

立法會
Legislative Council

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Tel : 2869 9205

Date : 3 July 2003

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 9 July 2003

**Proposed resolutions under section 34(2) of the
Interpretation and General Clauses Ordinance**

Hon Andrew WONG Wang-fat and the Secretary for Constitution Affairs have given notice of their intention to each move a proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2003.

2. As directed by the President, Hon Andrew WONG Wang-fat's and the Secretary for Constitutional Affairs' proposed resolutions, in **Appendices I and II** respectively, will be printed on the Agenda of the Council in the terms in which they were handed in, and are circularised for Members' consideration.
3. The speech, in both English and Chinese versions, which the Secretary for Constitutional Affairs will deliver when moving the proposed resolution, is also attached.
4. Members are invited to note that:
 - (a) the President will order a joint debate on the two proposed resolutions;
 - (b) the President has ruled that Hon Andrew WONG Wang-fat will move his proposed resolution first; and

- (c) if Hon Andrew WONG Wang-fat's proposed resolution is agreed, the Secretary for Constitutional Affairs may not move his proposed resolution. If Hon Andrew WONG Wang-fat's proposed resolution is negated, the President will call upon the Secretary to move his proposed resolution.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

Hon Andrew WONG Wang-fat's proposed resolution

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and
General Clauses Ordinance (Cap. 1))

ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)
(DISTRICT COUNCILS) (AMENDMENT) REGULATION 2003

RESOLVED that the Electoral Affairs Commission (Electoral Procedure)
(District Councils) (Amendment) Regulation 2003, published in
the Gazette as Legal Notice No. 125 of 2003 and laid on the table
of the Legislative Council on 21 May 2003, be repealed.

Secretary for Constitutional Affairs' proposed resolution

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and
General Clauses Ordinance (Cap. 1)

ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)
(DISTRICT COUNCILS) (AMENDMENT) REGULATION 2003

RESOLVED that the Electoral Affairs Commission (Electoral
Procedure) (District Councils) (Amendment) Regulation 2003,
published in the Gazette as Legal Notice No. 125 of 2003 and
laid on the table of the Legislative Council on 21 May 2003,
be amended -

(a) in section 1, by repealing "11" and substituting "21";

(b) in section 2(a), by adding -

"(iia) in the definition of "verification of the
ballot paper account", by repealing
"(1) (b)";";

(c) in section 2(a)(iv), by adding -

"main counting station" (大點票站) means a place designated as a main counting station under section 31;

"small polling station" (小投票站) means a place designated as a small polling station under section 31;"

(d) by repealing section 2(b) and substituting -

"(b) in subsection (3) -

(i) by repealing paragraph (a);

(ii) in paragraph (b), by repealing the full stop at the end and substituting a semicolon;

(iii) by adding -

"(c) references to the counting station are to be construed as including the main counting station and dominant counting station; and

(d) references to the polling station are to be construed as including the small polling station and special polling

station.".";

(e) in section 4, in the heading, by adding "**small polling stations, main counting stations**" before "and";

(f) in section 4(a), by adding -

"(1C) The Chief Electoral Officer must designate each polling station (other than a special polling station) at which less than 200 electors are to vote as a small polling station.

(1D) If in relation to a constituency, 2 or more polling stations have been designated and at least one of them is a small polling station or a special polling station, the Chief Electoral Officer must designate a polling station as a main counting station for the purpose of counting the votes of the small polling station or special polling station.

(1E) The Chief Electoral Officer may designate a polling station as a main counting station in respect of the small polling station only if the aggregate of the electors to vote at the polling station to be so designated and the electors to vote at the small polling station is not less than 200.";

(g) in section 4(b), by adding "**small polling stations, main counting stations**" before "and dominant";

(h) in section 10, in the new section 56A(5)(b), by repealing "becomes" and substituting "has become";

- (i) in section 11, by repealing the heading and substituting **"Steps to be taken at the close of the poll: a polling station which is not a small polling station or a special polling station"**;
- (j) in section 11, in the new section 63(1), by adding "(other than a small polling station or a special polling station)" before "which is";
- (k) by adding -

"11A. Section added

The following is added -

"63A. Steps to be taken at the close of the poll: a small polling station or a special polling station

(1) As soon as practicable after the close of the poll at a small polling station or a special polling station, the Presiding Officer of that polling station must, in the presence of the persons, if any, who are present within the polling station, take the following steps -

- (a) place the ballot box or boxes where that Officer and other persons who are present within the polling station can see them;

- (b) cover each ballot box with a device provided for that purpose so that a ballot paper or any other material cannot be introduced into or withdrawn from the ballot box after it is covered;
- (c) use a padlock to keep the device secured in position;
- (d) seal each ballot box; and
- (e) make up into separate sealed packets -
 - (i) ballot papers which have not been issued;
 - (ii) the unused ballot papers;
 - (iii) the spoilt ballot papers; and
 - (iv) the marked copies of the final register.

(2) A candidate and an election agent and a polling agent of such candidate may stay in a polling station referred to in subsection (1) while it is closed for taking the steps referred to in subsection (1) (a), (b), (c), (d) and (e).

(3) The Presiding Officer of the small polling station or special polling station must then deliver the ballot box or boxes and the sealed packets to the Presiding Officer of the main counting station."

11B. Presiding Officer to prepare a ballot paper account for each packet of sealed ballot papers

Section 64 (1) is amended, by adding "or 63A, as the case may be," after "63".";

(l) in section 12, by repealing the heading and substituting **"Returning Officer and Presiding Officer to give notice of place and time of the counting of votes to candidates"**;

(m) by repealing section 12(b) and substituting -

"(b) by repealing subsections (3) and (4) and substituting -

"(3) The Returning Officer must give notice in writing to each

candidate of the place or places at which counting is to take place for the constituency contested by the candidate.

(4) Notice under subsection (3) must be given at least 1 working day before polling day."";

(n) in section 12(c), by adding -

"(9) In this section, "Presiding Officer" (投票站主任) does not include a Presiding Officer of a small polling station which is not designated as a main counting station or a special polling station which is not so designated.";

(o) in section 19(b), by adding -

"(4) In this section, "Presiding Officer" (投票站主任) does not include a Presiding Officer of a small polling station which is not designated as a main counting station or a special polling station which is not so designated.";

(p) in section 21(a), by adding "other than a Presiding Officer of a small polling station which is not designated as a main counting station or a special polling station which is not so designated" after "A Presiding Officer";

(q) in section 22(a)(i), by adding "other than a Presiding Officer of a main counting station" after "Presiding

Officer";

(r) in section 22, by adding -

"(aa) by adding -

"(1A) A Presiding Officer in charge of a counting zone of a main counting station must -

(a) count and record the number of ballot papers in each ballot box under his or her charge; and

(b) verify the ballot paper account by comparing it with the number of ballot papers recorded under paragraph (a) and prepare a statement in writing as to the result of the verification."";

(s) in section 23(b), by adding after "subsection (2)" -

"and substituting -

"(2) The Presiding Officer of a main counting station must mix the ballot papers of the polling station designated as the main counting station together with the ballot papers that have been delivered from one or more small polling stations or special

polling stations to the main counting station before counting the votes at the main counting station."";

- (t) in section 28, in the new section 80B(7), by adding "which is not the dominant counting station" after "each counting station";
- (u) in section 28, in the new section 80B(12), by repealing "including the dominant counting station";
- (v) in section 28, in the new section 80C(2), by adding "or any other place as determined by the Returning Officer" after "for the constituency";
- (w) by repealing section 29;
- (x) in section 31, by repealing everything after "amended" and substituting -

" -

- (a) by repealing "Returning Officer" wherever it appears and substituting "Presiding Officer";

- (b) by adding -

"(5) In this section, "Presiding Officer" (投票站主任) does not include a Presiding Officer of a small polling station which is not designated as a main

counting station or a
special polling station
which is not so
designated.".";

(y) in section 32, in the new section 84, by adding -

"(3) In this section, "Presiding Officer"
(投票站主任) does not include a Presiding Officer
of a small polling station which is not designated
as a main counting station or a special polling
station which is not so designated.";

(z) by repealing section 36(b) and substituting -

"(b) in subsection (2)(j), by repealing "time
and".".