

LEGISLATIVE COUNCIL BRIEF

Electoral Affairs Commission Ordinance (Cap. 541)

ELECTORAL AFFAIRS COMMISSION (REGISTRATION OF ELECTORS) (RURAL REPRESENTATIVE ELECTION) (AMENDMENT) REGULATION 2021

ELECTORAL PROCEDURE (RURAL REPRESENTATIVE ELECTION) (AMENDMENT) REGULATION 2021

INTRODUCTION

On 16 August 2021, the Electoral Affairs Commission (“EAC”) made two amendment regulations at **Annexes A and B** (“Amendment Regulations”) to amend two regulations under the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”). The amendments aim to improve the electoral and voter registration (“VR”) arrangements of the Rural Representative Election (“RRE”).

2. The Amendment Regulations comprise the following amendments –

- (a) to enhance the inspection and compilation of the registers of electors;
- (b) to extend the address proof to new VR registration applications for Resident Representative (“ReR”) and Kaifong Representative (“KFR”) elections;
- (c) to revise the VR deadlines;
- (d) to revise the requirements on disclosure of personal data;
- (e) to enable the Home Affairs Department (“HAD”) to set up polling-cum-counting stations;
- (f) to allow the use of electronic poll register (“EPR”) in RRE;

- (g) to empower Presiding Officers (“PROs”) to set up a special queue for electors in need; and
- (h) to empower the Director of Home Affairs (“DHA”) to require schools and non-government organisations (“NGOs”) receiving grants from the Government to make available their premises for use as polling station(s) and/or counting station(s).

JUSTIFICATIONS

3. Following the enhancement of electoral procedures and arrangement for Legislative Council Election, Election Committee Subsector Elections and District Council Election by the enactment of the Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2019 and the Improving Electoral System (Consolidated Amendments) Ordinance 2021, we should enhance the measures in relation to the conduct of RRE and align the electoral arrangements of RRE with those of other public elections.

(A) To enhance the inspection and compilation of the registers of electors

4. In light of the Court of Appeal’s ruling in a judicial review case lodged by the Junior Police Officers’ Association¹, the inspection of the provisional registers (“PRs”), and the final registers (“FRs”), of electors for Legislative Council / District Council geographical constituencies is limited to the press, validly nominated candidates and political parties.

5. For RRE, we have currently put in place administrative measures. Apart from allowing inspection by the press², political parties³ and validly nominated candidates, we have also made the relevant PRs and FRs of electors (collectively “the Registers”) available for inspection by Heung Yee Kuk (“HYK”), Rural Committees (“RC”), indigenous inhabitants

¹ *Junior Police Officers’ Association of the Hong Kong Police Force and Another v Electoral Affairs Commission and Others* [2020] HKCA 352

² The press refer to persons who are subscribers to the Government News and Media Information System maintained by the Director of Information Services.

³ Political parties refer to bodies or organisations that are incorporated, or are registered or exempt from registration, under any law of Hong Kong and-

- (i) were provided an extract of the Registers for a purpose related to a previous election;
- (ii) were represented by a validly nominated candidate at a previous election; or
- (iii) have publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election.

("IIs") of the Indigenous Village ("IV") or Composite IV concerned and residents of the Existing Village ("EV") or Market Town ("MT") concerned. This wider scope of inspection parties is to ensure an effective mechanism for the relevant bodies/persons to detect vote-rigging and irregularities in VR in relation to RRE. We consider the existing measures should be maintained and specified in the law.

6. To strike a balance between ensuring a transparent mechanism for inspecting the Registers and protecting personal privacy, we propose amending relevant provisions to introduce enhancement measures for inspection and compilation of the Registers. These include limiting inspection of the Registers to the following *specified persons* –

- (a) the press that subscribe to the Government News and Media Information System maintained by the Director of Information Services;
- (b) validly nominated candidates;
- (c) political parties;
- (d) HYK;
- (e) RC of the concerned Rural Areas;
- (f) IIs of the concerned IVs/Composite IVs; and
- (g) residents of the concerned EVs or MTs.

7. Apart from registration, the existing legislation empowers an Electoral Registration Officer ("ERO") to make available the extract of a PR or a FR, for any purpose related to an election, to any person that the ERO considers appropriate. We propose the following –

- (a) The extracts of a PR will be provided to the political parties, same as in other public elections. We also suggest the ERO would still retain a residual discretion to make available an extract, for the purpose of maintaining the accuracy of a PR, to the IIs of the IV or Composite IV concerned or residents of the EV/MT concerned. For Indigenous Inhabitant Representative ("IIR") election, past experience showed that some applicants might request an extract of the PR of the

entire village in order to trace those electors' lineage for lodging objections to the Revising Officer. As for ReR and KFR elections, because of the stringent three-year residency requirement, the provision of an extract of the Register to the residents of the EV/MT concerned could facilitate the residents concerned to report any irregular cases.

- (b) The extracts of an FR will be made available, for any purpose related to an election, to the political parties as well as the validly nominated candidates so as to align with other public elections.

(B) To extend the address proof to new VR applications for ReR and KFR elections

8. With a view to being in line with other public elections and ensuring the accuracy of the register of electors, we propose amending relevant provisions to extend the requirement to submit address proof from currently applicable to change of particulars applications to cover all new VR applications (i.e. new registration (“NR”)) for ReR and KFR. This measure would enable HAD to reliably verify all of the applicants' addresses before entering them into the Registers, thereby effectively contributing to the transparency of elections. However, the requirement will not be applicable to the IIR election as the eligibility for inclusion in the Registers for IV is determined by the applicants' lineage instead of residence.

(C) To revise the VR deadlines from 1 January 2022 onwards

9. Making reference to the previous arrangement made when introducing the address proof requirement for change of registered address on 1 February 2018, the statutory deadline for NR will be advanced by one month, so as to allow HAD to have sufficient time to vet the address proofs in new VR applications received for compiling the PR. We propose that the statutory deadline for NR applications will be advanced by one month, i.e. from 16 July to 16 June. For the sake of consistency, the revised statutory deadline for NR applications will be applicable to the three types of election, i.e. IIR, ReR and KFR. In addition, the statutory deadline for change of principal particular or other particulars for IIR election will be aligned so as to fall on the same date of 16 June. The existing and revised statutory deadlines for VR key procedures as stipulated under relevant provisions are tabulated below –

VR Deadlines	Existing VR deadlines	Revised deadline from 1 January 2022 onwards
ERO to make an inquiry with a registered elector	30 June	30 May
Applications for change of particulars (“COP”)	(a) Change of principal particular: 16 June (b) Change of other particulars: 16 July	16 June
Applications for NR	16 July	16 June
Electors to reply to inquiry letters to maintain their VR status	16 July	16 June
NR and COP applicants to submit further particulars	6 August	Remain to be 6 August
Publication of PR/OL	27 August	Remain to be 27 August
Claims and Objection period	27 August to 9 September	Remain to be from 27 August to 9 September
Publication of FR	20 October	Remain to be 20 October

(D) To revise the requirements on disclosure of personal data

10. To enhance the protection of personal data of candidates participating in RRE, we propose amending the relevant legislative provisions as follows –

- (a) For IIR elections, to replace the requirement for a candidate to provide his or her principal residential address (“PRA”) with the requirement to provide an address as required in the nomination form for IIR elections. Such an address will be published in the gazette notices.

- (b) For ReR and KFR elections, candidates will continue to be required to provide their PRAs in the nomination form, but only part of the PRA, including the region, district, and name of the village/market town concerned, will be published in the gazette notices.
- (c) To lift the requirement for Returning Officers (“RO”) to disclose the identity card numbers of election agents to candidates.

(E) To enable HAD to set up polling-cum-counting stations

11. Section 20(5) of the Rural Representative Election Ordinance (Cap. 576) (“RREO”) provides that the date of the Rural Ordinary Election (“ROE”) is not to be earlier than three months and not later than one month before the new term of office of the Rural Representative concerned is to begin. It is our plan to improve the polling arrangement by reducing the number of polling day from 12 days in 2003 to one day in 2023.

12. Under the current arrangement, the counting of votes of the Village Representative Elections for villages within the same RC is conducted centrally in the same counting station and the RO concerned is responsible for the counting arrangements and monitoring the count. To speed up the counting process and for the sake of public health, we propose that the PROs, instead of the ROs, should be responsible for the counting of votes. The polling stations should also serve as counting stations. That said, if a polling station is not suitable to be used as a counting station because of its limited size, the DHA will designate another venue as the counting station for that village. It follows that the PRO of that polling station will also relocate to that venue to count the votes cast at his/her polling station. We propose to introduce the following legislative amendments to provide flexibility to conduct polling and counting in RRE, namely –

- (a) amending the definition “PRO” to reflect that the DHA may appoint a person as the PRO for a counting station. The Chinese title of PRO will also be amended from “投票站主任” to “票站主任” so as to suit the case of a PRO of a polling station or of a counting station;
- (b) adding a new defined term of “Officer-in-charge” (“主管”) to refer to the officer in charge of a station in relation to the

counting of votes who may be the RO, the PRO of a counting station (if appointed) or the Assistant RO of a ballot paper sorting station (as the case may be); and

- (c) specifying the duties and authorities of the Officer-in-charge of a counting station such as opening sealed ballot boxes, determining the validity of questionable ballot papers, receiving notices of appointment or revocation of the appointment of counting agent, granting permission to enter or stay in a counting zone and deciding the adjournment of the counting of the votes at that counting station.

13. As for KFR Elections, considering the large number of the electorate⁴, representatives to be elected⁵ and candidates involved, we propose to maintain the status quo that RO continues to perform his/her role in relation to the counting station of the MT concerned.

(F) To allow the use of EPR in RRE

14. In order to improve the efficiency and accuracy of the current ballot paper issuing mechanism and to align with the arrangements of other public elections, we propose amending relevant provisions to –

- (a) create new provisions to enable the creation of the FR electronic copy or extract for polling purpose; stipulate the permitted use of the FR electronic copy or extract; grant the EAC the authority to allow access to the FR electronic copy or extract for specific purposes (such as for technical maintenance and for polling use); and provide for the offences of obtaining access without legal authority and of damaging data or information in, or tampering with, the FR electronic copy or extract. Either offence carries a penalty of imprisonment of up to two years without a corresponding fine;
- (b) amend the manner of making a record in the FR before issuance of ballot papers to electors to accommodate the use of EPR; and

⁴ According to the 2020 FR, Cheung Chau (“CC”) MT has 6 857 registered electors and Peng Chau (“PC”) MT has 2 264 registered electors.

⁵ CCMT and PCMT have 39 KFR seats and 17 KFR seats respectively.

- (c) provide for the sealing of the FR in printed form in packets (if used) at the close of the poll and the retention of FR (whether in printed or electronic form) for at least six months after a poll before destruction.

(G) To empower PROs to set up a special queue for electors in need

15. To align with other public elections, we propose that a new provision be added in the relevant subsidiary legislation to empower PROs to set up a special queue for electors in need, namely electors aged 70 or above, pregnant women, and persons who are not able to queue for a long time or have difficulty in queuing due to illness, injury, disability or mobility aids. In actual operation, these electors will be assigned to a priority queue for receiving the ballot papers.

(H) To empower DHA to require schools and NGOs receiving grants from the Government to make available their premises for use as polling station(s) and/or counting station(s)

16. Similar to other public elections, in order to secure sufficient polling stations for RRE, we propose introducing legislative amendments to the relevant provisions to –

- (a) empower the DHA to require the owner or occupier of schools and NGOs receiving grants from the Government to make available their premises as a polling station and/or a counting station in RRE. As a matter of administrative arrangements, exceptions will be made for hospitals, clinics and places of worship;
- (b) allow persons authorised by the DHA to conduct site visits, carry out preparatory work and store materials at the premises;
- (c) require the DHA to pay the relevant schools and NGOs a reasonable user fee for the period during which the premises are used as a polling station and/or a counting station; and
- (d) impose a financial penalty of \$50,000 (which will be recoverable as a civil debt due to the Government) for non-compliance.

THE AMENDMENT REGULATIONS

17. The two Amendment Regulations seek to amend the following Regulations under the EACO to implement respectively the proposals set out in paragraphs 4 to 9 and those in paragraphs 10 to 16 –

- (a) Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K); and
- (b) the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L)

LEGISLATIVE TIMETABLE

18. The Amendment Regulations will be published in the Gazette on 20 August 2021 and tabled at the Legislative Council (“LegCo”) on 25 August 2021 for negative vetting. Subject to negative vetting by the LegCo, the Amendment Regulations will come into operation on 1 January 2022.

IMPLICATIONS OF THE AMENDMENT REGULATIONS

19. The Amendment Regulations are in conformity with the Basic Law, including the provisions concerning human rights. They have no economic, productivity, environmental, sustainability or family implications. The amendments will not affect the current binding effect of the respective Regulations.

20. HAD will absorb the additional requirements for taking forward the new improvement measures as far as possible and will include the necessary provision in the Estimates of the relevant financial years to meet the cost arising from the organisation of ROE in 2023. If necessary, HAD will seek additional resources with full justifications in accordance with the established mechanism.

GENDER IMPLICATION

21. 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. The current proposal does not affect the equal rights of men and women in voting and standing for election and therefore, does not have any gender implication.

PUBLIC CONSULTATION

22. We consulted the HYK who was generally in support of the policies of the Amendment Regulations.

PUBLICITY

23. A press release was issued on 18 August 2021, and a spokesperson will be made available to address public enquiries.

ENQUIRY

24. Any enquiry on the Amendment Regulations can be addressed to Ms Anna Chor, Assistant Director of Home Affairs(1), at 2835 1423.

Home Affairs Department
August 2021

**Electoral Affairs Commission (Registration of Electors)
(Rural Representative Election) (Amendment)
Regulation 2021**

Contents

Section	Page
1. Commencement	1
2. Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation amended	1
3. Section 1 amended (interpretation)	1
4. Section 1A amended (effect of inclement weather warning on date and period).....	2
5. Section 9 amended (when to apply for registration in provisional registers).....	2
6. Section 10 amended (how to apply for registration in provisional register)	2
7. Section 17 amended (ERO may make inquiries about persons registered in existing final register).....	3
8. Section 18 amended (ERO to prepare omissions list).....	3
9. Section 19A amended (application for change of principal particulars in existing final register).....	3

Section	Page
10. Section 20 amended (request for change of other particulars in existing Indigenous Villages and Composite Indigenous Villages final register).....	4
11. Section 20A amended (ERO to correct entries in existing final register when compiling provisional register).....	4
12. Section 21 amended (what is to be contained in provisional register)	5
13. Section 22 amended (ERO to publish notice that provisional register is available for public inspection)	5
14. Section 30 amended (ERO to publish notice of final register and to make final register available for public inspection)	9
15. Section 31 amended (ERO may make extracts of register available for purposes of election)	13

**Electoral Affairs Commission (Registration of Electors)
(Rural Representative Election) (Amendment)
Regulation 2021**

(Made by the Electoral Affairs Commission under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541))

1. Commencement

This Regulation comes into operation on 1 January 2022.

2. Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation amended

The Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K) is amended as set out in sections 3 to 15.

3. Section 1 amended (interpretation)

Section 1(1)—

Add in alphabetical order

“indigenous inhabitant” (原居民) has the same meaning as in section 2(1) of the Election Ordinance;

resident (居民) has the same meaning as in section 2(1) of the Election Ordinance;

rural by-election (鄉郊補選) has the same meaning as in section 2(1) of the Election Ordinance;

Rural Committee (鄉事委員會) has the same meaning as in section 2(1) of the Election Ordinance;

rural ordinary election (鄉郊一般選舉) has the same meaning as in section 2(1) of the Election Ordinance;”.

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

Section 1A(5)—

Repeal

“July” (wherever appearing)

Substitute

“June”.

5. Section 9 amended (when to apply for registration in provisional registers)

(1) Section 9(1)—

Repeal

“July”

Substitute

“June”.

(2) Section 9(2)—

Repeal

“July” (wherever appearing)

Substitute

“June”.

6. Section 10 amended (how to apply for registration in provisional register)

After section 10(1)—

Add

“(1A) For an application for registration in the Existing Villages provisional register or the Market Towns provisional register, the ERO may require the applicant to submit

together with the application documentary evidence that proves that the address stated in the application is the principal residential address of the applicant.”.

7. **Section 17 amended (ERO may make inquiries about persons registered in existing final register)**

Section 17(3)—

Repeal

“June”

Substitute

“May”.

8. **Section 18 amended (ERO to prepare omissions list)**

(1) Section 18(2)—

Repeal

“June”

Substitute

“May”.

(2) Section 18(2)(a), (2A)(b), (3) and (6)—

Repeal

“July”

Substitute

“June”.

9. **Section 19A amended (application for change of principal particulars in existing final register)**

Section 19A(3)—

Repeal

“, in the application,”.

10. **Section 20 amended (request for change of other particulars in existing Indigenous Villages and Composite Indigenous Villages final register)**

Section 20—

Repeal subsection (7)

Substitute

“(7) For the purposes of subsection (2), the period is—

- (a) in relation to the compilation of the provisional register for 2022—from 17 July 2021 to 16 June 2022; or
- (b) in relation to the compilation of any subsequent provisional register—from 17 June of the preceding year to 16 June of the current year.”.

11. **Section 20A amended (ERO to correct entries in existing final register when compiling provisional register)**

Section 20A(3), definition of *specified period*—

Repeal

everything after “means”

Substitute

“—

- (a) in relation to the compilation of the provisional register for 2022—the period beginning on 17 July 2021 and ending on 16 June 2022; or
- (b) in relation to the compilation of any subsequent provisional register—the period beginning on 17

June of the preceding year and ending on 16 June of the current year.”.

12. Section 21 amended (what is to be contained in provisional register)

Section 21(2)(c)—

Repeal

everything after “during”

Substitute

“—

- (i) in relation to the compilation of the provisional register for 2022—the period beginning on 17 July 2021 and ending on 16 June 2022; or
- (ii) in relation to the compilation of any subsequent provisional register—the period beginning on 17 June of the preceding year and ending on 16 June of the current year.”.

13. Section 22 amended (ERO to publish notice that provisional register is available for public inspection)

(1) Section 22, heading—

Repeal

“public inspection”

Substitute

“inspection by specified persons”.

(2) Section 22(3)(a)—

Repeal

“public inspection”

Substitute

“inspection by specified persons”.

(3) Section 22(3)(b)—

Repeal

“by the public”.

(4) Section 22(4)—

Repeal

“public inspection,”

Substitute

“inspection by specified persons”.

(5) Section 22—

Repeal subsection (5)

Substitute

“(5) The ERO may, if the ERO considers appropriate, make a copy of a specific part or division of the provisional register (*additional copy*) available for inspection by specified persons—

- (a) during the period, and at the time, determined by the ERO; and
- (b) at a place in addition to the place or places specified in a notice published under this section.”.

(6) Section 22(5A)—

Repeal

“public” (wherever appearing).

(7) After section 22(5A)—

Add

- “(5B) A person falling within paragraph (d), (e), (f) or (g) of the definition of *specified person* in subsection (7) may, in that capacity, inspect under this section only—
- (a) for a Rural Committee in respect of a Rural Area—a copy of the specific division of the provisional register that relates to the Rural Area;
 - (b) for a resident of an Existing Village—a copy of the specific division of the provisional register that relates to the Existing Village;
 - (c) for an indigenous inhabitant of an Indigenous Village or a Composite Indigenous Village—a copy of the specific division of the provisional register that relates to the Indigenous Village or the Composite Indigenous Village; or
 - (d) for a resident of a Market Town—a copy of the specific division of the provisional register that relates to the Market Town.
- (5C) A person falling within paragraph (a), (b), (c) or (d) of the definition of *specified person* in subsection (7) may only make an inspection under subsection (4), (5) or (5A) through an individual duly authorized by the person.”.

(8) Section 22—

Repeal subsection (6)

Substitute

- “(6) The ERO may require an individual who wishes to make an inspection under subsection (4), (5) or (5A) to—
- (a) produce to the ERO—
 - (i) the identity document of the individual; and

- (ii) for an individual through whom the person who intends to make the inspection pursuant to subsection (5C) acts—the authorization given by the person to the individual for the purposes of subsection (5C); and
 - (b) complete a form furnished by the ERO.
- (7) In this section—
- candidate* (候選人) has the same meaning as in section 2(1) of the Election Ordinance;
- coming election* (下一場選舉), in relation to a provisional register, means any of the following elections that is held within 1 year after the publication date of the register—
- (a) a rural ordinary election;
 - (b) a rural by-election;
- previous election* (先前選舉), in relation to a provisional register, means—
- (a) the last rural ordinary election that was held before the publication date of the register; or
 - (b) any rural by-election that was held after the election mentioned in paragraph (a) and before the publication date of the register;
- publication date* (刊登日期), in relation to a provisional register, means the date on which a notice relating to the register is published in the Gazette under subsection (1);
- specified person* (指明人士), in relation to the inspection of a provisional register or a part of it, means—
- (a) a person who subscribes to the Government News and Media Information System maintained by the Director of Information Services;

- (b) a body or organization that is incorporated, or is registered or exempt from registration, under any law of Hong Kong—
 - (i) to which an extract was made available under section 31(1) for a purpose related to a previous election;
 - (ii) and was represented by a validly nominated candidate at a previous election; or
 - (iii) and has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election;
- (c) the Heung Yee Kuk;
- (d) a Rural Committee;
- (e) a resident of an Existing Village;
- (f) an indigenous inhabitant of an Indigenous Village or a Composite Indigenous Village; or
- (g) a resident of a Market Town.”.

14. Section 30 amended (ERO to publish notice of final register and to make final register available for public inspection)

- (1) Section 30, heading—

Repeal

“public inspection”

Substitute

“inspection by specified persons”.

- (2) Section 30(3)(a)—

Repeal

“public inspection”

Substitute

“inspection by specified persons”.

- (3) Section 30(3)(b)—

Repeal

“by the public”.

- (4) Section 30(4)—

Repeal

“public inspection,”

Substitute

“inspection by specified persons”.

- (5) Section 30—

Repeal subsection (5)

Substitute

“(5) The ERO may, if the ERO considers appropriate, make a copy of a specific part or division of the final register (*additional copy*) available for inspection by specified persons—

- (a) during the period, and at the time, determined by the ERO; and
- (b) at a place in addition to the place or places specified in a notice published under this section.”.

- (6) Section 30(5A)—

Repeal

“public” (wherever appearing).

- (7) After section 30(5A)—

Add

- “(5B) A person falling within paragraph (e), (f), (g) or (h) of the definition of *specified person* in subsection (8) may, in that capacity, inspect under this section only—
- (a) for a Rural Committee in respect of a Rural Area—a copy of the specific division of the final register that relates to the Rural Area;
 - (b) for a resident of an Existing Village—a copy of the specific division of the final register that relates to the Existing Village;
 - (c) for an indigenous inhabitant of an Indigenous Village or a Composite Indigenous Village—a copy of the specific division of the final register that relates to the Indigenous Village or the Composite Indigenous Village; or
 - (d) for a resident of a Market Town—a copy of the specific division of the final register that relates to the Market Town.
- (5C) A person falling within paragraph (a), (b), (d) or (e) of the definition of *specified person* in subsection (8) may only make an inspection under subsection (4), (5) or (5A) through an individual duly authorized by the person.”.
- (8) Section 30—
- Repeal subsection (6)**
- Substitute**
- “(6) The ERO may require an individual who wishes to make an inspection under subsection (4), (5) or (5A) to—
- (a) produce to the ERO—
 - (i) the identity document of the individual; and

- (ii) for an individual through whom the person who intends to make the inspection pursuant to subsection (5C) acts—the authorization given by the person to the individual for the purposes of subsection (5C); and

(b) complete a form furnished by the ERO.”.

- (9) After section 30(7)—

Add

“(8) In this section—

candidate (候選人) has the same meaning as in section 2(1) of the Election Ordinance;

coming election (下一場選舉), in relation to a final register, means any of the following elections that is held within 1 year after the publication date of the register—

- (a) a rural ordinary election;
- (b) a rural by-election;

previous election (先前選舉), in relation to a final register, means—

- (a) the last rural ordinary election that was held before the publication date of the register; or
- (b) any rural by-election that was held after the election mentioned in paragraph (a) and before the publication date of the register;

publication date (刊登日期), in relation to a final register, means the date on which a notice relating to the register is published in the Gazette under subsection (1);

specified person (指明人士), in relation to the inspection of a final register or a part of it, means—

- (a) a person who subscribes to the Government News and Media Information System maintained by the Director of Information Services;
- (b) a body or organization that is incorporated, or is registered or exempt from registration, under any law of Hong Kong—
 - (i) to which an extract was made available under section 31(1) for a purpose related to a previous election;
 - (ii) and was represented by a validly nominated candidate at a previous election; or
 - (iii) and has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election;
- (c) a person who is a validly nominated candidate for a Rural Area at a coming election;
- (d) the Heung Yee Kuk;
- (e) a Rural Committee;
- (f) a resident of an Existing Village;
- (g) an indigenous inhabitant of an Indigenous Village or a Composite Indigenous Village; or
- (h) a resident of a Market Town.”.

15. Section 31 amended (ERO may make extracts of register available for purposes of election)

- (1) Section 31, heading—

Repeal

“extracts of register available”

Substitute

“available extracts of registers to specified persons”.

- (2) Section 31—

Repeal subsection (1)

Substitute

- “(1) The ERO may—

- (a) at any time after the publication of a provisional register, make available to a specified person an extract from the register—

- (i) for any purpose related to an election; or
 - (ii) for the purpose of enabling the specified person to lodge a notice of claim or a notice of objection in relation to the accuracy of any information contained in the register; and

- (b) at any time after the publication of a final register, make available to a specified person an extract from the register for any purpose related to an election.

- (1A) Despite subsection (1), the extract may only be made available to a person falling within paragraph (a)(ii) of the definition of *specified person* in subsection (6) as the ERO considers appropriate.”.

- (3) After section 31(5)—

Add

- “(6) In this section—

specified person (指明人士) means—

- (a) in relation to making available an extract from a provisional register—

- (i) a person who is entitled to make an inspection under section 22(4), (5) or (5A) by virtue of falling within paragraph (b) of the definition of *specified person* in section 22(7); or
 - (ii) a person who is entitled to make an inspection under section 22(4), (5) or (5A) by virtue of falling within paragraph (e), (f) or (g) of the definition of *specified person* in section 22(7); or
- (b) in relation to making available an extract from a final register, a person who is entitled to make an inspection under section 30(4), (5) or (5A) by virtue of falling within paragraph (b) or (c) of the definition of *specified person* in section 30(8).”.

Made this 16th day of August 2021.



The Hon. Mr. Justice
Barnabas Wah FUNG
Chairman,
Electoral Affairs Commission



Arthur Yee-shun LUK
Member,
Electoral Affairs Commission



Daniel Tan-lei SHEK
Member,
Electoral Affairs Commission

Explanatory Note

This Regulation amends the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K).

2. The main purposes of the amendments are—
 - (a) to provide that a provisional register, or a final register, of the electors of an Existing Village, an Indigenous Village, a Composite Indigenous Village or a Market Town within the meaning of section 2(1) of the Rural Representative Election Ordinance (Cap. 576) (*Election Ordinance*) is available for inspection by specified persons only;
 - (b) to extend the address proof requirement to cover new applications for registration in the provisional register of electors for Existing Villages or Market Towns required to be compiled under section 17(1)(a) of the Election Ordinance; and
 - (c) to advance the statutory deadlines in relation to certain elector registration matters.

Electoral Procedure (Rural Representative Election) (Amendment) Regulation 2021

Contents

Section	Page
1. Commencement.....	1
2. Electoral Procedure (Rural Representative Election) Regulation amended	1
3. Section 2 amended (interpretation).....	1
4. Section 3A added.....	4
3A. Interpretation (Part 2)	4
5. Section 7 amended (how to nominate a candidate).....	4
6. Section 12 amended (Returning Officer to notify decision on validity of nomination)	5
7. Section 15 amended (Returning Officer to publish a notice of particulars of validly nominated candidates).....	6
8. Section 16 amended (Returning Officer to declare candidate to be duly elected in uncontested election).....	6
9. Section 17 amended (Returning Officer to notify and declare if a validly nominated candidate is known before date of election to have died).....	7
10. Section 18 amended (Returning Officer to notify and declare if a validly nominated candidate is known before date of	

Section	Page
election to be disqualified).....	8
11. Section 19 amended (Returning Officer to declare no poll under certain circumstances upon death or disqualification of validly nominated candidate known before date of election)	9
12. Section 25 amended (other candidates to be notified of particulars of election agent)	9
13. Section 28 amended (designation of polling stations, ballot paper sorting stations and counting stations)	10
14. Section 28AA added	10
28AA. Director of Home Affairs may require certain premises for use as polling stations or counting stations	11
15. Section 31 amended (appointment of Presiding Officer and polling officers)	13
16. Section 42A added.....	13
42A. Arrangement for giving ballot papers to elderly persons, pregnant women, etc.....	14
17. Section 45 amended (issue of ballot paper)	15
18. Section 53 substituted.....	15
53. Steps to be taken at polling station after close of poll: polling station that is also counting station	16
19. Section 53A added.....	17

Section	Page
53A. Steps to be taken at polling station after close of poll: polling station that is not counting station.....	18
20. Section 55 amended (determination and notice of time of counting of votes)	20
21. Section 56 amended (appointment of counting agent).....	21
22. Section 57 amended (appointment of counting officers)	22
23. Section 58 amended (admission to counting station).....	24
24. Section 59 amended (order at counting station).....	25
25. Section 60 amended (opening a ballot box).....	27
26. Section 60A amended (arrangements for sorting in ballot paper sorting stations).....	28
27. Section 60B added	31
60B. Arrangements for verifying number of ballot papers at certain counting stations	31
28. Section 61 amended (counting of votes).....	34
29. Section 62 amended (ballot papers not to be counted)	36
30. Section 63 amended (determination of validity of questionable ballot papers)	36
31. Section 64 amended (verification of ballot paper account)	38
32. Section 65 substituted	40
65. Result of counting of votes and re-count: 1 counting station	40

Section	Page
33. Sections 65A and 65B added	41
65A. Result of counting of votes and re-count: 2 or more counting stations	41
65B. Conduct of drawing of lots	43
34. Section 67 amended (notice of election result).....	44
35. Section 68 amended (ballot papers to be sealed).....	44
36. Section 69 amended (ballot papers, accounts, packets, etc. to be sent to Director of Home Affairs)	45
37. Section 71 amended (retention of election documents).....	47
38. Section 73 amended (adjournment of polling at a particular polling station or counting of votes at a particular counting station)	48
39. Section 74 amended (publication of postponement or adjournment of polling or counting).....	49
40. Section 75 amended (procedure after adjournment of polling)	49
41. Section 76 amended (procedure after postponement or adjournment of counting)	50
42. Section 82 amended (secrecy)	51
43. Section 84A added	52
84A. Officer-in-charge may perform functions through counting officers.....	52

Section	Page
44. Part 11 added	53
Part 11	
Electronic Copy or Extract of Final Register for Purposes of	
Section 45(8)(b)	
96. Interpretation (Part 11)	53
97. FR electronic copy or extract.....	53
98. Protection of FR electronic copy or extract	54
99. Commission may authorize access to FR electronic copy or extract.....	55
45. “票站主任” substituted for “投票站主任”	55

Electoral Procedure (Rural Representative Election) (Amendment) Regulation 2021

(Made by the Electoral Affairs Commission under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541))

1. Commencement

This Regulation comes into operation on 1 January 2022.

2. Electoral Procedure (Rural Representative Election) Regulation amended

The Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L) is amended as set out in sections 3 to 45.

3. Section 2 amended (interpretation)

(1) Section 2(1)—

**Repeal the definition of *Assistant Presiding Officer*
Substitute**

“*Assistant Presiding Officer* (助理票站主任) means a polling officer designated as an Assistant Presiding Officer under section 31(2)(b);”.

(2) Section 2(1)—

**Repeal the definition of *Deputy Presiding Officer*
Substitute**

“*Deputy Presiding Officer* (副票站主任) means a polling officer designated as a Deputy Presiding Officer under section 31(2)(a);”.

(3) Section 2(1)—

Repeal the definition of *Presiding Officer*

Substitute

“*Presiding Officer* (票站主任) means—

- (a) in relation to a polling station, the person appointed under section 31(1)(a) as the Presiding Officer for that polling station; or
- (b) in relation to a counting station, the person appointed under section 57(1B) as the Presiding Officer for that counting station;”.

(4) Section 2(1), definition of *verification statement*—

Repeal

“60A(d), 61(1A)(a)(iii), (1B)(c), (1C)(b) or (3)(b)”

Substitute

“60A(1)(d), 60B(1)(d), (5)(c) or (6)(c), 61(3)(b)”.

(5) Section 2(1), Chinese text, definition of 選舉事務主任—

Repeal

“投票站主任”

Substitute

“票站主任”.

(6) Section 2(1)—

Add in alphabetical order

“*counting officer* (點票人員), in relation to a counting station, means a person appointed under section 57(1) as a counting officer for that counting station;

Officer-in-charge (主管), in relation to a counting station, means—

- (a) for a counting station other than a ballot paper sorting station—

(i) if a Presiding Officer is appointed under section 57(1B) for that counting station—the Presiding Officer; or

(ii) if no such Presiding Officer is appointed—

(A) if the counting station is used for counting the votes for 1 Rural Area—the Returning Officer appointed for that Rural Area; or

(B) if the counting station is used for counting the votes for more than one Rural Area—any of the Returning Officers appointed for those Rural Areas; or

(b) for a ballot paper sorting station—the Assistant Returning Officer appointed under section 57(1A) to preside at that station;”.

(7) Section 2(3)—

Repeal paragraph (a)**Substitute**

“(a) subject to paragraph (b), a reference to the Returning Officer is, in relation to a Rural Area, a reference to the Returning Officer appointed for that Rural Area; and”.

(8) Section 2(3)(b)—

Repeal

everything after “Officer”

Substitute

“is, in relation to a polling station used for polling for more than one Rural Area, a reference to any of the Returning Officers appointed for those Rural Areas.”.

(9) Section 2(3)—

Repeal paragraphs (c) and (d).**4. Section 3A added**

Part 2, before section 4—

Add**“3A. Interpretation (Part 2)**

In this Part—

relevant particulars (有關詳情), in relation to the principal residential address of a candidate for an election of Resident Representative or Kaifong Representative, means the following particulars of that address—

- (a) the region, and the District as defined by section 2 of the District Councils Ordinance (Cap. 547);
- (b) for an election of Resident Representative for an Existing Village—the name of the Existing Village as specified in column 1 of Schedule 1 to the Election Ordinance;
- (c) for an election of Kaifong Representative for a Market Town—the name of the Market Town as specified in column 1 of Schedule 3A to the Election Ordinance.”.

5. Section 7 amended (how to nominate a candidate)

Section 7(1)—

Repeal paragraphs (c) and (d)**Substitute**

- “(c) contain the following information about the person—
- (i) the name shown on the person’s identity document;
 - (ii) the number of the person’s identity document;

- (iii) for an election of Resident Representative or Kaifong Representative—the person’s principal residential address;
 - (iv) for an election of Indigenous Inhabitant Representative—the person’s address;
- (d) contain the following information about each subscriber to the nomination form—
- (i) the name shown on the subscriber’s identity document;
 - (ii) the number of the subscriber’s identity document;
 - (iii) for an election of Resident Representative or Kaifong Representative—the subscriber’s principal residential address;”.

6. Section 12 amended (Returning Officer to notify decision on validity of nomination)

Section 12—

Repeal subsection (2)**Substitute**

- “(2) A notice under subsection (1) must be sent to—
- (a) for an election of Resident Representative or Kaifong Representative—the principal residential address of the person concerned contained in the nomination form; or
 - (b) for an election of Indigenous Inhabitant Representative—the address of the person concerned contained in the nomination form.”.

7. **Section 15 amended (Returning Officer to publish a notice of particulars of validly nominated candidates)**

Section 15(1)—

Repeal paragraph (c)

Substitute

“(c) state the following information about each validly nominated candidate for election for the Rural Area concerned—

- (i) the candidate’s name;
- (ii) the candidate number;
- (iii) for an election of Resident Representative or Kaifong Representative—the relevant particulars of the candidate’s principal residential address contained in the candidate’s nomination form;
- (iv) for an election of Indigenous Inhabitant Representative—the candidate’s address.”.

8. **Section 16 amended (Returning Officer to declare candidate to be duly elected in uncontested election)**

Section 16(2)—

Repeal paragraph (c)

Substitute

“(c) state the following information about the candidate declared to be duly elected as a Resident Representative, an Indigenous Inhabitant Representative or a Kaifong Representative, as the case may be, for the Rural Area—

- (i) the candidate’s name;
- (ii) for a Resident Representative or Kaifong Representative—the relevant particulars of the

candidate’s principal residential address contained in the candidate’s nomination form;

- (iii) for an Indigenous Inhabitant Representative—the candidate’s address.”.

9. **Section 17 amended (Returning Officer to notify and declare if a validly nominated candidate is known before date of election to have died)**

(1) Section 17(4)—

Repeal paragraph (a)

Substitute

“(a) the following information about the deceased candidate—

- (i) the candidate’s name;
- (ii) for an election of Resident Representative or Kaifong Representative—the relevant particulars of the candidate’s principal residential address contained in the candidate’s nomination form;
- (iii) for an election of Indigenous Inhabitant Representative—the candidate’s address;”.

(2) Section 17(4)—

Repeal paragraph (c)

Substitute

“(c) the following information about each candidate who remains validly nominated for election for the Rural Area—

- (i) the candidate’s name;
- (ii) for an election of Resident Representative or Kaifong Representative—the relevant particulars of

the candidate's principal residential address contained in the candidate's nomination form;

- (iii) for an election of Indigenous Inhabitant Representative—the candidate's address.”.

10. Section 18 amended (Returning Officer to notify and declare if a validly nominated candidate is known before date of election to be disqualified)

(1) Section 18(4)—

Repeal paragraph (a)

Substitute

“(a) the following information about the disqualified candidate—

- (i) the candidate's name;
- (ii) for an election of Resident Representative or Kaifong Representative—the relevant particulars of the candidate's principal residential address contained in the candidate's nomination form;
- (iii) for an election of Indigenous Inhabitant Representative—the candidate's address;”.

(2) Section 18(4)—

Repeal paragraph (d)

Substitute

“(d) the following information about each candidate who remains validly nominated for election for the Rural Area—

- (i) the candidate's name;
- (ii) for an election of Resident Representative or Kaifong Representative—the relevant particulars of

the candidate's principal residential address contained in the candidate's nomination form;

- (iii) for an election of Indigenous Inhabitant Representative—the candidate's address.”.

11. Section 19 amended (Returning Officer to declare no poll under certain circumstances upon death or disqualification of validly nominated candidate known before date of election)

Section 19(3)—

Repeal paragraph (c)

Substitute

“(c) state the following information about each candidate declared to be duly elected as a Rural Representative for the Rural Area—

- (i) the candidate's name;
- (ii) for a Resident Representative or Kaifong Representative—the relevant particulars of the candidate's principal residential address contained in the candidate's nomination form;
- (iii) for an Indigenous Inhabitant Representative—the candidate's address.”.

12. Section 25 amended (other candidates to be notified of particulars of election agent)

Section 25(2)(b)—

Repeal

“, the identity card number”.

13. Section 28 amended (designation of polling stations, ballot paper sorting stations and counting stations)

- (1) After section 28(1)—

Add

“(1AA) The Director of Home Affairs may designate under subsection (1) the same place as a polling station and a counting station.”.

- (2) Section 28(2)(a)—

Repeal

“or”.

- (3) Section 28(2)(b)—

Repeal

“, whether or not hired under subsection (3).”

Substitute

“hired under subsection (3) or that is to be so hired;”.

- (4) After section 28(2)(b)—

Add

- “(c) any school in respect of which a grant is made out of the general revenue;
- (d) a building occupied by an organization, association or body in respect of which a grant is made out of the general revenue; or
- (e) any other structure, premises, whether permanent or temporary, mobile or otherwise, or place, that the Director considers suitable for a purpose specified in subsection (1).”.

14. Section 28AA added

After section 28—

Add

“28AA. Director of Home Affairs may require certain premises for use as polling stations or counting stations

- (1) For the purposes of section 28(1)(a), (b), (c) or (d), the Director of Home Affairs may, by written notice, require an owner or occupier of any target premises to—
- (a) allow an authorized person to carry out a site visit at the premises for enabling the Director to determine whether the premises are suitable for use as a polling station or counting station in an election; and
- (b) if the Director considers the premises suitable—take the steps specified in subsection (2).
- (2) The steps specified for the purposes of subsection (1)(b) are—
- (a) to make available the premises for use as a polling station or counting station in the election; and
- (b) to allow an authorized person to carry out preparatory work and store materials at the premises for a purpose relating to such use.
- (3) If any target premises are used as a polling station or counting station as a result of a person’s compliance with a requirement made under subsection (1), the Director of Home Affairs must pay to the person a user fee for the period during which the premises are so used.
- (4) The amount of the user fee payable under subsection (3) is to be—
- (a) agreed between the person and the Director of Home Affairs; or

- (b) if no agreement can be reached—determined by the court by reference to the loss suffered by the person for making available the premises.
- (5) A user fee payable under subsection (3) is to be paid out of the general revenue.
- (6) A person who fails to comply with a requirement made under subsection (1) is liable to pay a financial penalty of \$50,000, which is recoverable as a civil debt due to the Government.
- (7) In this section—
- authorized person** (獲授權人) means a person authorized in writing by the Director of Home Affairs for the purposes of this section;
- occupier** (佔用人), in relation to any target premises—
- (a) means a tenant, subtenant or any other person in lawful occupation of the premises; but
- (b) does not include an owner of the premises;
- owner** (業主), in relation to any target premises, means—
- (a) a person who appears from the records at the Land Registry to be the owner of—
- (i) the land on which the premises are situated; or
- (ii) if the land is divided into shares—an undivided share in the land that relates to the premises; and
- (b) a registered mortgagee in possession of such land or share;
- target premises** (目標處所) means a school or building described in section 28(2)(c) or (d) or any part of it.”.

- 15. Section 31 amended (appointment of Presiding Officer and polling officers)**
- (1) Section 31, Chinese text, heading—
- Repeal**
“投票站主任”
- Substitute**
“票站主任”.
- (2) Section 31(1)(a), Chinese text—
- Repeal**
“投票站主任作為投票站的主管”
- Substitute**
“票站主任掌管該投票站”.
- (3) Section 31(1)(b), (2)(a) and (b), (3) and (5), Chinese text—
- Repeal**
“投票站主任”
- Substitute**
“票站主任”.
- (4) Section 31(6)—
- Repeal**
“may perform any act which he”
- Substitute**
“appointed for a polling station may perform any act that the Presiding Officer”.
- 16. Section 42A added**
After section 42—
- Add**

“42A. Arrangement for giving ballot papers to elderly persons, pregnant women, etc.

- (1) The Presiding Officer may designate an area in the polling station for giving a ballot paper to a person—
- (a) who is not less than 70 years of age;
 - (b) whose document specified in section 45(2A)(a), (b), (c), (d), (e) or (f) shows the year of birth, without the month and day of birth, of the person which is 70 years earlier than the year within which the polling day falls;
 - (c) whose document specified in section 45(2A)(a), (b), (c), (d), (e) or (f) shows, without the day of birth—
 - (i) the year of birth of the person which is 70 years earlier than the year within which the polling day falls; and
 - (ii) the month of birth of the person which is the same as the month within which the polling day falls;
 - (d) who is pregnant; or
 - (e) who, because of illness, injury, disability or dependence on mobility aids—
 - (i) is not able to queue for a long time; or
 - (ii) has difficulty in queuing.
- (2) If the Presiding Officer is satisfied that a person who arrives at, or is present in, the polling station to vote falls within the description in subsection (1)(a), (b), (c), (d) or (e), the Officer may direct the person to immediately proceed to the following location to apply for a ballot paper—

- (a) the area designated under subsection (1); or
- (b) if there is a queue extending from that area—the end of the queue.”.

17. Section 45 amended (issue of ballot paper)

Section 45—

Repeal subsection (8)

Substitute

- “(8) Immediately before issuing a ballot paper or ballot papers to an elector, the polling officer must—
- (a) if a printed copy of the relevant final register or registers is used to record the issue, do either or both of the following—
 - (i) marking the copy in that officer’s possession by placing a line across the name and identity document number of the elector;
 - (ii) marking the copy in that officer’s possession in any other way directed by the Director of Home Affairs; or
 - (b) if an FR electronic copy or extract (as defined by section 96) of the relevant final register or registers is used to record the issue—make, by using an electronic device, a record in the entry relating to the elector in the FR electronic copy or extract, to denote that the ballot paper or ballot papers the elector is entitled to have issued to him or her at the relevant polling station has been or have been so issued.”.

18. Section 53 substituted

Section 53—

Repeal the section**Substitute****“53. Steps to be taken at polling station after close of poll: polling station that is also counting station**

- (1) This section applies if a polling station is also designated as a counting station at an election.
- (2) As soon as practicable after the close of the poll at the polling station, the Presiding Officer of the station must display a notice in a prominent place outside the station stating—
 - (a) that the poll has been closed; and
 - (b) that the station will be opened as a counting station when it is ready for use for the counting of the votes.
- (3) A candidate and the candidate’s election agent, polling agent and counting agent may stay in the polling station while it is closed for preparation for the counting of the votes.
- (4) After complying with subsection (2), the Presiding Officer must, in the presence of the persons who are present in the polling station—
 - (a) seal the ballot box or each ballot box with a sealing device provided for that purpose by the Director of Home Affairs so that nothing can be put into or withdrawn from the box after it is sealed; and
 - (b) make up into separate sealed packets—
 - (i) the counterfoils of the ballot papers that have been issued;
 - (ii) the ballot papers that have not been issued;

- (iii) the unused ballot papers;
 - (iv) the spoiled ballot papers; and
 - (v) if the copy of the relevant final register or registers has been marked under section 45(8)(a)—the marked copy.
- (5) For subsection (4)(b), if the polling station is used for polling for more than one Rural Area, the Presiding Officer must make separate sealed packets for each Rural Area.
 - (6) All the items specified in subsection (7) must then—
 - (a) if the Presiding Officer is to preside at the counting station—be kept under the Officer’s control until the counting of the votes begins; or
 - (b) if a Returning Officer is to preside at the counting station—be handed over by the Presiding Officer as soon as practicable to the Returning Officer and be kept under the Returning Officer’s control until the counting of the votes begins.
 - (7) The items specified for the purposes of subsection (6) are—
 - (a) the sealed ballot box or boxes;
 - (b) the sealed packets; and
 - (c) the ballot paper account or accounts prepared by the Presiding Officer.”.

19. Section 53A added

After section 53—

Add

“53A. Steps to be taken at polling station after close of poll: polling station that is not counting station

- (1) This section applies if a polling station is not also designated as a counting station at an election.
- (2) As soon as practicable after the close of the poll at the polling station, the Presiding Officer of the station must display a notice in a prominent place outside the station stating—
 - (a) that the poll has been closed; and
 - (b) the name and location of—
 - (i) if applicable, the ballot paper sorting station for sorting the ballot papers received from that polling station (*relevant sorting station*); and
 - (ii) the counting station for counting the votes cast at that polling station (*relevant counting station*).
- (3) After complying with subsection (2), the Presiding Officer must, in the presence of the persons who are present in the polling station—
 - (a) seal the ballot box or each ballot box with a sealing device provided for that purpose by the Director of Home Affairs so that nothing can be put into or withdrawn from the box after it is sealed; and
 - (b) make up into separate sealed packets—
 - (i) the counterfoils of the ballot papers that have been issued;
 - (ii) the ballot papers that have not been issued;
 - (iii) the unused ballot papers;
 - (iv) the spoilt ballot papers; and

- (v) if the copy of the relevant final register or registers has been marked under section 45(8)(a)—the marked copy.
- (4) For subsection (3)(b), if the polling station is used for polling for more than one Rural Area, the Presiding Officer must make separate sealed packets for each Rural Area.
- (5) A candidate and the candidate’s election agent and polling agent may stay in the polling station while it is closed for taking the steps described in subsection (3).
- (6) If the polling station is not a dedicated polling station, the Presiding Officer must then, as soon as practicable—
 - (a) deliver all the items specified in subsection (8) to the relevant counting station; and
 - (b) hand over the items to the Officer-in-charge of the relevant counting station.
- (7) If the polling station is a dedicated polling station, the Presiding Officer must then, as soon as practicable—
 - (a) deliver all the items specified in subsection (8) to the relevant sorting station, or the relevant counting station, as advised by the Director of Home Affairs; and
 - (b) hand over the items to the Officer-in-charge of the relevant sorting station or relevant counting station.
- (8) The items specified for the purposes of subsections (6) and (7) are—
 - (a) the sealed ballot box or boxes;
 - (b) the sealed packets; and
 - (c) the ballot paper account or accounts prepared by the Presiding Officer.”.

20. Section 55 amended (determination and notice of time of counting of votes)

(1) Section 55—

Repeal subsection (1)

Substitute

“(1) The Officer-in-charge of a counting station is to determine the time at which the counting of the votes at the station is to begin.”.

(2) Section 55(2)—

Repeal

everything after “subsection (1)”

Substitute

“must be a time after the poll has closed at all the polling stations at which polling for the Rural Area concerned was conducted.”.

(3) After section 55(2)—

Add

“(2A) Despite subsection (2), the time determined under subsection (1) in respect of sorting ballot papers at a ballot paper sorting station—

(a) must be a time after the poll has closed at all the dedicated polling stations situated in prisons at which polling for the Rural Area concerned was conducted; and

(b) may be a time before the poll has closed at all the other polling stations at which polling for the Rural Area concerned is conducted.”.

(4) Section 55—

Repeal subsection (3)

Substitute

“(3) The Returning Officer must give written notice to each candidate of the addresses of the counting stations at which the counting of the votes for the Rural Area is to take place.”.

(5) After section 55(4)—

Add

“(5) The Officer-in-charge of a counting station must, before the counting of the votes begins, display a notice in a prominent place outside the station stating the time that the station will be opened to the public to observe the counting of the votes.”.

21. Section 56 amended (appointment of counting agent)

(1) Section 56(1)—

Repeal

“Each candidate may appoint persons as his counting agents to attend at a counting station”

Substitute

“A candidate may appoint counting agents to attend at a counting station (*relevant counting station*)”.

(2) Section 56(4), English text—

Repeal

“to the Returning Officer”.

(3) Section 56(4)(a), before “by hand”—

Add

“to the Returning Officer”.

(4) Section 56(4)(b), before “by”—

Add

“to the Officer-in-charge of the relevant counting station”.

(5) Section 56—

Repeal subsection (6)

Substitute

“(6) The appointment of a counting agent may be revoked in the following way—

(a) if the poll has not yet closed—

(i) delivering a notice of revocation to the Returning Officer by hand, by electronic mail, by facsimile transmission or (except a notice of revocation made on the polling day) by post; or

(ii) the candidate or the candidate’s election agent delivering a notice of revocation in person to the Officer-in-charge of the relevant counting station; or

(b) if the poll has closed—the candidate or the candidate’s election agent delivering a notice of revocation in person to the Officer-in-charge of the relevant counting station.”.

(6) Section 56(9)—

Repeal

“the Assistant Returning Officer”

Substitute

“by the Officer-in-charge of the relevant counting station”.

22. Section 57 amended (appointment of counting officers)

(1) Section 57, heading, after “of”—

Add

“Assistant Returning Officer, Presiding Officer and”.

(2) Section 57(1A), Chinese text—

Repeal

“作為選票分流站的主管”

Substitute

“掌管選票分流站”.

(3) After section 57(1A)—

Add

“(1B) The Director of Home Affairs may appoint a person who is appointed as the Presiding Officer for a polling station under section 31(1)(a) as the Presiding Officer for the counting station for counting the votes cast at that polling station.”.

(4) Section 57(1)—

Repeal

“such number of counting officers as he considers appropriate for a counting station to assist the Returning Officer”

Substitute

“a number of counting officers the Director considers appropriate for a counting station to assist the Officer-in-charge of the station”.

(5) Section 57(2)—

Repeal

“Returning Officer shall”

Substitute

“Officer-in-charge of a counting station must”.

23. Section 58 amended (admission to counting station)

- (1) Section 58(1)—

Repeal

“Returning Officer may set apart an area within a counting”

Substitute

“Officer-in-charge of a counting station may set apart an area within the”.

- (2) Section 58(2)—

Repeal

“shall be delineated and identified by such means as the Returning Officer who sets apart the zone”

Substitute

“must be delineated and identified by the means the Officer-in-charge”.

- (3) After section 58(3)(d)—

Add

“(da) the Presiding Officer of the counting station;”.

- (4) After section 58(4)—

Add

“(4A) The Officer-in-charge of a counting station may authorize any person in writing to enter and stay in the counting zone of the station in accordance with the terms of the authorization.”.

- (5) Section 58(5)—

Repeal

“Returning Officer unless that Officer”

Substitute

“Officer-in-charge of the counting station unless the Officer-in-charge”.

- (6) Section 58(6)—

Repeal

“Returning Officer shall ensure that the arrangements for the counting of the votes in a counting zone of a counting”

Substitute

“Officer-in-charge of a counting station must ensure that the arrangements for the counting of the votes at the counting zone of the”.

24. Section 59 amended (order at counting station)

- (1) Section 59—

Repeal subsection (1)**Substitute**

“(1) The Officer-in-charge of a counting station must keep order at the station.”.

- (2) Section 59(2)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge of the counting station”.

- (3) Section 59(3)(a) and (b)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge of the station”.

- (4) Section 59(4)—

Repeal

“If”

Substitute

“The Officer-in-charge of a counting station may take the actions specified in subsection (4A) if”.

- (5) Section 59(4)(b)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge”.

- (6) Section 59(4)—

Repeal

everything after “present”

Substitute a full stop.

- (7) After section 59(4)—

Add

“(4A) The actions specified for the purposes of subsection (4) are—

- (a) to require the person to produce the person’s identity document for inspection; and
- (b) to order the person to leave the counting station or its vicinity immediately.”.

- (8) Section 59—

Repeal subsection (5)**Substitute**

“(5) A person must produce the person’s identity document when required to do so under subsection (4A).”.

- (9) Section 59—

Repeal subsection (6)**Substitute**

“(6) A person who fails to leave when ordered to do so under subsection (4A) may be removed by a police officer or by a person authorized in writing by the Officer-in-charge.”.

- (10) Section 59(7)—

Repeal

everything after “subsection (6)”

Substitute

“may, without the express permission of the Officer-in-charge, re-enter the counting station or its vicinity before the counting of the votes at the station is finished.”.

25. Section 60 amended (opening a ballot box)

- (1) Section 60, heading—

Repeal

“a ballot box”

Substitute

“ballot boxes and receptacles”.

- (2) Section 60(1)—

Repeal

“Returning Officer shall, in the counting zone, open a ballot box delivered to him under section 53”

Substitute

“Officer-in-charge of a counting station must open at the counting zone any ballot box or receptacle kept by or handed

over to the Officer-in-charge under section 53, 53A or 60A (as the case may be)”.

- (3) Section 60—

Repeal subsection (2)

Substitute

“(2) The Officer-in-charge must permit a candidate, or a candidate’s election agent or counting agent, to inspect any paper, other than a ballot paper, taken from the ballot box or receptacle, if so requested by the candidate or agent, before that paper is disposed of.”.

26. Section 60A amended (arrangements for sorting in ballot paper sorting stations)

- (1) Section 60A—

Renumber the section as section 60A(1).

- (2) Section 60A(1)(a)—

Repeal

“envelopes”

Substitute

“ballot papers”.

- (3) Section 60A(1)(b)—

Repeal

“envelopes”

Substitute

“ballot papers”.

- (4) Section 60A(1)—

Repeal paragraph (c)

Substitute

“(c) verify the number of ballot papers recorded for each Rural Area under paragraph (b) by comparing it with the ballot paper account for that Rural Area;”.

- (5) Section 60A(1)(e) and (f)—

Repeal

“envelopes”

Substitute

“ballot papers”.

- (6) Section 60A(1), Chinese text—

Repeal paragraph (g)

Substitute

“(g) 在身處有關點票區的人在場下，將每一份已網紮的選票及報表，分別放置在獨立的容器內，並密封每個容器；”.

- (7) Section 60A(1)(h)—

Repeal

everything after “delivered to”

Substitute

“the respective counting stations of the relevant Rural Areas and handed over to the Officers-in-charge of the stations; and”.

- (8) Section 60A(1)(i)—

Repeal

everything after “accounts,”

Substitute

“the statements prepared under paragraph (d) and the sealed packets made up under section 53A.”.

- (9) Section 60A(1), Chinese text—

Repeal

“監管”

Substitute

“掌管”.

(10) After section 60A(1)—

Add

- “(2) The Assistant Returning Officer must, in preparing the statements under subsection (1)(d), take the action specified in subsection (3) if—
- (a) the Officer considers it necessary to do so; or
 - (b) a candidate, an election agent or a counting agent present at the counting zone so requests.
- (3) The action specified for the purposes of subsection (2) is to compare the numbers of the following for a Rural Area with the ballot paper account for that Rural Area—
- (a) the ballot papers recorded under subsection (1)(b);
 - (b) the counterfoils of the ballot papers that have been issued;
 - (c) the ballot papers that have not been issued;
 - (d) the unused ballot papers; and
 - (e) the spoiled ballot papers.
- (4) A candidate, an election agent or a counting agent present at the counting zone may copy what is recorded in—
- (a) the ballot paper accounts; or
 - (b) the statements prepared under subsection (1)(d).

- (5) In subsection (1), a reference to ballot papers is, if envelopes for containing ballot papers are used in the election, a reference to the envelopes.”.

27. Section 60B added

After section 60A—

Add**“60B. Arrangements for verifying number of ballot papers at certain counting stations**

- (1) If a counting station other than a ballot paper sorting station is used for counting the votes cast at a dedicated polling station, the Officer-in-charge of the counting station must, at the counting zone, after opening all ballot boxes and receptacles in accordance with section 60 and before counting the votes recorded on the ballot papers from each dedicated polling station—
- (a) if envelopes for containing ballot papers are used in the election—take out the ballot papers from the envelopes;
 - (b) count and record the number of ballot papers;
 - (c) verify the number of ballot papers by comparing it with—
 - (i) if the ballot papers were sorted in a ballot paper sorting station—the statement prepared under section 60A(1)(e); or
 - (ii) if the ballot papers were not sorted in a ballot paper sorting station—the ballot paper account for the dedicated polling station;
 - (d) prepare a statement in writing as to the result of the verification under paragraph (c); and

- (e) after preparing the statement, mix the ballot papers with the ballot papers in at least one of the ballot boxes from a polling station other than a dedicated polling station.
- (2) The Officer-in-charge must, in preparing the statement under subsection (1)(d) in respect of the ballot papers that were not sorted in a ballot paper sorting station, take the action specified in subsection (3) if—
 - (a) the Officer-in-charge considers it necessary to do so; or
 - (b) a candidate, an election agent or a counting agent present at the counting zone so requests.
- (3) The action specified for the purposes of subsection (2) is to compare the numbers of the following for the dedicated polling station concerned with the ballot paper account for that station—
 - (a) the ballot papers recorded under subsection (1)(b);
 - (b) the counterfoils of the ballot papers that have been issued;
 - (c) the ballot papers that have not been issued;
 - (d) the unused ballot papers; and
 - (e) the spoilt ballot papers.
- (4) A candidate, an election agent or a counting agent present at the counting zone may copy what is recorded in—
 - (a) the ballot paper account; or
 - (b) the statement prepared under subsection (1)(d).
- (5) If any ballot paper for a Rural Area other than one for which the counting station is designated is found in a

- ballot box or receptacle, the Officer-in-charge of the station must, in relation to such ballot papers—
 - (a) sort the ballot papers according to each Rural Area;
 - (b) count and record the number of ballot papers for each Rural Area;
 - (c) prepare a statement in writing as to the number recorded for each Rural Area under paragraph (b);
 - (d) make into separate bundles the sorted ballot papers together with the statement prepared under paragraph (c);
 - (e) place each bundle in a separate receptacle and seal it in the presence of those present at the counting zone; and
 - (f) arrange the receptacles to be delivered to the respective counting stations of the relevant Rural Areas and handed over to the Officers-in-charge of the counting stations.
- (6) The Officer-in-charge of a counting station who receives a receptacle delivered under subsection (5)(f) must, at the counting zone, before counting the votes recorded on the ballot papers in the receptacle in accordance with section 61—
 - (a) count and record the number of ballot papers;
 - (b) verify the number by comparing it with the statement prepared under subsection (5)(c);
 - (c) prepare a statement in writing as to the result of the verification under paragraph (b); and
 - (d) after preparing the statement under paragraph (c), mix the ballot papers with the other ballot papers for the Rural Area concerned.”.

28. Section 61 amended (counting of votes)

(1) Section 61—

Repeal subsections (1A), (1B) and (1C).

(2) Section 61(1)—

Repeal

“subsections (1A), (1B) and (1C)”

Substitute

“section 60B(1), (5) and (6)”.

(3) Section 61(1)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge of the counting station”.

(4) Section 61(1)(b)(i)—

Repeal

everything after “paper”

Substitute

“is or are to be made known to the persons present at the counting zone by calling out the name of the candidate or each candidate for whom the vote or a vote is given and the candidate’s candidate number;”.

(5) Section 61(2)(a)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge”.

(6) Section 61(3)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge”.

(7) Section 61(3)(a), English text—

Repeal

“the polling station other than a dedicated polling station”

Substitute“a polling station other than a dedicated polling station (*that station*)”.

(8) After section 61(3)—

Add

“(4) The Officer-in-charge must, in preparing the statement under subsection (3)(b) for that station, take the action specified in subsection (5) if—

(a) the Officer-in-charge considers it necessary to do so; or

(b) a candidate, an election agent or a counting agent present at the counting zone so requests.

(5) The action specified for the purposes of subsection (4) is to compare the numbers of the following for that station with the ballot paper account for that station—

(a) the ballot papers counted under subsection (1);

(b) the counterfoils of the ballot papers that have been issued;

(c) the ballot papers that have not been issued;

(d) the unused ballot papers; and

(e) the spoilt ballot papers.

- (6) A candidate, an election agent or a counting agent present at the counting zone may copy what is recorded in—
 - (a) the ballot paper account; or
 - (b) the statement prepared under subsection (3)(b).”

29. Section 62 amended (ballot papers not to be counted)

Section 62(a) and (d)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge of a counting station”.

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

- (1) Section 63(1)—

Repeal

“Returning Officer under”

Substitute

“Officer-in-charge of a counting station under”.

- (2) Section 63(1)(a)—

Repeal

“in”

Substitute

“at”.

- (3) Section 63(1)(b)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge”.

- (4) Section 63(2)—

Repeal

“Returning Officer shall”

Substitute

“Officer-in-charge must”.

- (5) Section 63(2)(b)(i)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge”.

- (6) Section 63(3)—

Repeal

“Notwithstanding section 62(b), the Returning Officer”

Substitute

“Despite section 62(b), the Officer-in-charge”.

- (7) Section 63(4)(a)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge”.

- (8) Section 63(4)—

Repeal

“Returning Officer shall”

Substitute

“Officer-in-charge must”.

- (9) Section 63(5)—

Repeal

“Returning Officer”

Substitute

“Officer-in-charge”.

- (10) Section 63(6)(a)—

Repeal

“Returning Officer” (wherever appearing)

Substitute

“Officer-in-charge”.

- (11) Section 63(6)—

Repeal

“Returning Officer shall”

Substitute

“Officer-in-charge must”.

- (12) Section 63(9)—

Repeal

“For the avoidance of doubt, it is declared that the Returning Officer shall”

Substitute

“To avoid doubt, the Officer-in-charge must”.

31. Section 64 amended (verification of ballot paper account)

- (1) Section 64, heading—

Repeal

“Verification of ballot paper account”

Substitute

“**Final verification of number of ballot papers**”.

- (2) Section 64(1)—

Repeal

“Returning Officer shall”

Substitute

“Officer-in-charge of a counting station other than a ballot paper sorting station must, after counting the votes in accordance with section 61 and determining the validity of any questionable ballot paper in accordance with section 63”.

- (3) Section 64(1)—

Repeal paragraph (c)

Substitute

“(c) verify the numbers recorded under paragraphs (a) and (b) by comparing them with the statement prepared under section 61(3)(b); and”.

- (4) Section 64(1)(d)—

Repeal

“*(verification statement)*”.

- (5) Section 64—

Repeal subsection (2).

- (6) Section 64(3)—

Repeal

everything after “recorded”

Substitute

“in the statement prepared under subsection (1)(d).”.

32. Section 65 substituted

Section 65—

Repeal the section**Substitute****“65. Result of counting of votes and re-count: 1 counting station**

- (1) This section applies if there is only 1 counting station for a Rural Area.
- (2) After the votes are counted and the number of ballot papers are verified, the Officer-in-charge of a counting station must—
 - (a) make known the result of the counting of the votes to—
 - (i) the candidates who are present at the counting zone; and
 - (ii) the election agent or a counting agent (if present at the zone) of a candidate who is not present; and
 - (b) give the candidates or election agents a reasonable opportunity to make a request under subsection (3).
- (3) A candidate or an election agent who is present at the counting zone may request the Officer-in-charge to count again the counted or re-counted votes.
- (4) The Officer-in-charge must comply with a request under subsection (3) unless the Officer-in-charge is of the opinion that the request is unreasonable.
- (5) If the Officer-in-charge is a Presiding Officer, the Presiding Officer must report to the Returning Officer

appointed for the Rural Area concerned the result of the counting of the votes and re-count (if any).”.

33. Sections 65A and 65B added

After section 65—

Add**“65A. Result of counting of votes and re-count: 2 or more counting stations**

- (1) This section applies if there are 2 or more counting stations for a Rural Area.
- (2) After the votes are counted and the number of ballot papers are verified, the Officer-in-charge of a counting station must—
 - (a) make known the result of the counting of the votes at the station to—
 - (i) the candidates who are present at the counting zone; and
 - (ii) the election agent or a counting agent (if present at the zone) of a candidate who is not present; and
 - (b) give the candidates or election agents a reasonable opportunity to make a request under subsection (3).
- (3) A candidate or an election agent who is present at the counting zone may request the Officer-in-charge to count again the counted or re-counted votes.
- (4) The Officer-in-charge must comply with a request under subsection (3) unless the Officer-in-charge is of the opinion that the request is unreasonable.
- (5) If the Officer-in-charge is a Presiding Officer, the Presiding Officer must report to the Returning Officer

- appointed for the Rural Area concerned the result of the counting of the votes and re-count (if any).
- (6) After the Returning Officer has obtained the results of the counting of the votes and re-count (if any) of all the counting stations for the Rural Area, the Officer must make known the results to the candidates or their election agents or counting agents who are present at the place specified by the Officer.
 - (7) A candidate or an election agent who is present at the place may make a request to the Returning Officer for a re-count of all the votes of all the counting stations for the Rural Area.
 - (8) The Returning Officer must comply with a request under subsection (7) unless the Officer is of the opinion that the request is unreasonable.
 - (9) If the Returning Officer decides to comply with a request under subsection (7), the Officer must—
 - (a) if the Officer presides at one of the counting stations for the Rural Area—
 - (i) conduct a re-count at the station; and
 - (ii) inform the Presiding Officers of the other counting stations for the Rural Area to conduct a re-count at their respective stations at the same time; or
 - (b) if the Officer does not preside at any counting station for the Rural Area—inform the Presiding Officers of the counting stations for the Rural Area to conduct a re-count at their respective stations at the same time.
 - (10) The Officer-in-charge of a counting station must—

- (a) make known the result of the re-count mentioned in subsection (9) at the station to the candidates or their election agents or counting agents who are present in the station; and
 - (b) if the Officer-in-charge is a Presiding Officer—report that result to the Returning Officer.
- (11) After the Returning Officer has obtained the results of the re-counts, the Officer must make known the results to the candidates or their election agents or counting agents who are present at the place specified under subsection (6).

65B. Conduct of drawing of lots

- (1) The drawing of lots for determining the result of an election for a Rural Area under section 31(6) of the Election Ordinance must be conducted at—
 - (a) the office of the Returning Officer appointed for the Rural Area; or
 - (b) any other place determined by the Officer.
- (2) Subject to subsection (3), the drawing of lots must be conducted in the presence of—
 - (a) the candidates who may be returned for the Rural Area at the election as a result of the drawing of lots (*relevant candidates*); or
 - (b) the relevant candidates' election agents or counting agents.
- (3) The drawing of lots may be conducted in the absence of a relevant candidate if—
 - (a) the candidate cannot be contacted for attending the drawing of lots by the means of contact provided by the candidate on the nomination form; or

(b) the candidate has notified the Returning Officer that the candidate would not be attending the drawing of lots in person or through the candidate's election agent or counting agent.

(4) If a relevant candidate is absent for the drawing of lots, the Returning Officer may draw lots on behalf of the candidate, provided that before doing so, the Officer announces on which relevant candidate's behalf the Officer is drawing the lots."

34. Section 67 amended (notice of election result)

Section 67(1)(a)—

Repeal

"the counting station"

Substitute

"each of the counting stations for the Rural Area concerned".

35. Section 68 amended (ballot papers to be sealed)

(1) Section 68(1)—

Repeal

everything before ", make"

Substitute

"(1) The Officer-in-charge of a counting station must, as soon as practicable after ascertaining the result of the poll, at the counting zone".

(2) Section 68(2)—

Repeal

"Returning Officer shall"

Substitute

"Officer-in-charge must".

(3) Section 68(3)—

Repeal

"Returning Officer"

Substitute

"Officer-in-charge".

36. Section 69 amended (ballot papers, accounts, packets, etc. to be sent to Director of Home Affairs)

(1) Section 69—

Renumber the section as section 69(1).

(2) Section 69(1)—

Repeal

"Returning Officer shall, as soon as practicable after that Officer has discharged his"

Substitute

"Officer-in-charge of a counting station must, as soon as practicable after discharging the Officer-in-charge's".

(3) Section 69(1)(c), English text—

Repeal

"statement"

Substitute

"statements".

(4) Section 69(1)—

Repeal paragraphs (e), (f), (g) and (h)

Substitute

- “(e) if the Officer-in-charge is a Returning Officer—all nomination forms delivered to the Returning Officer in accordance with section 7(1);
 - (f) if the Officer-in-charge is a Returning Officer—all notices of withdrawal (if any) delivered to the Returning Officer in accordance with section 14(2);
 - (g) all notices of appointment (if any) given to the Officer-in-charge under section 24(2), 36(4) or 56(4);
 - (h) all notices of revocation (if any) given to the Officer-in-charge under section 24(4), 36(6) or 56(6);
 - (ha) if the copy of the relevant final register or registers has been marked under section 45(8)(a)—the marked copy; and”.
- (5) After section 69(1)—
- Add**
- “(2) A Returning Officer who does not preside at any counting station must, as soon as practicable after discharging the Officer’s duties under section 67(1), send to the Director of Home Affairs—
- (a) all nomination forms delivered to the Officer in accordance with section 7(1);
 - (b) all notices of withdrawal (if any) delivered to the Officer in accordance with section 14(2);
 - (c) all notices of appointment (if any) given to the Officer under section 24(2), 36(4) or 56(4);
 - (d) all notices of revocation (if any) given to the Officer under section 24(4), 36(6) or 56(6); and
 - (e) any other documents relating to the election for the Rural Area concerned as specified by the Commission.”.

37. Section 71 amended (retention of election documents)

- (1) Section 71, heading—
 - Repeal**
 - “documents”
 - Substitute**
 - “materials”.
- (2) Section 71, English text—
 - Repeal**
 - “shall”
 - Substitute**
 - “must”.
- (3) Section 71—
 - Repeal paragraph (a)**
 - Substitute**
 - “(a) retain in the Director’s custody the following that relate to an election for 6 months after the date on which the result of the election is declared in accordance with section 66(1)—
 - (i) the documents sent under section 69; and
 - (ii) the copies or extracts of the relevant final registers in which records have been made under section 45(8)(b); and”.
- (4) Section 71(b), after “documents”—
 - Add**
 - “and copies or extracts”.

38. Section 73 amended (adjournment of polling at a particular polling station or counting of votes at a particular counting station)

- (1) Section 73(1), Chinese text—

Repeal

“投票站主任” (wherever appearing)

Substitute

“票站主任”.

- (2) Section 73(1), Chinese text—

Repeal

“則他可在徵詢選舉主任的意見後”

Substitute

“則該票站主任可在徵詢選舉主任的意見後，”.

- (3) Section 73(2)—

Repeal

everything before “is of”

Substitute

“(2) The Officer-in-charge of a counting station may direct the adjournment of the counting of the votes in respect of the poll for an election at the counting station if, during the counting, the Officer-in-charge”.

- (4) Section 73(2)(c)—

Repeal

“that Officer”

Substitute

“the Officer-in-charge”.

- (5) After section 73(2)—

Add

“(3) If the Officer-in-charge is a Presiding Officer or an Assistant Returning Officer, the Officer-in-charge may only exercise the power under subsection (2) after consulting the Returning Officer appointed for the Rural Area concerned.”.

39. Section 74 amended (publication of postponement or adjournment of polling or counting)

- (1) Section 74(2)—

Repeal

“he shall publish the direction in such manner as he”

Substitute

“the Officer must publish the direction in a way the Officer”.

- (2) Section 74—

Repeal subsection (3)

Substitute

“(3) If the Officer-in-charge of a counting station directs the adjournment of the counting of the votes at the station, the Officer-in-charge must publish the direction in a way the Officer-in-charge considers practicable.”.

40. Section 75 amended (procedure after adjournment of polling)

- (1) Section 75(1)—

Repeal paragraph (e)

Substitute

“(e) if the copy of the relevant final register or registers has been marked under section 45(8)(a)—the marked copy,”.

- (2) Section 75(1), Chinese text—

Repeal

“投票站主任”

Substitute

“票站主任”.

- (3) Section 75(2) and (3), Chinese text—

Repeal

“投票站主任”

Substitute

“票站主任”.

41. Section 76 amended (procedure after postponement or adjournment of counting)

- (1) Section 76—

Renumber the section as section 76(1).

- (2) Section 76(1)—

Repeal

“, the Returning Officer shall”

Substitute

“at a counting station, the Officer-in-charge of the station must, in the presence of the persons, if any, present in the station”.

- (3) Section 76(1)—

Repeal paragraph (b)**Substitute**

“(b) deposit all of the following items in a place specified in subsection (2)—

- (i) the ballot box or boxes (whether opened or not);
- (ii) the receptacle or receptacles (if any);

- (iii) the ballot papers (whether counted or not);
- (iv) the ballot papers endorsed with the words “TENDERED” and “重複”;
- (v) the ballot paper account or accounts;
- (vi) the verification statement;
- (vii) the sealed packets made up under section 53 or 53A;
- (viii) any other materials relating to the election that the Officer-in-charge considers appropriate.”.

- (4) After section 76(1)—

Add

- “(2) The place specified for the purposes of subsection (1) is—
- (a) a safe place within the counting station;
 - (b) if there is no safe place as mentioned in paragraph (a)—a safe place within a police station or a public building close to the counting station;
 - (c) if there is no safe place as mentioned in paragraph (a) or (b)—a safe place within a secure building, which may be a residential building, close to the counting station; or
 - (d) if there is no safe place as mentioned in paragraph (a), (b) or (c)—a safe place within any other police station or public building or, in the absence of such a station or building, a safe place in any other building, which may be a residential building.”.

42. Section 82 amended (secrecy)

- (1) Section 82(1)(d)—

Repeal

“final register”

Substitute

“relevant final register in printed form marked under section 45(8)(a)”.

- (2) Section 82(1)(e), Chinese text—

Repeal

“投票站主任”

Substitute

“票站主任”.

43. Section 84A added

After section 84—

Add

“84A. Officer-in-charge may perform functions through counting officers

- (1) Subject to subsection (2), the Officer-in-charge of a counting station may perform any act that the Officer-in-charge is required or authorized to perform under this Regulation through a counting officer.
- (2) The Officer-in-charge may not delegate under subsection (1) the power to do any of the following—
- (a) adjourn the counting of the votes under section 73(2);
 - (b) determine the validity of a ballot paper under section 63(2);
 - (c) decide as to whether the vote recorded on a ballot paper is to be counted.”.

44. Part 11 added

After Part 10—

Add

“Part 11

Electronic Copy or Extract of Final Register for Purposes of Section 45(8)(b)

96. Interpretation (Part 11)

In this Part—

FR electronic copy or extract (正式登記冊電子文本或摘錄) means an electronic copy or extract of the final register, or of part of the final register, created and maintained under section 97;

obtain access (取覽), in relation to an FR electronic copy or extract, includes causing an electronic device to perform a function so as to obtain access to the data or information contained in the FR electronic copy or extract.

97. FR electronic copy or extract

- (1) The Commission may, for the purposes of section 45(8)(b), create and maintain an electronic copy or extract of the final register, or of part of the final register—
- (a) to be stored on an electronic platform; and
 - (b) access to which can be obtained through the Internet by using an electronic device.
- (2) An FR electronic copy or extract is to contain the identity document numbers of the electors and such

additional particulars or information that the Director of Home Affairs thinks fit to include.

98. Protection of FR electronic copy or extract

- (1) A person commits an offence if the person obtains access to an FR electronic copy or extract without legal authority to do so.
- (2) For the purposes of subsection (1), an individual has legal authority to obtain access to an FR electronic copy or extract if—
 - (a) the individual is authorized by the Commission to assist in the creation or maintenance of the FR electronic copy or extract and the individual acts in compliance with the terms of the authorization;
 - (b) the individual is a Presiding Officer or polling officer who is authorized by the Commission to use the FR electronic copy or extract for the purposes of section 45(8)(b) and the individual so uses the FR electronic copy or extract in compliance with the terms of the authorization; or
 - (c) the individual is authorized by the Commission to assist in making the FR electronic copy or extract available for the use mentioned in paragraph (b) and the individual acts in compliance with the terms of the authorization.
- (3) A person commits an offence if the person, without lawful excuse—
 - (a) damages any data or information contained in an FR electronic copy or extract; or
 - (b) otherwise tampers with an FR electronic copy or extract to make its operation defective.

- (4) A person who commits an offence under subsection (1) or (3) is liable on conviction on indictment to imprisonment for 2 years.

99. Commission may authorize access to FR electronic copy or extract

- (1) A member of the Commission may, for the purposes of section 98(2)—
 - (a) grant an authorization to an individual; and
 - (b) determine the terms of the authorization.
- (2) An authorization granted to an individual under subsection (1) must—
 - (a) be in writing;
 - (b) specify the name and appropriate identification details of the individual; and
 - (c) set out the terms of the authorization.”.

45. “票站主任” substituted for “投票站主任”

The following sections, Chinese text—

- (a) section 20(4);
- (b) section 29(4)(c) and (d);
- (c) section 33(2), (3A) and (5);
- (d) section 35(1), (2)(b) and (e), (5)(a), (6), (8)(b) and (9);
- (e) section 36(4)(b), (6), (7B)(a)(ii) and (9);
- (f) section 37(1)(f), (2), (7)(a) and (8);
- (g) section 38(1), (2), (3)(f), (4), (7)(a), (8), (9A), (10)(a) and (b)(i) and (11);
- (h) section 40(1), (2) and (3);

- (i) section 43(1), (2)(a)(i) and (ii) and (b)(i) and (ii), (3) and (4);
- (j) section 44(1) and (3);
- (k) section 46(1)(c)(i), (ii) and (iii) and (d), (2), (2A), (2B), (3), (4), (5)(c)(i) and (ii) and (6);
- (l) section 49(1) and (2);
- (m) section 50(1) and (2);
- (n) section 51;
- (o) section 52(1), (2) and (3);
- (p) section 54(1), (2)(b)(i), (3) and (4);
- (q) section 78;
- (r) section 79(c);
- (s) section 87(1) and (3)—

Repeal

“投票站主任” (wherever appearing)

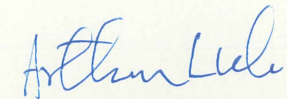
Substitute

“票站主任”.

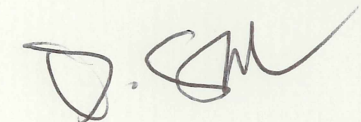
Made this **16th** day of August 2021.



The Hon. Mr. Justice
Barnabas Wah FUNG
Chairman,
Electoral Affairs Commission



Arthur Yee-shun LUK
Member,
Electoral Affairs Commission



Daniel Tan-lei SHEK
Member,
Electoral Affairs Commission

Explanatory Note

This Regulation amends the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L) (*principal Regulation*) mainly to introduce the 4 measures described below to facilitate the conduct of Rural Representative elections.

2. First, the counting of votes is decentralized so that counting may—
 - (a) take place at polling stations that are designated as counting stations by the Director of Home Affairs (*Director*); and
 - (b) be presided by Presiding Officers who are appointed by the Director under the new section 57(1B) of the principal Regulation.
3. To reflect the revised counting arrangement, amendments such as the following are made to the principal Regulation—
 - (a) section 53 is substituted and a new section 53A is added to provide for the steps to be taken after the close of the poll at polling stations that are also counting stations and those that are not (see sections 18 and 19 of this Regulation);
 - (b) section 65 is substituted and a new section 65A is added, so that the 2 sections about result of counting and re-count would cater for the alternative scenarios of there being just 1 or more than one counting station for a Rural Area (see sections 32 and 33 of this Regulation);
 - (c) the references to the “Returning Officer” in various provisions on the counting of votes are replaced with “Officer-in-charge”, which is defined to mean, in relation to a counting station, a Returning Officer, an Assistant Returning Officer or a Presiding Officer

appointed for the station, depending on the arrangement for that station; and

- (d) the Chinese equivalent term for “Presiding Officer” is revised from “投票站主任” to “票站主任” to reflect the expanded scope of a Presiding Officer’s functions.
4. Second, section 14 of this Regulation adds a new section 28AA to the principal Regulation to empower the Director to require certain premises for use as polling stations or counting stations.
 5. Third, section 16 of this Regulation adds a new section 42A to the principal Regulation to empower the Presiding Officers of polling stations to make special arrangement for elderly persons, pregnant women and ill, injured or disabled persons to apply for ballot papers.
 6. Fourth, the use of electronic copy or extract of final registers is implemented through the new Part 11 added to the principal Regulation by section 44 of this Regulation. Corresponding amendments are made to sections 45, 69, 71, 75 and 82 of the principal Regulation (see sections 17, 36, 37, 40 and 42 of this Regulation respectively).
 7. This Regulation also—
 - (a) revises the requirements to disclose candidates’ and subscribers’ principal residential addresses and addresses in nomination forms, and candidates’ principal residential addresses by notices in Rural Representative elections (see sections 4 to 11 of this Regulation); and
 - (b) removes the requirement to disclose the identity card numbers of election agents of candidates by notices to other candidates in Rural Representative elections (see section 12 of this Regulation).
 8. Certain amendments are also made to bring the principal Regulation in line with other electoral procedure legislation.