



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

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1 April 2025

Mr Niki KWOK  
Principal Assistant Secretary  
(Constitutional and Mainland Affairs)3  
Constitutional and Mainland Affairs Bureau  
12/F, East Wing, Central Government Offices  
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Mr KWOK,

**Electoral Legislation (Miscellaneous Amendments) Bill 2025**

We are scrutinizing the captioned Bill with a view to advising Members on its legal and drafting aspects. To facilitate Members' consideration of the Bill, we should be grateful if you could clarify the matters set out in the **Appendix**.

Please let us have your response in both English and Chinese as soon as practicable, preferably before the second meeting of the Bills Committee. Thank you.

Yours sincerely,

(Rachel DAI)  
Senior Assistant Legal Adviser

c.c. Department of Justice  
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### Consolidation of ballot paper accounts

1. In relation to the general elections for the Legislative Council (“LegCo”), clause 11 of the Bill seeks to repeal section 64 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) and substitute it with a proposed new section 64 to provide that for each type of the ballot papers issued by a polling station, the Presiding Officer (“PRO”) must prepare a statement in the specified form that shows: (a) the total number of ballot papers issued by the polling station; (b) the number of unused ballot papers; (c) the number of spoilt ballot papers; and (d) the number of tendered ballot papers. In relation to subsector elections, clause 30 of the Bill seeks to repeal section 62 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I) and substitute it with a proposed new section 62 to provide that for the ballot papers issued by a polling station, PRO must prepare a similar statement. It is noted that under the proposed new section 64 of Cap. 541D and the proposed new section 62 of Cap. 541I, a new item “the number of tendered ballot papers” would be included in the statement while the item “the number of un-issued ballot papers” would no longer be required in the statement. Please clarify the rationale for the proposed changes.

### Counting of votes for functional constituencies with the use of an approved programme

2. Clause 18 of the Bill proposes to add a new section 77AA to Cap. 541D to provide for the procedures applicable to counting of votes for functional constituencies with the use of an approved programme. Please clarify whether it is necessary to provide for the arrangements for counting of votes in the situation where the votes recorded on the ballot papers, for some reason(s) (e.g. technical issues), cannot be counted with the use of the approved programme. Reference can be made to the existing section 74(2)(b) of Cap. 541I.

### Compilation and publication of a subsector provisional register and a subsector final register in a year in which a Legislative Council general election is held

3. Clause 38 of the Bill seeks to add a new section 14(1AB) to the Schedule to the Chief Executive Election Ordinance (Cap. 569) to provide that despite section 14(1) of the Schedule to Cap. 569, if a subsector provisional register and a subsector final register are required to be compiled and published in a year in which a general election for LegCo is also held, the Electoral Registration Officer (“ERO”) may, by notice published in the

Gazette, specify an earlier date in the year by which the subsector provisional register and the subsector final register must be so compiled and published. It is noted that for the provisional and final registers required to be compiled and published for 2021, a new section 14(1A) was added to the Schedule to Cap. 569 to provide for the dates by which such registers must be compiled and published. Please clarify:

- (a) why a different approach is proposed under the Bill; and
- (b) whether it is intended that such notice published in the Gazette under the proposed new section 14(1AB) of the Schedule to Cap. 569 would be subsidiary legislation subject to LegCo's scrutiny and if so, whether it would be appropriate to expressly provide for that in the Bill.

4. Clauses 5 and 39 of the Bill propose to make consequential amendments to the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) (by adding a proposed new section 41A) and the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569B) (by adding a proposed new section 10). The effect is that if ERO exercises the power under the proposed new section 14(1AB) of the Schedule to Cap. 569, ERO may, by notice published in the Gazette, advance all or any of the dates or periods stipulated under the relevant regulation for (a) any matters leading to, or in relation to, the compilation or publication of the register concerned; and (b) any acts to be done in relation to the matters mentioned in (a). Please clarify whether it is intended that such notice would be subsidiary legislation subject to LegCo's scrutiny and if so, whether it would be appropriate to expressly provide for that in the Bill.

#### Drafting issues

5. Clause 29(2) of the Bill refers to "Section 49(9), after "crossed out"—". Please consider deleting ", after "crossed out"".

6. Clause 32(4) of the Bill seeks to amend section 73(4) of Cap. 541I so that "ballot paper account" in the English text would be amended to "ballot paper accounts". However, it is noted that the effect of the proposed amendment to the corresponding Chinese text is that the phrase "將選票結算表" would be amended to "將有關選票結算表". Please consider whether it is more appropriate for "ballot paper account" in the English text to be amended to "relevant ballot paper account" instead of "ballot paper accounts".