
L.N. 162 of 2021

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

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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)—

Section 13

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

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

L.N. 162 of 2021
B4979

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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.