

立法會
Legislative Council

LC Paper No. CB(3) 296/18-19

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Tel : 3919 3323

Date : 9 January 2019

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 16 January 2019

**Amendments to Electoral Legislation
(Miscellaneous Amendments) Bill 2018**

The Second Reading debate on the above Bill will be resumed at the Council meeting of 16 January 2019. Subject to the Bill receiving Second Reading, the President has given permission for the Secretary for Constitutional and Mainland Affairs to move amendments to the Bill.

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

(Ida LAI)
for Clerk to the Legislative Council

Encl.

Electoral Legislation (Miscellaneous Amendments) Bill 2018

Committee Stage

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

<u>Clause</u>	<u>Amendment Proposed</u>
10(5)	(a) In the proposed section 32(4), by adding “received in respect of a functional constituencies provisional register or a subsector provisional register” after “notice of objection”. (b) In the proposed section 32(5), by adding “received in respect of a functional constituencies provisional register or a subsector provisional register” after “notice of claim”.
12	By deleting subclauses (2) and (3) and substituting— “(2) Section 1A(4), Table 1, column 2— Repeal “4(a) and 6(2)(a)” Substitute “4(3)(a)(ii) and 6(2)(a) and (2AA)(b)(i)”. (3) Section 1A(4), Table 1, column 2— Repeal “4(b) and 6(2)(b)” Substitute “4(3)(a)(i) and 6(2)(b) and (2AA)(a)(i)”.”.
19(2)	By deleting “(2AA)(b)(ii)” and substituting “(2AA)(b)(i)”.
19(3)	By deleting “(2AA)(a)(ii)” and substituting “(2AA)(a)(i)”.
56	By deleting subclauses (1) and (2) and substituting— “Section 78— Repeal subsection (7).”.

New

By adding—

“56A. Section 78A added

After section 78—

Add

“78A. Returning Officer to prepare ballot paper statement

- (1) The Returning Officer is to prepare a statement of the ballot papers that are not counted.
- (2) The statement is to be made under the following heads—
 - (a) the ballot paper has on it any writing or mark by which the voter can possibly be identified;
 - (b) the ballot paper is endorsed with the words “TENDERED” and “重複”;
 - (c) the ballot paper is endorsed with the words “UNUSED” and “未用”;
 - (d) the ballot paper is endorsed with the words “SPOILT” and “損壞”;
 - (e) the ballot paper is substantially mutilated;
 - (f) the ballot paper is unmarked;
 - (g) the ballot paper is not marked in accordance with section 56(1) or (2);
 - (h) the ballot paper is one on which votes are recorded for a number of candidates exceeding—
 - (i) for a subsector ordinary election—the number of EC members allocated to the subsector concerned; or
 - (ii) for a subsector by-election—the number of EC members to be returned at the by-election;
 - (i) the ballot paper is void for uncertainty.”.

56B. Section 83 amended (Returning Officer to send ballot papers, accounts, packets, etc. to Chief Electoral Officer)

Section 83(1)(b)—

Repeal

“78(7)”

Substitute

“78A(1)”.’.

61 By deleting subclauses (1) and (2) and substituting—
“Section 51—
Repeal subsections (6) and (7).’.”

New By adding—

“61A. Section 51A added

After section 51—

Add

“51A. Returning Officer to prepare ballot paper statement

- (1) The Returning Officer is to prepare a statement of the ballot papers that are not counted.
- (2) The statement is to be made under the following heads—
 - (a) the ballot paper has on it any writing or mark by which the elector can possibly be identified;
 - (b) the ballot paper is endorsed with the words “TENDERED” and “重複”;
 - (c) the ballot paper is endorsed with the words “UNUSED” and “未用”;
 - (d) the ballot paper is endorsed with the words “SPOILT” and “損壞”;
 - (e) the ballot paper is substantially mutilated;
 - (f) the ballot paper is unmarked;
 - (g) the ballot paper is not marked by affixing an issued chop;
 - (h) the ballot paper is one on which—
 - (i) for a contested election—votes for more than one candidate are recorded; or
 - (ii) for an uncontested election—both

“SUPPORT” and “NOT SUPPORT” votes are recorded;

(i) the ballot paper is void for uncertainty.”.”.

New In Division 4 of Part 6, by adding—

“62A. Section 57 amended (ballot papers, accounts, packets, etc. to be sent to Chief Electoral Officer)

Section 57(b)—

Repeal

“51(6)”

Substitute

“51A(1)”.

62B. Section 70 amended (secrecy)

Section 70(1)(d)—

Repeal

“51(6)”

Substitute

“51A(1)”.”.

65(2) In the proposed section 2(2), by adding “(within the meaning of section 1(1) of the Schedule to the Ordinance)” after “a subsector or sub-subsector”.

New In Division 4 of Part 9, by adding before Subdivision 1—

**“Subdivision 1A—Electoral Affairs Commission
(Registration) (Electors for Legislative Council Functional
Constituencies) (Voters for Election Committee
Subsectors) (Members of Election Committee) Regulation
(Cap. 541 sub. leg. B)**

80A. Section 31 amended (who may lodge a notice of claim)

Section 31(10)—

Repeal

“(5)(a) and (b)”

Substitute

“(5)(b)”.