
L.N. 12 of 2016

**Electoral Affairs Commission (Registration of Electors)
(Rural Representative Election) (Amendment)
Regulation 2016**

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Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) (Amendment) Regulation 2016

(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 18 March 2016.

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 14.

3. Section 1A amended (effect of inclement weather warning on date and period)

(1) Section 1A(4), Table—

Repeal

“section 9(2)”

Substitute

“sections 9(2) and 20(7)(b)”.

(2) Section 1A(4), Table—

Repeal

“section 27(10)(b) section 20(7)”.

(3) Section 1A(5)—

Repeal

everything after “falls on” and before “to the day”

Substitute

“an inclement weather warning day, section 21(2)(c) has effect in relation to that year as if the reference to “17 July” in that section is substituted by a reference”.

4. Section 15 amended (ERO to inform applicants of determinations and decisions)

(1) Section 15(3)—

Repeal

“registered post”

Substitute

“post”.

(2) Section 15(5)—

Repeal

“registered”.

5. Section 17 amended (ERO may make inquiries about persons registered in existing final register)

Section 17(2)—

Repeal

“registered”.

6. Section 18 amended (ERO to prepare omissions list)

(1) Section 18(6)—

Repeal

everything after “has informed” and before “from the next”

Substitute

“the person in writing and by post (sent to the address recorded against the person’s name in the existing final register) that the ERO proposes to omit the person’s name”.

(2) Section 18(7A)—

Repeal

“registered”.

7. Section 20 amended (ERO to correct entries in existing final register when compiling next provisional register)

(1) Section 20, heading—

Repeal

“next”.

(2) Section 20(2)—

Repeal

“next provisional register”

Substitute

“first provisional register after that period”.

Section 7

- (3) Section 20(3)—

Repeal

“next provisional register”

Substitute

“first provisional register after that period”.

- (4) Section 20(5)—

Repeal

“registered”.

- (5) Section 20(7)—

Repeal

everything after “relevant period is”

Substitute

“—

- (a) in relation to the compilation of the provisional register for 2016—after 9 September 2015, but on or before 16 July 2016; or
- (b) in relation to the compilation of any subsequent provisional register—after 16 July of the preceding year, but on or before 16 July of the current year.”.
- (6) After section 20(7)—

Add

“(7A) The ERO may, before acting under subsection (2), require in writing the person who makes the request under subsection (1) to furnish in writing either or both of the following within the specified period—

- (a) further particulars relating to the request as specified by the ERO;

(b) proof that the entry is incorrect.”.

(7) Section 20—

Repeal subsection (8)

Substitute

“(8) In this section—

personal particulars (個人詳情) means, in relation to the compilation of—

(a) the Existing Villages provisional register or the Market Towns provisional register, the name and principal residential address of a person; and

(b) the Indigenous Villages and Composite Indigenous Villages provisional register, the name of a person;

specified period (指明期間) means, in relation to a requirement made under subsection (7A), a period specified by the ERO ending not later than 6 August that follows the making of the requirement.”.

8. Section 27 amended (ERO to correct entries in provisional register when compiling final register)

(1) Section 27, heading—

Repeal

“entries in provisional register when compiling”

Substitute

“principal residential addresses when compiling Indigenous Villages and Composite Indigenous Villages”.

(2) Section 27—

Repeal subsections (1), (2), (3), (4), (5), (6), (7), (8), (10) and (11).

9. Section 28 amended (ERO to correct entries in provisional register with approval of Revising Officer)

Section 28(2)(b)—

Repeal

“registered”.

10. Section 29 amended (what is to be contained in final register)

Section 29(1)(a)—

Repeal

“sections 27 and”

Substitute

“section 27(9) or”.

11. Section 32 amended (offences and penalties)

Section 32(1)(d)—

Repeal

“or 27”.

12. Section 34 amended (ERO’s responsibility regarding communications)

(1) Section 34(1)—

Repeal

“registered” (wherever appearing).

Section 13

(2) Section 34(2)—

Repeal

“registered” (wherever appearing).

(3) Section 34(3)—

Repeal

“registered”.

(4) Section 34(4)—

Repeal

“registered post”

Substitute

“post”.

(5) Section 34(5)—

Repeal

“registered post”

Substitute

“post”.

13. Section 35 repealed (transitional provisions relating to Rural Representative Election Legislation (Amendment) Ordinance 2014)

Section 35—

Repeal the section.

**14. Schedule repealed (transitional provisions relating to Rural
Representative Election Legislation (Amendment) Ordinance
2014)**

The Schedule—

Repeal the Schedule.

Made this 18th day of January 2016.

The Hon. Mr. Justice
Barnabas Wah FUNG
Chairman,
Electoral Affairs Commission

Arthur LUK Yee-shun
Member,
Electoral Affairs Commission

Fanny M. C. CHEUNG
Member,
Electoral Affairs Commission

Explanatory Note

This Regulation amends the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K) (*principal Regulation*).

2. Section 27 of the principal Regulation allows the Electoral Registration Officer (*ERO*), when compiling a final register of electors for Existing Villages, final register of electors for Indigenous Villages and Composite Indigenous Villages or final register of electors for Market Towns, to alter certain personal particulars recorded or to be recorded in the relevant provisional register on receiving a request or obtaining information. This Regulation amends that section so that the ERO may no longer alter certain personal particulars under that section.
3. Section 20 of the principal Regulation is amended correspondingly so that requests for alteration of certain personal particulars received after the deadline for applying for registration in the provisional register compiled for a year will only be considered by the ERO for the purpose of compiling the provisional register for the next year.
4. In addition, this Regulation—
 - (a) amends various provisions in the principal Regulation to replace the requirement to send communication by registered post by the requirement to send it by post; and

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- (b) repeals section 35 of, and the Schedule to, the principal Regulation which are transitional provisions relating to the Rural Representative Election Legislation (Amendment) Ordinance 2014 (5 of 2014) as they are spent.