

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 702/11-12

Ref : CB(3)/B/CMA/2 (11-12)

Tel : 3919 3308

Date : 30 April 2012

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 9 May 2012**

**Electoral Legislation (Miscellaneous Amendments) Bill 2012**

**Committee stage amendments**

The Second Reading debate on the above Bill will be resumed at the Council meeting of 9 May 2012. Subject to the Bill receiving a Second Reading, the President has given permission for the Secretary for Constitutional and Mainland Affairs to move amendments to the Bill at its Committee stage.

2. As directed by the President, the amendments are attached for Members' consideration.

(Ms Doris LO)  
for Clerk to the Legislative Council

Encl.

Electoral Legislation (Miscellaneous Amendments) Bill 2012

**Committee Stage**

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(3)	By adding “(except Division 6)” after “6”.
3(2)	By deleting the proposed section 27(1B)(a) and substituting—  “ (a) the election advertisement meets the condition specified in subsection (1A)(a) or (b); and”.
3(4)	By deleting the proposed section 27(2B)(a) and substituting—  “ (a) the election advertisement meets the condition specified in subsection (2A)(a) or (b); and”.
31	By deleting “35” and substituting “35A”.
New	By adding—  <b>“33A. Section 31 amended (when person is disqualified from being registered as an elector)</b> After section 31(4)— <b>Add</b>  “ (5) A body which is a department or an agency of a government of a place outside the People’s Republic of China, whether at national, regional or municipal level, is disqualified from being registered as a corporate elector.  (6) For the purposes of subsection (5), a body is not regarded as a department or an agency of a government of a place unless—  (a) the management of the body is appointed by the government and is answerable to the government;  (b) the principal function of the body is to

advance the interest of the place; and  
 (c) the body is non-profit-making.”.”.

- 35(1) By deleting “Limited” and substituting “Limited.”.
- 35(2) By deleting “Limited” and substituting “Limited.”.
- 35(3) In the English text, by deleting “Association” and substituting “Association.”.
- New In Part 4, by adding—

**“35A. Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency)**

Schedule 1B, Part 3, item 50—

**Repeal**

“New Territories Regional Sports Association”

**Substitute**

“The New Territories Regional Sports Association”.”.

- 38 By deleting “2 and 3” and substituting “1A to 6”.

- Part 6 By adding—

**“Division 1A—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)**

**38A. Section 13 amended (Electoral Registration Officer to publish a notice that provisional register is available for public inspection)**

After section 13(4)—

**Add**

“(4A) For the purposes of subsections (3) and (4), the Electoral Registration Officer may further make available for public inspection an additional copy of the provisional register or an additional copy of a specific section or subsection of the

provisional register, in which entries are arranged in a manner that the Electoral Registration Officer considers appropriate for public inspection.”.

**38B. Section 20 amended (Electoral Registration Officer to publish notice of final register and to make final register available for public inspection)**

After section 20(4)—

**Add**

- “(4A) For the purposes of subsections (3) and (4), the Electoral Registration Officer may further make available for public inspection an additional copy of the final register or an additional copy of a specific section or subsection of the final register, in which entries are arranged in a manner that the Electoral Registration Officer considers appropriate for public inspection.”.

45 In the proposed section 74AB(3), in the English text, by deleting  
“Assisting” and substituting “Assistant”.

New By adding—

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

- (1) Section 75(4A), after “must”—

**Add**

“, when counting the votes at the main counting station,”.

- (2) Section 75(4A)—

**Repeal**

“of the polling station”

**Substitute**

“in at least one of the ballot boxes at the polling station”.

- (3) Section 75(4A)(b), English text—

**Repeal**

“as may be appropriate,”

**Substitute**

“as may be appropriate.”.

- (4) Section 75(4A), English text—

**Repeal**

“before counting the votes at the main counting station.”.”.

New

By adding—

**“51A. Section 76 amended (counting of votes)**

- (1) Section 76(2), after “must”—

**Add**

“, when counting the votes at the main counting station,”.

- (2) Section 76(2)—

**Repeal**

“of the polling station”

**Substitute**

“in at least one of the ballot boxes at the polling station”.

- (3) Section 76(2)(b), English text—

**Repeal**

“as may be appropriate,”

**Substitute**

“as may be appropriate.”.

- (4) Section 76(2), English text—

**Repeal**

“before counting the votes at the main counting station.”.”.

Part 6

By adding—

**“Division 4—Amendments to Electoral Affairs  
Commission (Registration of Electors) (Village  
Representative Election) Regulation (Cap. 541 sub. leg.  
K)**

**52A. Section 22 amended (ERO to publish notice that  
provisional register is available for public inspection)**

- (1) After section 22(5)—

**Add**

“(5A) For the purposes of subsections (4) and (5),

the ERO may further make available for public inspection an additional copy of the provisional register or an additional copy of a specific part or division of the provisional register, in which entries are arranged in a manner that the ERO considers appropriate for public inspection.”.

- (2) Section 22(6), after “(5)”—

**Add**

“or (5A)”.

**52B. Section 30 amended (ERO to publish notice of final register and to make final register available for public inspection)**

- (1) After section 30(5)—

**Add**

“(5A) For the purposes of subsections (4) and (5), the ERO may further make available for public inspection an additional copy of the final register or an additional copy of a specific part or division of the final register, in which entries are arranged in a manner that the ERO considers appropriate for public inspection.”.

- (2) Section 30(6), after “(5)”—

**Add**

“or (5A)”.

**Division 5—Amendment to Legislative Council Ordinance (Cap. 542)**

**52C. Section 37 amended (who is eligible to be nominated as a candidate)**

Section 37(2)(b)(i), before “is”—

**Add**

“in the case of a functional constituency other than the District Council (second) functional constituency,”.

**Division 6—Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011 (L.N. 73 of 2011)**

**52D. Section 24 amended (section 21 amended (Returning Officer to publish a notice of particulars of validly nominated candidates))**

- (1) Section 24(1), new section 21(4A)(b)—

**Repeal**

“state the letter of the alphabet assigned to that functional constituency”

**Substitute**

“the code assigned to that functional constituency under section 49(8)”.

- (2) After section 24(2)—

**Add**

- “(3) Section 21(5)(b)—

**Repeal**

“the letter of the alphabet assigned to that functional constituency followed by the number allocated to each candidate under section 49(8);”

**Substitute**

“the code assigned to that functional constituency under section 49(8) followed by the number allocated to each candidate under section 49(8A);”.

**52E. Section 33 amended (section 49 amended (form of ballot papers and order of appearance of lists or names of candidates on ballot papers))**

- (1) Section 33(3), new section 49(6A)—

**Repeal**

“number which is preceded by a letter of the alphabet assigned by the Chief Electoral Officer to the District Council (second) functional constituency”

**Substitute**

“3-digit number”.

- (2) Section 33(3), new section 49(6A)—

**Repeal**

“letter and number are”

**Substitute**

“number is”.

- (3) Section 33—

**Repeal subsections (5) and (6)****Substitute**

- “(5) Section 49—

**Repeal subsection (8)****Substitute**

“(8) Each ordinary functional constituency is to be assigned one or more letters of the alphabet by the Chief Electoral Officer as the code of the functional constituency.

(8A) Each candidate for an ordinary functional constituency (other than the District Council (second) functional constituency) is to be allocated a number preceded by the code assigned under subsection (8), according to the result of the draw. The code and the number are to be printed on the ballot paper against the name of the candidate.”.”.

**52F. Section 42 amended (Schedule 3 amended (forms of ballot papers for a general election/by-election))**

Section 42—

**Repeal subsection (2)**

**Substitute**







“(2) Schedule 3, after Form 2—

**Add**

“FORM 2A

BALLOT PAPER FOR THE DISTRICT COUNCIL (SECOND)  
FUNCTIONAL CONSTITUENCY



存根 COUNTERFOIL		(編號) (Serial Number)
<b>《選舉管理委員會(選舉程序)(立法會)規例》</b> ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)(LEGISLATIVE COUNCIL) REGULATION 立法會中選區選舉/議選 區議會(第二)功能界別 LEGISLATIVE COUNCIL *GENERAL ELECTION BY-ELECTION DISTRICT COUNCIL (SECOND) FUNCTIONAL CONSTITUENCY * (選舉日期) * (date of election)		選 票 BALLOT PAPER <div style="border: 1px solid black; padding: 2px; display: inline-block;">             # (代號)              # (code)           </div>
只可投票選一名眾 VOTE FOR ONE LIST ONLY 請將投票站提供的印票在所選名單內的圓圈蓋上“✓”號 Use the chop provided at the polling station to stamp "✓" in the circle of the list of your choice		
<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>               (A) <b>XXX</b> </div> <div> <ul style="list-style-type: none"> <li>● 已獲登記的標記名稱及其登記標誌</li> <li>● Registered names and registered emblems of prescribed bodies and registered emblems of prescribed persons</li> <li>● 獨立候選人</li> <li>● Independent Candidates</li> <li>● 非官方候選人</li> <li>● Non-official Candidates</li> </ul> </div> </div> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <div style="display: flex; justify-content: space-between;"> <div>               A * (候選人須在公告上顯示的候選人姓名                ——按號碼(名單上)的順序填寫)                * * (Names of candidates to show in Notice                in * (Candidates in order of priority)             </div> <div style="text-align: center;">               候選人照片                Photographs of                Candidates             </div> </div> <div style="text-align: center; height: 100px;">  </div> </div> </div>		<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>               (B) <b>XXX</b> </div> <div></div> </div> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <div style="text-align: center; height: 100px;">  </div> </div> </div>
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<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>               (E) <b>XXX</b> </div> <div></div> </div> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <div style="text-align: center; height: 100px;">  </div> </div> </div>		<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>               (F) <b>XXX</b> </div> <div></div> </div> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <div style="text-align: center; height: 100px;">  </div> </div> </div>

- # A code will be assigned to the District Council (second) functional constituency.  
Only the appropriate code will be printed.
- \* Only the appropriate information will be printed.
- @ A 3-digit number will be allocated to each list of candidates.
- + Address of the candidate to be included if required under section 49(13)(b).
- ^ Each candidate on the list will be allocated a letter of the alphabet starting from 'a' and up to 'e', depending on the number of candidates."."."