and counterfoils of ballot papers that have been issued.
- (3) A candidate, an election agent or a counting agent may copy what is recorded on—
- the ballot paper accounts; or
 - the verification statement.

(L.N. 133 of 2009)

**Electoral Affairs Commission (Registration of Electors)
(Rural Representative Election) Regulation**

(Cap. 541 sub. leg. K)

32. Offences and penalties

- (1) A person who in any—
- (a) application;
 - (b) response to a requirement for particulars or proof made under section 12;
 - (c) reply to an inquiry made under section 17;
 - (d) request made under section 20; (*L.N. 12 of 2016*)
 - (e) notice of objection; or
 - (f) notice of claim,
- makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable on conviction on indictment to a fine at level 2 and to imprisonment for 6 months. (*12 of 2014 s. 179*)
- (2) A person who directly or indirectly by himself or herself or any other person on his or her behalf conspires with, incites, compels, induces, coerces, intimidates or persuades any other person—
- (a) to make a false statement on an application, response, reply, request or notice referred to in subsection (1); or

- (b) to provide information which the first-mentioned person knows to be incorrect in a material particular on an application, response, reply, request or notice referred to in paragraph (a),
- commits an offence and is liable on conviction on indictment to a fine at level 2 and to imprisonment for 6 months. (*12 of 2014 s. 179*)
- (3) A person who—
- (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or in an extract from a register;
 - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling a register;
 - (c) uses or permits another person to use any information relating to a person contained in an entry in a register or in an extract from a register; or
 - (d) imparts to any other person any information referred to in paragraph (a), (b) or (c),
- for a purpose other than a purpose related to an election, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (4) A person who fails to furnish information in response to a requirement under section 16 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (5) Despite anything to the contrary in subsection (3), a person who contravenes section 31(4) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

Section 32

Cap. 541K

- (6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not have the required information or could not have reasonably ascertained that information or could not have otherwise reasonably provided that information.
- (7) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of sections 14, 16 and 23 of the Election Ordinance. *(10 of 2008 s. 76)*
- (8) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of section 23 of the Election Ordinance. *(10 of 2008 s. 76)*

Section 24

Cap. 541L

**Electoral Procedure (Rural Representative Election) Regulation
(Cap. 541 sub. leg. L)**

24. Provisions applicable to appointment of agents

- (1) In this section—
 - (a) **agent** (代理人) means an election agent or election expense agent; and
 - (b) a reference to the Returning Officer shall be construed as a reference to the Returning Officer appointed for the Rural Area for which the candidate concerned is standing for election, or a reference to the Director of Home Affairs if the Returning Officer has not been appointed. *(5 of 2014 s. 2)*
- (2) An appointment of an agent is effected by giving a notice of appointment to the Returning Officer.
- (3) A notice of appointment must— *(12 of 2014 s. 62)*
 - (a) be in the specified form;
 - (ab) be delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of an appointment made on polling day) by post; *(12 of 2014 s. 62)*
 - (b) *(Repealed 12 of 2014 s. 62)*
 - (c) state the name and the address of the agent;
 - (d) (in the case of an election agent) state the identity card number of the agent; and
 - (e) be signed by the candidate and the agent.

Section 24

Cap. 541L

- (4) The appointment of an agent may be revoked by giving a notice of revocation to the Returning Officer.
- (5) A notice of revocation must be— (*12 of 2014 s. 62*)
 - (a) in the specified form;
 - (ab) delivered to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of revocation of appointment made on polling day) by post; and (*12 of 2014 s. 62*)
 - (b) (*Repealed 12 of 2014 s. 62*)
 - (c) signed by the candidate.
- (6) If an agent dies or the appointment of an agent is revoked, the candidate may, subject to this Part, appoint another person as an agent to replace the first-mentioned agent.
- (7) The appointment of or revocation of the appointment of an agent is not effective until the notice of appointment or notice of revocation, as the case may be, is received by the Returning Officer.
- (8) The Returning Officer shall display a notice of the particulars of the election agents in a prominent place immediately outside his office.
- (9) All notices of appointment of election expense agents given by any candidate under subsection (2) shall be made available for inspection by the public—
 - (a) free of charge;
 - (b) at an office of the Returning Officer specified by him; and
 - (c) during ordinary business hours,
 until the end of the period during which the copy of the election return lodged by the candidate is available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

Section 33

Cap. 541L

33. Miscellaneous arrangements relating to voting

- (1) The Returning Officer shall provide, at the polling station or at each polling station to be used for polling for the Rural Area concerned, sufficient compartments to enable electors to vote, screened from observation. (*5 of 2014 ss. 2 & 43*)
- (2) The Returning Officer shall supply to the Presiding Officer appointed for the polling station or each polling station to be used for polling for the Rural Area concerned such number of ballot papers as he considers necessary for the polling for the Rural Area. (*5 of 2014 s. 2*)
- (3) The Returning Officer shall ensure that—
 - (a) the name of any deceased or disqualified candidate for the Rural Area concerned regarding whom— (*5 of 2014 s. 2*)
 - (i) a notice referred to in section 17(1) or 18(1) has been given; or
 - (ii) declarations referred to in section 17(3) or 18(3) have been made; and
 - (b) other information relating to that candidate, if printed on the ballot papers, are crossed out by stamping the words “DECEASED” and “已故” or “DISQUALIFIED” and “喪失資格”, as the case may be.
- (4) The Director of Home Affairs shall provide at each polling station chops bearing a “✓” mark, with or without other design, that are necessary to enable electors to mark ballot papers.
- (5) The Presiding Officer shall display a notice providing information on voting procedure for the guidance of electors—
 - (a) in a prominent place immediately outside a polling station which is not a dedicated polling station; (*L.N. 134 of 2009*)

Section 33

Cap. 541L

-
- (aa) in a prominent place inside a dedicated polling station;
and (*L.N. 134 of 2009*)
 - (b) inside every compartment provided under subsection (1).

Section 51

Cap. 541L

51. Marking “UNUSED” on ballot paper

If a ballot paper has been issued and has not been put into a ballot box otherwise than under the circumstances referred to in section 46(1) or (5), the Presiding Officer shall endorse the words “UNUSED” and “未用” on the front of the ballot paper and keep it in his custody.

Section 63

Cap. 541L

63. Determination of validity of questionable ballot papers

- (1) If a ballot paper is forwarded to the Returning Officer under section 61(2)(a)—
 - (a) a candidate, an election agent or a counting agent, if present in the counting zone, is entitled to inspect the ballot paper; and
 - (b) the candidate or the election agent is entitled to make representations to the Returning Officer concerning the ballot paper.
- (2) After considering the representations (if any) made under subsection (1)(b), the Returning Officer shall determine whether the ballot paper—
 - (a) is valid and the vote shall be counted; or
 - (b) shall not be counted pursuant to section 62 for—
 - (i) having on it any writing or mark by which, in the opinion of the Returning Officer, the elector can possibly be identified;
 - (ii) being a ballot paper described in section 62(b) or (c); or
 - (iii) being void for uncertainty.
- (3) Notwithstanding section 62(b), the Returning Officer may determine under subsection (2) that a ballot paper which is not marked in accordance with section 48(1)(b), (2)(b), (3)(b) or (4)(b), as the case may be, is valid and the vote shall be counted in any manner specified in section 61(1), if, subject to other provisions of section 62, he is satisfied that the elector has marked the ballot paper by affixing the chop issued under section 45 on the ballot paper so as to clearly indicate his intention to vote for the candidate or candidates concerned, as the case may be. *(5 of 2014 s. 54)*
- (4) If—

Section 63

Cap. 541L

- (a) the Returning Officer determines under subsection (2) that a ballot paper is valid and the vote shall be counted; and
- (b) a candidate or an election agent objects to the determination,
the Returning Officer shall endorse the words “acceptance objected to” and “予以接納的決定遭反對” on the front of the ballot paper.
- (5) If the Returning Officer determines under subsection (2) that a ballot paper shall not be counted, he shall—
 - (a) endorse the words “rejected” and “不予接納” on the front of it; and
 - (b) where a candidate or an election agent objects to the determination, endorse the words “rejection objected to” and “不予接納的決定遭反對” on the front of it.
- (6) If—
 - (a) the Returning Officer determines under subsection (2) that a ballot paper shall not be counted pursuant to section 62 for—
 - (i) having on it any writing or mark by which, in the opinion of the Returning Officer, the elector can possibly be identified;
 - (ii) being a ballot paper described in section 62(b) or (c); or
 - (iii) being void for uncertainty; or
 - (b) any ballot paper is not to be counted pursuant to section 62(ab), (e), (f), (g), (h) or (i), *(5 of 2014 s. 54)*
the Returning Officer shall prepare a statement regarding such ballot paper.

Section 63

Cap. 541L

- (7) A statement prepared under subsection (6) shall show the respective number of ballot papers under the following heads—
- (a) having on it any writing or mark by which the elector can possibly be identified;
 - (ab) not marked with a chop issued under section 45; (*5 of 2014 s. 54*)
 - (b) not marked in accordance with section 48(1)(b), (2)(b), (3)(b) or (4)(b) (as the case may be); (*5 of 2014 s. 54*)
 - (c) substantially mutilated;
 - (d) void for uncertainty;
 - (e) endorsed with the words “TENDERED” and “重複”;
 - (f) endorsed with the words “UNUSED” and “未用”;
 - (g) endorsed with the words “SPOILT” and “損壞”; (*5 of 2014 s. 54*)
 - (h) unmarked; and (*5 of 2014 s. 54*)
 - (i) containing votes for a number of candidates exceeding the number of Rural Representative or Rural Representatives to be returned for the Rural Area at the election concerned. (*5 of 2014 s. 54*)
- (8) A determination made under subsection (2) shall be final.
- (9) For the avoidance of doubt, it is declared that the Returning Officer shall not make a determination not to count a ballot paper solely for the reason that the ballot paper is stamped with the words “DECEASED” and “已故” or “DISQUALIFIED” and “喪失資格”, as the case may be, in accordance with section 33(3).

Section 3

Cap. 542

Legislative Council Ordinance**(Cap. 542)****3. Interpretation**

- (1) In this Ordinance, unless the context otherwise requires—

identity document (身分證明文件) 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 Electoral Registration Officer as proof of the person's identity;

Section 34

Cap. 542

34. Right of appeal to Revising Officer against decisions of Electoral Registration Officer

- (1) A person who is dissatisfied with a decision of the Electoral Registration Officer made for the purposes of this Ordinance may appeal against the decision to a Revising Officer.
- (2) The determination of a Revising Officer on such an appeal is final.
- (3) The Electoral Registration Officer, or an Assistant Electoral Registration Officer, is required to appear as the respondent at the hearing of the appeal.
- (4) At the hearing of the appeal, the appellant or any other person concerned in the appeal is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.

Section 77

Cap. 542

77. Appointment of Revising Officer

- (1) The Chief Justice may appoint any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap. 87), to be a Revising Officer for the purposes of this Ordinance.
- (2) If no appointment is made under subsection (1), the Registrar of the High Court is taken to be a Revising Officer.
- (3) A Revising Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.
- (4) A Revising Officer has, when exercising or performing the Officer's functions and duties, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap. 227).

Registration of Electors (Appeals) Regulation

(Cap. 542 sub. leg. B)

1. Interpretation

In this Regulation, unless the context otherwise requires—

appeal (上訴) means an appeal made under the FC Registration Regulation against the decision of the Electoral Registration Officer not to register as an authorized representative a person appointed by a corporate elector as a replacement or a substitute under section 20 of the FC Registration Regulation; (*L.N. 199 of 2001*)

appellant (上訴人) means—

- (a) a corporate elector who has made an appeal under the FC Registration Regulation by means of a notice of appeal; or
- (b) a person who has made a claim or an objection under the FC Registration Regulation or the GC Registration Regulation by means of a notice of claim or a notice of objection; (*L.N. 199 of 2001*)

claim (申索) means a claim made under the FC Registration Regulation or the GC Registration Regulation as regards an entry, or registration, in a functional constituencies register or a geographical constituencies register; (*L.N. 199 of 2001*)

corporate elector (團體選民) has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

District Council election year (區議會選舉年) means a year in which an ordinary election is to be held; (*L.N. 26 of 2003*)

FC Registration Regulation (《功能界別登記規例》) means

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); (*L.N. 199 of 2001*)

functional constituencies register (功能界別選民登記冊) means— (*L.N. 26 of 2003*)

- (a) a provisional register of functional constituencies required to be compiled under section 32(1)(a)(ii) or (1A)(a)(ii) of the Legislative Council Ordinance (Cap. 542); or
- (b) a final register of functional constituencies required to be compiled under section 32(1)(b)(ii) or (1A)(b)(ii) of the Legislative Council Ordinance (Cap. 542); (*L.N. 199 of 2001*; *L.N. 26 of 2003*)

GC Registration Regulation (《地方選區登記規例》) means the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); (*L.N. 199 of 2001*)

geographical constituencies register (地方選區選民登記冊) means— (*L.N. 26 of 2003*)

- (a) a provisional register of geographical constituencies required to be compiled under section 32(1)(a)(i) or (1A)(a)(i) of the Legislative Council Ordinance (Cap. 542); or
- (b) a final register of geographical constituencies required to be compiled under section 32(1)(b)(i) or (1A)(b)(i) of the Legislative Council Ordinance (Cap. 542); (*L.N. 199 of 2001*; *L.N. 26 of 2003*)

notice of appeal (上訴通知書) means a notice lodged by a corporate elector under the FC Registration Regulation for the

purpose of making an appeal; (*L.N. 199 of 2001*)

notice of claim (申索通知書) means a notice lodged by a person under the FC Registration Regulation or the GC Registration Regulation for the purpose of making a claim; (*L.N. 199 of 2001*)

notice of objection (反對通知書) means a notice lodged by a person under the FC Registration Regulation or the GC Registration Regulation for the purpose of making an objection; (*L.N. 199 of 2001*)

objection (反 對) means an objection made under the FC Registration Regulation or the GC Registration Regulation as regards an entry, or registration, in a functional constituencies register or a geographical constituencies register. (*L.N. 199 of 2001*)

(*L.N. 199 of 2001*)

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

(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

Section 1A

Cap. 542B

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

Column 1Column 2

-

section 13(1)(a) of Cap. 541A and
section 29(1)(a)(i) of Cap.
541B

sections 2(3)(c)(i), 4(a) and
6(2)(a)

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) and 6(2)(b)

Section 1A

Cap. 542B

section 16(3)(a) of Cap. 541A and section 2(3)(c)(i)
section 32(2)(ab)(i) of Cap.
541B

section 16(3)(b) of Cap. 541A and section 2(3)(b) and (c)(ii)
section 32(2)(ab)(ii) of Cap.
541B

Section 1A

Cap. 542B

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.

Section 1A

Cap. 542B

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)
11 September	sections 4(a) and 6(2)(a)
11 July	sections 4(b) and 6(2)(b)
(9) Subsections (2) and (3) are subject to sections 2(4A) and 6(2A).	(12 of 2014 s. 18)

2. Fixing of hearing and notifying the appellant thereof

- (1) Where the Revising Officer receives a copy of a notice of appeal or a notice of claim or a notice of objection from the Electoral Registration Officer, he shall, as soon as practicable—

- (a) subject to subsection (3), fix a date, time and place for holding a hearing as regards the appeal or the claim or the objection to which the notice relates; and
- (b) send by registered post, a notice under subsection (2)— (*L.N. 26 of 2003*)
 - (i) to the appellant concerned to the address furnished as his address in the notice of appeal or the notice of claim or the notice of objection, as the case may be; and
 - (ii) in the case of a notice of objection, in addition to the appellant, to the person in respect of whom the objection is made.
- (2) A notice for the purposes of subsection (1)(b) shall—
 - (a) state that a hearing is to be held as regards the notice of appeal or the notice of claim or the notice of objection, as the case may be;
 - (b) specify the date, time and place fixed under subsection (1)(a) for such hearing;
 - (c) state that the appellant or the person in respect of whom the objection is made, as the case may be—
 - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the appeal or claim or objection concerned;
 - (ii) may be represented at such hearing by a legal practitioner or any other person (authorized in writing by the appellant or the person in respect of whom the objection is made, as may be appropriate) who may make representations on his behalf; or
 - (iii) whether or not he appears or is represented, may make representations in writing regarding

- the appeal or claim or objection concerned and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer on a date not later than 1 day before the date fixed for the hearing; and
 - (d) in the case of a notice sent to an appellant, state that if the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and if the appellant—
 - (i) does not appear at the hearing;
 - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
 - (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer on a date not later than 1 day before the date of the hearing,
- the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection relates, shall stand.
- (3) Where a copy of a notice of claim or a notice of objection is received by the Revising Officer—
 - (a) during the period beginning on 3 July 2014 and ending on 2 September 2015, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 August 2015 and 11 September 2015 (both dates inclusive); (*Repealed L.N. 282 of 1999. Added L.N. 26 of 2003*)
 - (b) during the period beginning on 3 September in any year subsequent to 2014, if that subsequent year is a District Council election year, and ending on 2 July in the year following that subsequent year, the date fixed under

subsection (1)(a) as regards that notice shall be a date between 1 June and 11 July (both dates inclusive) in that following year; or (*Repealed L.N. 282 of 1999. Added L.N. 26 of 2003*)

(ba) (*Repealed L.N. 199 of 2001*)

(c) during the period beginning on 3 July in any year subsequent to 2014, if that subsequent year is not a District Council election year, and— (*12 of 2014 s. 168*)

(i) ending on 2 September in the year following that subsequent year, if that following year is a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 August and 11 September (both dates inclusive) in that following year; or

(ii) ending on 2 July in the year following that subsequent year, if that following year is not a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 June and 11 July (both dates inclusive) in that following year, (*L.N. 26 of 2003*)

which date so fixed in accordance with paragraph (a), (b) or (c)(i) or (ii), as the case may be, shall not be earlier than the third day after the day on which the copy of the notice is so received. (*L.N. 26 of 2003; 12 of 2014 s. 168*)

(4) Where a copy of a notice of appeal is received by the Revising Officer—

(a) on a date not later than the eighth day before the polling date for the functional constituency concerned in any year, the date fixed under subsection (1)(a) as regards that notice shall be a date within a period of 21 days beginning from 25 days before such polling date; and

(b) on a date later than the eighth day before the polling date for the functional constituency concerned, the date fixed under subsection (1)(a) as regards that notice shall be— (*L.N. 199 of 2001; L.N. 244 of 2001; L.N. 26 of 2003*)

(i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11 September in that year; (*L.N. 26 of 2003*)

(ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year; (*L.N. 26 of 2003*)

(iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election year, a date within a period of 27 days ending on 11 July in that year; or (*L.N. 26 of 2003*)

(iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year—

(A) a date within a period of 28 days ending on 11 September in the next following year, if that following year is a District Council election year; or

(B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year. (*L.N. 26 of 2003*)

(4A) Despite subsections (3) and (4) and section 5, if—

(a) the date fixed under subsection (1)(a) for a hearing—

- (i) is the last day of the period specified in subsection (3)(a), (b) or (c)(i) or (ii) or (4)(a) or (b)(i), (ii), (iii) or (iv)(A) or (B); or
 - (ii) is postponed under section 1A to or beyond the last day of the period mentioned in subparagraph (i); and
- (b) the deadline for the making of representations in writing to the Revising Officer under this section is postponed under section 1A to that hearing day,

the Revising Officer may, in his or her discretion, postpone the hearing to the next working day, which is not an inclement weather warning day, following that postponed deadline. *(12 of 2014 s. 19)*

- (5) As regards any notice of appeal or notice of claim or notice of objection—
- (a) in the case where the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and the appellant—
 - (i) does not appear at the hearing thereof;
 - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at that hearing; and
 - (iii) does not make representations in writing regarding the appeal or claim or objection concerned, as the case may be, to be received by the Revising Officer on a date not later than 1 day before the date of that hearing,

the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection, as the case may be, relates, shall stand; or

- (b) in any other case, the Revising Officer shall make a ruling either allowing or dismissing the appeal or the claim or the objection, as the case may be, to which that notice relates.

- (6) In this section—

Inclement weather warning day (惡劣天氣警告日)

has the meaning given by section 1A(1);

working day (工作日) has the meaning given by section

1A(1). *(12 of 2014 s. 19)*

(L.N. 199 of 2001)

3. Appellant to be notified of ruling

Where—

- (a) the decision of the Electoral Registration Officer stands pursuant to section 2(5)(a); or
- (b) the Revising Officer makes a ruling under section 2(5)(b),

the Revising Officer shall notify the appellant at the address referred to in section 2(1)(b) and where appropriate, the person in respect of whom the objection is made, by registered post, that such decision shall stand or of his ruling, as may be appropriate. *(L.N. 26 of 2003)*

4. Electoral Registration Officer to be notified of rulings

The Revising Officer shall, as regards those hearings held pursuant to section 2 and concluded—

- (a) during the period beginning on 1 August in a District Council election year and ending on 11 September in that year, notify the Electoral Registration Officer, on or before 17 September in that year; *(L.N. 26 of 2003; 12 of 2014 s. 169)*

- (b) during the period beginning on 1 June in any year which is not a District Council election year and ending on 11 July in that year, notify the Electoral Registration Officer, on or before 17 July in that year; (*L.N. 26 of 2003; 12 of 2014 s. 169*)
- (c) during the period referred to in section 2(4)(a), notify the Electoral Registration Officer, on a date not later than 3 working days before the polling date as referred to in section 2(4)(a); (*L.N. 26 of 2003*)
- (d) during the period referred to in section 2(4)(b)(ii), (iii) or (iv)(B), as the case may be, notify the Electoral Registration Officer not later than 17 July in the same year; or (*L.N. 26 of 2003*)
- (e) during the period referred to in section 2(4)(b)(i) or (iv)(A), as the case may be, notify the Electoral Registration Officer not later than 17 September in the same year, (*L.N. 26 of 2003*)

in relation to each notice of appeal or notice of claim or notice of objection concerned, that the decision of the Electoral Registration Officer shall stand pursuant to section 2(5)(a) or of the ruling of the Revising Officer under section 2(5)(b), as may be appropriate.

(*L.N. 199 of 2001; 12 of 2014 s. 20*)

6. Review of rulings by Revising Officer

- (1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made, review any ruling made under section 2(5)(b), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.
- (2) A ruling under section 2(5)(b) made—

- (a) during the period beginning on 1 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period; (*L.N. 26 of 2003; 12 of 2014 s. 170*)
- (b) during the period beginning on 1 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period; (*L.N. 26 of 2003; 12 of 2014 s. 170*)
- (c) during the period referred to in section 2(4)(a) may only be reviewed during that period; (*12 of 2014 s. 21*)
- (d) during the period referred to in— (*12 of 2014 s. 21*)
 - (i) section 2(4)(b)(ii) may only be reviewed during that period;
 - (ii) section 2(4)(b)(iii) may only be reviewed during that period; or
 - (iii) section 2(4)(b)(iv)(B) may only be reviewed during that period; or (*L.N. 26 of 2003*)
- (e) during the period referred to in— (*12 of 2014 s. 21*)
 - (i) section 2(4)(b)(i) may only be reviewed during that period; or
 - (ii) section 2(4)(b)(iv)(A) may only be reviewed during that period. (*L.N. 26 of 2003*)
- (2A) Despite subsection (2), if the conditions under section 2(4A)(a)(i) or (ii) and (b) are met, the period for a review of the ruling in respect of the appeal, claim or objection in question is extended to the next working day, which is not an inclement weather warning day, following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 2(4A) in relation to that appeal, claim or objection. (*12 of 2014 s. 21*)
- (2B) A ruling made or reviewed after 11 September in a District

Section 6

Cap. 542B

Council election year because of an extension under subsection (2A) is deemed, for the following provisions, to be made on 11 September in that year—

- (a) section 19(5)(a) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); and
- (b) sections 35(5)(a) and 36(5)(a) of 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). (*12 of 2014 s. 21*)

(2C) A ruling made or reviewed after 11 July in a year which is not a District Council election year because of an extension under subsection (2A) is deemed, for the following provisions, to be made on 11 July in that year—

- (a) section 19(5)(b) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A); and
- (b) sections 35(5)(b) and 36(5)(b) of 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). (*12 of 2014 s. 21*)

(3) In the case where the Revising Officer decides to review any ruling made under section 2(5)(b), he shall determine the procedure for such review.

(4) In this section—

inclement weather warning day (惡劣天氣警告日) has the meaning given by section 1A(1);

Section 6

Cap. 542B

working day (工作日) has the meaning given by section 1A(1). (*12 of 2014 s. 21*)

Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542C)

1. Interpretation

(1) In this Regulation, unless the context otherwise requires—

deposit (按金) means the deposit lodged under section 2(1);

election (選舉) means an election or a by-election held to elect a Member in respect of a geographical constituency or a functional constituency; (*L.N. 206 of 2001; 25 of 2003 s. 50*)

list of candidates (候選人名單) means a list of candidates referred to in section 38(10) of the Ordinance or a new list of candidates referred to in section 38(14) of the Ordinance; (*L.N. 14 of 2000*)

nomination list (提名名單) means a nomination list referred to in section 38 of the Ordinance;

nominee (獲提名人) means a nominee as defined in section 38(1) of the Ordinance. (*2 of 2011 s. 39*)

(2) In this Regulation, any reference to the appropriate regulations shall be construed as a reference to any regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541) relating to procedure at an election. (*L.N. 206 of 2001*)

District Councils Ordinance (Cap. 547)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

identity document (身分證明文件) 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 Electoral Registration Officer as proof of the person's identity;

**DISTRICT COUNCILS (SUBSCRIBERS AND
ELECTION DEPOSIT FOR NOMINATION)
REGULATION**

(Cap. 547 sub. leg. A)

1. Interpretation

- (1) In this Regulation, unless the context otherwise requires—
“deposit” (按金) means the deposit lodged under section 2(1).
- (2) In this Regulation, any reference to the appropriate regulations shall be construed as a reference to any regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541) relating to procedure at an election.

**Elections (Corrupt and Illegal Conduct) Ordinance
(Cap. 554)**

**23. Illegal conduct for persons other than candidates and election
expense agents to incur election expenses**

- (1) A person, other than a candidate or a candidate's election expense agent, engages in illegal conduct at an election if the person incurs election expenses at or in connection with the election.

Chief Executive Election Ordinance

(Cap. 569)

Schedule

Election Committee

32. Misnomer or inaccuracy not to affect operation of election document

- (1) A misnomer or inaccurate description of a person, a person's identity document or place specified in a document to which this section applies does not limit the full operation of the document with respect to that person, identity document or place if the description of the person, identity document or place is such as to be commonly understood.
- (2) This section applies to a subsector provisional register, a subsector final register, a nomination paper, ballot paper, notice or other document prepared for the purposes of a subsector election.
- (3) In this section—
identity document (身分證明文件) means—
 - (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177);
 - (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 Electoral Registration Officer as proof of the person's identity.

46. Appointment of Revising Officer

- (1) The Chief Justice may appoint any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap. 87), to be a Revising Officer for the purposes of this Schedule.
- (2) If no appointment is made under subsection (1), the Registrar of the High Court is taken to be a Revising Officer.
- (3) A Revising Officer has such functions as are conferred or imposed on the Officer by or under this Schedule.
- (4) A Revising Officer has, when performing the Officer's functions, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap. 227).

48. Right of appeal to Revising Officer against decisions of Electoral Registration Officer

- (1) A person who is dissatisfied with a decision of the Electoral Registration Officer made for the purposes of this Schedule may appeal against the decision to a Revising Officer.
- (2) The determination of a Revising Officer on such an appeal is final.
- (3) The Electoral Registration Officer, or an Assistant Electoral Registration Officer, is required to appear as the respondent at the hearing of the appeal.
- (4) At the hearing of the appeal, the appellant or any other person concerned in the appeal is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.

Election Committee (Appeals) Regulation**(Cap. 569 sub. leg. A)****2. Interpretation**

- (1) In this Regulation, unless the context otherwise requires—

identity document (身分證明文件) means—

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177);
- (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 any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity;

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

2. Interpretation

In this Regulation, unless the context otherwise requires—

appeal (上訴) means an appeal made under the Regulation against the decision of the Electoral Registration Officer not to register as an authorized representative a person appointed by a corporate voter as a replacement or a substitute under section 20 of the Regulation;

appellant (上訴人) means—

- (a) a corporate voter who has made an appeal under the Regulation by means of a notice of appeal; or
- (b) a person who has made a claim or an objection under the Regulation by means of a notice of claim or a notice of objection;

authorized representative (獲授權代表) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

claim (申索) means a claim made under the Regulation as regards an entry, or registration, in a subsector register or an Election Committee register;

corporate voter (團體投票人) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

District Council election year (區議會選舉年) means a year in which elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils are to be held; (*L.N. 27 of 2003*)

Election Committee final register (選舉委員會正式委員登記冊) means the final register of members of the Election Committee required to be published under section 40(2), (3), (3A) or (4) of the Schedule to the Ordinance; (*10 of 2006 s. 26*)

Election Committee provisional register (選舉委員會臨時委員登記冊) means the provisional register of members of the Election Committee required to be compiled and published under section 4 of the Schedule to the Ordinance;

Election Committee register (選舉委員會委員登記冊) means an Election Committee provisional register or an Election Committee final register;

Electoral Registration Officer (選舉登記主任) has the meaning assigned to it by section 1(1) of the Schedule to the Ordinance;

notice of appeal (上訴通知書) means a notice lodged by a corporate voter under the Regulation for the purpose of making an appeal;

notice of claim (申索通知書) means a notice lodged by a person under the Regulation for the purpose of making a claim;

notice of objection (反對通知書) means a notice lodged by a person under the Regulation for the purpose of making an objection;

objection (反對) means an objection made under the Regulation as regards an entry, or registration, in a subsector register or an Election Committee register;

Regulation (《規例》) means 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);

subsector (界別分組) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

subsector final register (界別分組正式投票人登記冊) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

subsector provisional register (界別分組臨時投票人登記冊) has the meaning assigned to it by section 11(1) of the Schedule to the Ordinance;

subsector register (界別分組投票人登記冊) means a subsector provisional register or a subsector final register.

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

(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.

Section 2A

Cap. 569B

- (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>
section 29(1)(a)(i) of Cap. 541B	sections 3(4)(c)(i), 5(1)(aa) and 7(2)(aa) (<i>15 of 2016 s. 32</i>)
section 29(1)(a)(ii) of Cap. 541B	sections 3(4)(b) and (c)(ii), 5(1)(ab) and 7(2)(ab) (<i>15 of 2016 s. 32</i>)
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—

Section 2A

Cap. 569B

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).

Section 2A

Cap. 569B

- (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 provision.
- (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.

Section 2A

Cap. 569B

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) (15 of 2016 s. 32)
11 July	sections 5(1)(ab) and 7(2)(ab) (15 of 2016 s. 32)
(9) Subsections (2) and (3) are subject to sections 3(5A) and 7(2A).	
(10) <i>(Repealed 15 of 2016 s. 32)</i>	
	(12 of 2014 s. 24)

3. Fixing of hearing and notifying appellant thereof

- (1) Where the Revising Officer receives a copy of a notice of appeal or a notice of claim or a notice of objection from the

Electoral Registration Officer, the Revising Officer shall, as soon as practicable—

- (a) subject to subsections (3), (4) and (5), fix a date, time and place for holding a hearing as regards the appeal or the claim or the objection to which the notice relates; and
- (b) send by registered post, a notice under subsection (2)— (*L.N. 27 of 2003*)
 - (i) to the appellant concerned to the address furnished as his address in the notice of appeal or the notice of claim or the notice of objection, as the case may be; and
 - (ii) in the case of a notice of objection, in addition to the appellant, to the person in respect of whom the objection is made.
- (2) A notice for the purposes of subsection (1)(b) shall—
 - (a) state that a hearing is to be held as regards the notice of appeal or the notice of claim or the notice of objection, as the case may be;
 - (b) specify the date, time and place fixed under subsection (1)(a) for such hearing;
 - (c) state that the appellant or the person in respect of whom the objection is made, as the case may be—
 - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the appeal or claim or objection concerned, as the case may be;
 - (ii) may be represented at such hearing by a legal practitioner or any other person (authorized in writing by the appellant or the person in respect

of whom the objection is made, as may be appropriate) who may make representations on his behalf; or

- (iii) whether or not he appears or is represented, may make representations in writing regarding the appeal or claim or objection concerned and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer before the date fixed for the hearing; and (*L.N. 243 of 2001*)
 - (d) in the case of a notice sent to an appellant, state that if the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and if the appellant—
 - (i) does not appear at the hearing;
 - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
 - (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer before the date of the hearing, (*L.N. 243 of 2001*)
- the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand.
- (3) Where a copy of a notice of appeal is received by the Revising Officer—
 - (a) on a date not later than the eighth day before the polling date for the subsector concerned, the date fixed under subsection (1)(a) as regards that notice shall be a date

Section 3

Cap. 569B

- within a period of 21 days beginning from 25 days before such polling date; and (*L.N. 243 of 2001*)
- (b) on a date later than the eighth day before the polling date for the subsector concerned, the date fixed under subsection (1)(a) as regards that notice shall be— (*L.N. 243 of 2001; L.N. 27 of 2003*)
- (i) where the copy of the notice is so received on or before 8 September in a District Council election year, a date within a period of 28 days ending on 11 September in that year;
- (ii) where the copy of the notice is so received after 8 September in a District Council election year, a date within a period of 27 days ending on 11 July in the next following year;
- (iii) where the copy of the notice is so received on or before 8 July in any year which is not a District Council election year, a date within a period of 27 days ending on 11 July in that year; or
- (iv) where the copy of the notice is so received after 8 July in any year which is not a District Council election year—
- (A) a date within a period of 28 days ending on 11 September in the next following year, if that following year is a District Council election year; or
- (B) a date within a period of 27 days ending on 11 July in the next following year, if that following year is not a District Council election year. (*L.N. 27 of 2003*)

Section 3

Cap. 569B

- (4) Where a copy of a notice of claim or a notice of objection as regards an entry, or registration, in a subsector register, is received by the Revising Officer—
- (a) (*Repealed 1 of 2011 s. 16*)
- (ab) during the period beginning on 3 July 2014 and ending on 2 September 2015, the date fixed under subsection (1)(a) as regards that notice must be a date between 1 August 2015 and 11 September 2015 (both dates inclusive); (*12 of 2014 s. 172*)
- (b) during the period beginning on 3 September in any year subsequent to 2014, if that subsequent year is a District Council election year, and ending on 2 July in the year following that subsequent year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 June and 11 July (both dates inclusive) in that following year; or
- (c) during the period beginning on 3 July in any year subsequent to 2014, if that subsequent year is not a District Council election year, and— (*12 of 2014 s. 172*)
- (i) ending on 2 September in the year following that subsequent year, if that following year is a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 August and 11 September (both dates inclusive) in that following year; or
- (ii) ending on 2 July in the year following that subsequent year, if that following year is not a District Council election year, the date fixed under subsection (1)(a) as regards that notice shall be a date between 1 June and 11 July (both dates inclusive) in that following year,

Section 3

Cap. 569B

which date so fixed in accordance with paragraph (b) or (c)(i) or (ii), as the case may be, shall not be earlier than the third day after the day on which the copy of the notice is so received. (*L.N. 27 of 2003; 1 of 2011 s. 16; 12 of 2014 s. 172*)

- (5) Where a copy of a notice of claim or a notice of objection as regards an entry, or registration, in an Election Committee register, is received by the Revising Officer not later than the tenth day after the date of publication of the relevant Election Committee provisional register, the date fixed under subsection (1)(a) as regards that notice shall be a date within the period of 20 days after that date of publication, which date so fixed shall not be earlier than the third day after the day on which the copy of the notice is received. (*15 of 2016 s. 33*)

(5A) Despite subsections (3), (4) and (5) and section 6, if— (*15 of 2016 s. 33*)

- (a) the date fixed under subsection (1)(a) for a hearing—
- (i) is the last day of the period specified in subsection (3)(a) or (b)(i), (ii), (iii) or (iv)(A) or (B), (4)(ab), (b) or (c)(i) or (ii) or (5); or (*15 of 2016 s. 33*)
 - (ii) is postponed under section 2A to or beyond the last day of the period mentioned in subparagraph (i); and
- (b) the deadline for the making of representations in writing to the Revising Officer under this section is postponed under section 2A to that hearing day,

the Revising Officer may, in his or her discretion, postpone the hearing to the next working day, which is not an inclement weather warning day, following that postponed deadline. (*12 of 2014 s. 25*)

Section 4

Cap. 569B

- (6) As regards any notice of appeal or notice of claim or notice of objection—
- (a) in the case where the Electoral Registration Officer does not make representations to the Revising Officer at the hearing and the appellant—
 - (i) does not appear at the hearing;
 - (ii) is not represented by a legal practitioner or any other person (authorized in writing by the appellant) at the hearing; and
 - (iii) does not make representations in writing regarding the appeal or claim or objection concerned to be received by the Revising Officer before the date of the hearing, (*L.N. 243 of 2001*)the decision of the Electoral Registration Officer to which the notice of appeal or the notice of claim or the notice of objection (as the case may be) relates, shall stand; or
 - (b) in any other case, the Revising Officer shall make a ruling either allowing or dismissing the appeal or the claim or the objection, as the case may be, to which that notice relates.

(7) In this section—

inclement weather warning day (惡劣天氣警告日) has the meaning given by section 2A(1);

working day (工作日) has the meaning given by section 2A(1). (*12 of 2014 s. 25*)

4. Appellant to be notified of ruling

Where—

Section 5

Cap. 569B

- (a) the decision of the Electoral Registration Officer stands pursuant to section 3(6)(a); or
- (b) the Revising Officer makes a ruling under section 3(6)(b),
the Revising Officer shall notify the appellant at the address as referred to in section 3(1)(b) and where appropriate, the person in respect of whom the objection is made, by registered post, that such decision shall stand or of his ruling, as may be appropriate.

(L.N. 27 of 2003)

5. Electoral Registration Officer to be notified of rulings

- (1) The Revising Officer shall, as regards those hearings held pursuant to section 3 and concluded— *(15 of 2016 s.34)*
 - (aa) during the period beginning on 1 August in a District Council election year and ending on 11 September in that year, notify the Electoral Registration Officer on or before 17 September in that year; *(L.N. 27 of 2003; 12 of 2014 s. 173)*
 - (ab) during the period beginning on 1 June in any year which is not a District Council election year and ending on 11 July in that year, notify the Electoral Registration Officer on or before 17 July in that year; *(L.N. 27 of 2003; 12 of 2014 s. 173)*
 - (a) during the period referred to in section 3(3)(a), notify the Electoral Registration Officer on a date at least 3 days (excluding any general holiday) before the polling date for the subsector concerned; *(12 of 2014 s. 26; 15 of 2016 s. 34)*
 - (b) during the period referred to in section 3(3)(b)(ii), (iii) or (iv)(B), as the case may be, notify the Electoral

Section 5

Cap. 569B

- Registration Officer not later than 17 July in the same year; *(L.N. 27 of 2003; 12 of 2014 s. 26)*
- (c) during the period referred to in section 3(3)(b)(i) or (iv)(A), as the case may be, notify the Electoral Registration Officer not later than 17 September in the same year; or *(L.N. 27 of 2003; 12 of 2014 s. 26)*
- (d)-(e) *(Repealed L.N. 27 of 2003)*
- (f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5), notify the Electoral Registration Officer not later than the twenty-first day after that date of publication,
in relation to each notice of appeal or notice of claim or notice of objection concerned, that the decision of the Electoral Registration Officer shall stand pursuant to section 3(6)(a), or of the ruling of the Revising Officer under section 3(6)(b), as may be appropriate.
- (2) Despite subsection (1)(f), if a hearing is postponed under section 2A or 3(5A) and concluded on a date later than the twentieth day after the date of publication mentioned in that subsection, the Revising Officer may give notification under that subsection on or before the next working day which is not an inclement weather warning day, following the date on which the hearing is concluded. *(15 of 2016 s. 34)*
- (3) In this section—
inclement weather warning day (惡劣天氣警告日) has the meaning given by section 2A(1);
working day (工作日) has the meaning given by section 2A(1). *(15 of 2016 s. 34)*

Section 7

Cap. 569B

7. Review of rulings by Revising Officer

- (1) The Revising Officer may, subject to subsection (2), and on his own initiative or for good cause shown by the Electoral Registration Officer or the appellant or the person in respect of whom the objection is made, review any ruling made under section 3(6)(b), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.
- (2) A ruling under section 3(6)(b) made—
 - (aa) during the period beginning on 1 August in a District Council election year and ending on 11 September in that year may only be reviewed during that period; (*L.N. 27 of 2003; 12 of 2014 s. 174*)
 - (ab) during the period beginning on 1 June in any year which is not a District Council election year and ending on 11 July in that year may only be reviewed during that period; (*L.N. 27 of 2003; 12 of 2014 s. 174*)
 - (a) during the period referred to in section 3(3)(a) may only be reviewed during that period; (*12 of 2014 s. 27*)
 - (b) during the period referred to in— (*12 of 2014 s. 27*)
 - (i) section 3(3)(b)(ii) may only be reviewed during that period;
 - (ii) section 3(3)(b)(iii) may only be reviewed during that period; or
 - (iii) section 3(3)(b)(iv)(B) may only be reviewed during that period; (*L.N. 27 of 2003*)
 - (c) during the period referred to in— (*12 of 2014 s. 27*)
 - (i) section 3(3)(b)(i) may only be reviewed during that period; or
 - (ii) section 3(3)(b)(iv)(A) may only be reviewed during that period; or (*L.N. 27 of 2003*)

Section 7

Cap. 569B

(d)-(e) (*Repealed L.N. 27 of 2003*)

- (f) not later than the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5) may only be reviewed during the period of 20 days after that date of publication.
- (2A) Despite subsection (2), if the conditions under section 3(5A)(a)(i) or (ii) and (b) are met, the period for a review of the ruling in respect of the appeal, claim or objection in question is extended to the next working day, which is not an inclement weather warning day, following the postponed deadline for the making of representations in writing to the Revising Officer specified in section 3(5A) in relation to that appeal, claim or objection. (*12 of 2014 s. 27*)
- (2B) A ruling made or reviewed after 11 September in a District Council election year because of an extension under subsection (2A) is deemed, for sections 35(5)(a) and 36(5)(a) of 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), to be made on 11 September in that year. (*12 of 2014 s. 27*)
- (2C) A ruling made or reviewed after 11 July in a year which is not a District Council election year because of an extension under subsection (2A) is deemed, for sections 35(5)(b) and 36(5)(b) of 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), to be made on 11 July in that year. (*12 of 2014 s. 27*)
- (2D) A ruling made or reviewed after the twentieth day after the date of publication of the relevant Election Committee provisional register as referred to in section 3(5) because of

Section 7

Cap. 569B

an extension under subsection (2A) is deemed, for section 37(1E) of 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), to be made not later than the twentieth day after that date. (15 of 2016 s. 35)

- (3) In the case where the Revising Officer decides to review any ruling made under section 3(6)(b), he shall determine the procedure for such review.
- (4) In this section—
inclement weather warning day (惡劣天氣警告日) has the meaning given by section 2A(1);
working day (工作日) has the meaning given by section 2A(1). (12 of 2014 s. 27)

Section 2

Cap. 569C

Election Committee (Subscribers and Election Deposit for Nomination) Regulation

(Cap. 569 sub. leg. C)

2. Interpretation

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.

Rural Representative Election Ordinance
(Cap. 576)

2. Interpretation

- (1) In this Ordinance, unless the context otherwise requires—

identity card (身分證) means—

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

identity document (身分證明文件) means—

- (a) an identity card; or
- (b) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity;

53. Appointment of Revising Officer

- (1) The Chief Justice may appoint any magistrate to be a Revising Officer for the purposes of this Ordinance.
- (2) If no appointment is made under subsection (1), the Registrar of the High Court is taken to be a Revising Officer.
- (3) A Revising Officer has such functions as are imposed or conferred on the Officer by or under this Ordinance.
- (4) A Revising Officer has, when performing the Officer's functions, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap. 227).

Rural Representative Election (Registration of Electors) (Appeals) Regulation

(Cap. 576 sub. leg. A)

2. Fixing a hearing date and notifying the appellant

- (1) When the Revising Officer receives a copy of a notice of claim or a notice of objection from the Electoral Registration Officer, he shall, as soon as practicable—
 - (a) subject to subsection (5), fix a date, time and place for holding a hearing in respect of the claim or the objection to which the notice relates; and (*12 of 2009 s. 16*)
 - (b) send by post, a notice of hearing—
 - (i) to the appellant; and
 - (ii) if the hearing is in respect of a notice of objection, also to the person in respect of whom the objection is made.
- (2) A notice of hearing sent to a party shall—
 - (a) state that a hearing is to be held in respect of the claim or the objection;
 - (b) specify the date, time and place fixed for the hearing; and
 - (c) state that the party—
 - (i) may appear in person at the hearing and make representations to the Revising Officer regarding the claim or objection;
 - (ii) may be represented at the hearing by a legal practitioner or an authorized representative who may make representations on his behalf; or

- (iii) whether or not he appears or is represented, may make representations in writing regarding the claim or objection and submit them, by post or by hand, at an address (which shall be specified in the notice) to reach the Revising Officer not later than 1 day before the date fixed for the hearing.
- (2A) Despite subsection (5) and section 6, if—
 - (a) the date fixed under subsection (1)(a) for a hearing—
 - (i) is the last day of the period specified in subsection (5)(a); or
 - (ii) is postponed under section 1A to or beyond the last day of the period specified in subsection (5)(a); and
 - (b) the deadline for the making of representations in writing to the Revising Officer under section 3(1)(b)(iii) is postponed under section 1A to that hearing day, the Revising Officer may, in his or her discretion, postpone the hearing to the next working day, which is not an inclement weather warning day, following that postponed deadline. (*12 of 2014 s. 30*)
- (3) A notice of hearing sent to an appellant shall also state that if—
 - (a) the Electoral Registration Officer does not make representations to the Revising Officer at the hearing; and
 - (b) the appellant—
 - (i) does not appear at the hearing;
 - (ii) is not represented at the hearing by a legal practitioner or an authorized representative; and

Section 3

Cap. 576A

- (iii) does not make representations in writing regarding the claim or objection to be received by the Revising Officer not later than 1 day before the hearing date,

the decision of the Electoral Registration Officer to which the notice of claim or the notice of objection relates shall stand.

(4) *(Repealed 12 of 2009 s. 16)*

- (5) If a notice of claim or a notice of objection is lodged under Part 5 of the EAC Regulation in respect of a provisional register on or before 9 September of the year for which the relevant register is being compiled, the hearing date in respect of that notice— *(12 of 2009 s. 16)*

- (a) shall be after 27 August but not later than 23 September in that year; and
- (b) shall not be earlier than the third day after the day on which a copy of the notice is received by the Revising Officer. *(12 of 2009 s. 16)*

- (6) In this section—

inclement weather warning day (惡劣天氣警告日) has the meaning given by section 1A(1);

working day (工作日) has the meaning given by section 1A(1). *(12 of 2014 s. 30)*

3. Disposal of appeal

- (1) If, in respect of a claim or objection fixed for hearing—
 - (a) the Electoral Registration Officer does not make representations to the Revising Officer at the hearing; and
 - (b) the appellant—
 - (i) does not appear at the hearing;

Section 3

Cap. 576A

- (ii) is not represented at the hearing by a legal practitioner or an authorized representative; and
- (iii) does not make representations in writing regarding the claim or objection to be received by the Revising Officer not later than 1 day before the hearing date,

the decision of the Electoral Registration Officer to which the notice of claim or the notice of objection relates shall stand.

- (2) In a case other than that referred to in subsection (1), the Revising Officer shall make a ruling allowing or dismissing the claim or the objection.

4. Revising Officers notify parties of outcome of appeal

- (1) If the Electoral Registration Officer's decision stands pursuant to section 3(1), the Revising Officer shall notify the appellant and, if applicable, the person in respect of whom the objection is made.
- (2) If the Revising Officer makes a ruling under section 3(2), the Revising Officer shall notify the appellant and, if applicable, the person in respect of whom the decision is made, of the ruling.
- (3) A notification under subsection (1) or (2) shall be sent by post or facsimile transmission to—
 - (a) the appellant;
 - (b) the person in respect of whom the objection is made, if applicable;
 - (c) the legal practitioner who represented the party at the hearing; or
 - (d) the authorized representative of the party concerned.
- (4) The appellant or the person in respect of whom the objection is made, as the case may be, may apply for a review of the

ruling made by the Revising Officer under section 3(2) not later than 4 days after the date on which the notification under subsection (3) is sent. *(12 of 2009 s. 17)*

- (5) An application under subsection (4) shall be made in such form as may be specified by the Electoral Registration Officer.

7. Review of rulings by Revising Officer

- (1) Subject to subsection (2), the Revising Officer may—
- (a) on his own initiative;
 - (b) for good cause shown by the Electoral Registration Officer; or
 - (c) on application under section 4(4) by—
 - (i) an appellant; or
 - (ii) a person in respect of whom the objection is made, review any ruling made under section 3(2), and for that purpose may rehear the matter wholly or in part and reverse or confirm his previous ruling.
- (2) A ruling made under section 3(2) may only be reviewed on or before 5 October in the year in which the ruling is made. *(12 of 2009 s. 19)*
- (3) The Revising Officer shall determine the procedure for a review under subsection (1).