
L.N. 172 of 2017

**Electoral Affairs Commission (Registration of Electors)
(Legislative Council Geographical Constituencies)
(District Council Constituencies) (Amendment)
Regulation 2017**

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**Electoral Affairs Commission (Registration of Electors)
(Legislative Council Geographical Constituencies)
(District Council Constituencies) (Amendment)
Regulation 2017**

(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 1 February 2018.

**2. Electoral Affairs Commission (Registration of Electors)
(Legislative Council Geographical Constituencies) (District
Council Constituencies) Regulation amended**

The Electoral Affairs Commission (Registration of Electors)
(Legislative Council Geographical Constituencies) (District
Council Constituencies) Regulation (Cap. 541 sub. leg. A) is
amended as set out in sections 3 to 13.

3. Section 2 amended (interpretation)

Section 2(1)—

Repeal the definition of *application*.

**4. Section 2A amended (effect of inclement weather warning on
date and period)**

(1) Section 2A(4)—

Repeal

“or provisions” (wherever appearing).

(2) Section 2A(4), Table 1—

Repeal

“section 4(1)(a)(i)	sections 4(2)(b) and 11(5)(b)(ii)(A)
section 4(1)(a)(ii)	sections 4(2)(c) and 11(5)(b)(i) and (ii)(B)”

Substitute

“section 4(1)(a)(i)	section 4(2)(b)
section 4(1)(a)(ii)	section 4(2)(c)
section 10A(12)(a)	section 10A(12)(b)(i)
section 10A(12)(b)(ii)	section 10A(12)(c)(i)(A)
section 10A(12)(c)(i)(B)	section 10A(12)(c)(ii)(A)
section 10A(12)(c)(ii)(B)	section 10A(12)(c)(ii)(A)”.

5. Section 3 amended (form of register)

Section 3(4)(a) and (b), after “application”—

Add

“made under section 4(1) or 10A(1)”.

6. Section 5 amended (Electoral Registration Officer to determine whether or not applicant is eligible for registration and may ask for additional information)

Section 5(1), after “application”—

Add

“made under section 4(1)”.

7. Section 10A added

After section 10—

Add

“10A. Application for change of particulars in existing final register

- (1) A person whose name and principal residential address are recorded in the existing final register (*applicant*) may apply to the Electoral Registration Officer for change of name or principal residential address in the entry relating to the applicant.
- (2) An application made under subsection (1) (*application*) must be—
 - (a) made on the specified form;
 - (b) completed in English or Chinese; and
 - (c) signed by the applicant.
- (3) For an application for change of principal residential address, the Electoral Registration Officer may, in the application, require the applicant to submit together with the application documentary evidence that proves that the address stated in the application is the principal residential address of the applicant.

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- (4) In processing an application, the Electoral Registration Officer may, in writing, require the applicant to provide either or both of the following within the period specified in subsection (5)—
 - (a) further written particulars relating to the application as specified by the Officer;
 - (b) documentary evidence that proves that the entry relating to the applicant in the existing final register is incorrect.
 - (5) The period is—
 - (a) if the first 11 July that follows the making of the requirement falls in a District Council election year—a period specified by the Electoral Registration Officer ending on or before that day; or
 - (b) in any other case—a period specified by the Officer ending on or before the first 11 May that follows the making of the requirement.
 - (6) The Electoral Registration Officer must approve an application if the Officer is satisfied that—
 - (a) the entry relating to the applicant in the existing final register is incorrect; and
 - (b) the entry should be amended in accordance with the information provided by the applicant.
 - (7) The Electoral Registration Officer must refuse an application if the Officer is satisfied that—
 - (a) the entry relating to the applicant in the existing final register is incorrect; but
 - (b) the entry should not be amended in accordance with the information provided by the applicant.

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- (8) The Electoral Registration Officer must refuse an application for change of principal residential address if there is no satisfactory evidence available to the Officer that proves that the address stated in the application is the principal residential address of the applicant.
 - (9) The Electoral Registration Officer may decide not to process an application further—
 - (a) if the Officer is satisfied that the entry relating to the applicant in the existing final register is correct; or
 - (b) where the Officer requires the applicant to provide particulars or evidence under subsection (4)—
 - (i) if the applicant does not comply with the requirement; or
 - (ii) if the applicant does not provide particulars or evidence to the satisfaction of the Officer.
 - (10) The Electoral Registration Officer must notify the applicant, by post, of a decision made under subsection (6), (7), (8) or (9).
 - (11) If the Electoral Registration Officer—
 - (a) receives an application during the period specified in subsection (12); and
 - (b) approves the application,the Officer must, when compiling the first provisional register after that period, record in the appropriate place in the register the name or principal residential address changed.

- (12) The period is, in relation to the compilation of—
- (a) the provisional register for 2018—after 2 May 2017 but not later than 2 April 2018;
 - (b) any provisional register for a year subsequent to 2018 that is a District Council election year—
 - (i) after 2 April in the preceding year; but
 - (ii) not later than 2 June in the current year; or
 - (c) any provisional register for a year subsequent to 2018 that is not a District Council election year—
 - (i) if the preceding year is a District Council election year—
 - (A) after 2 June in the preceding year; but
 - (B) not later than 2 April in the current year; or
 - (ii) if the preceding year is not a District Council election year—
 - (A) after 2 April in the preceding year; but
 - (B) not later than 2 April in the current year.”.

8. Section 11 amended (Electoral Registration Officer to correct entries in existing final register in compiling provisional register)

- (1) Section 11—
Repeal subsections (1) and (2).
- (2) Section 11(4)—
Repeal

“(2) or”.

- (3) Section 11(4)—

Repeal

everything after “writing.”.

- (4) Section 11(5)—

Repeal

“subsections (2) and (3)”

Substitute

“subsection (3)”.

- (5) Section 11(5)—

Repeal paragraph (a)

Substitute

“(a) the provisional register for 2018—after 2 May 2017
but not later than 2 May 2018; or”.

- (6) Section 11—

Repeal subsections (6) and (7).

9. Section 12 amended (what is to be contained in provisional register)

- (1) Section 12(a), after “9,”—

Add

“10A.”.

- (2) Section 12—

Repeal paragraph (b).

- (3) Section 12(c)—

Repeal

“applications received by that Officer”

Substitute

“receiving by the Officer of applications made under section 4(1)”.

- (4) Section 12(c)—

Repeal subparagraph (i)

Substitute

“(i) in the case of the provisional register for 2018—
during the period beginning on 3 May 2017 and
ending on 2 May 2018; or”.

- (5) Section 12(c)(ii)(A), Chinese text—

Repeal

everything after “編製”

Substitute

“的——於對上一年的5月3日開始並於現年份的7月2
日結束的限期；或”。

- (6) Section 12(c)(ii)(B)(I), Chinese text—

Repeal

everything after “選舉”

Substitute

“年——於對上一年的7月3日開始並於現年份的5月2
日結束的限期；或”。

- (7) Section 12(c)(ii)(B)(II), Chinese text—

Repeal

everything after “選舉”

Substitute

“年——於對上一年的5月3日開始並於現年份的5月2
日結束的限期。”。

10. Section 15 amended (who may lodge a notice of claim)

(1) Section 15—

Repeal subsection (4)

Substitute

“(4) Subsection (4A) applies to a person whose application under section 10A(1) for change of a particular—

- (a) has been refused by the Electoral Registration Officer under section 10A(7) or (8); or
- (b) has been decided by the Electoral Registration Officer not to process further under section 10A(9).

(4A) The person may make a claim to have the particular changed in accordance with the information provided in the application.”.

(2) Section 15(8)—

Repeal

everything after “be, the Electoral Registration”

Substitute

“Officer—

- (a) may, having regard to the nature of the claim, treat it as a claim for the purpose of the compilation of the final register for the year following that in which the claim is submitted; and
- (b) if the Officer so treats the claim—must refer it to the Revising Officer.”.

11. Section 19 amended (what is to be contained in final register)

Section 19(1)(b)—

Repeal

“15(8)(b)”

Substitute

“15(8)”.

12. Section 22 amended (offences and penalties)

(1) Section 22(1)—

Repeal paragraph (e)

Substitute

“(e) application made under section 10A;”.

(2) Section 22(1) and (2)(a)—

Repeal

“, request”.

(3) Section 22(2)(b)—

Repeal

“, request or notice referred to in paragraph (a)”

Substitute

“or notice referred to in subsection (1)”.

13. Section 23 amended (Electoral Registration Officer to make specified forms available)

Section 23(1), after “4,”—

Add

“10A,”.

Made this 16th day of October 2017.

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

Arthur Yee-shun LUK
Member,
Electoral Affairs Commission

Fanny M. C. CHEUNG
Member,
Electoral Affairs Commission

Explanatory Note

This Regulation amends the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A).

2. The main purposes of the amendments are—
 - (a) to provide that a person seeking to change the person's name or principal residential address (*specified particulars*) recorded in the existing final register of electors for geographical constituencies (*GC*) must apply to the Electoral Registration Officer (*ERO*) for the change;
 - (b) to empower the ERO to require a person who applies for change of the person's principal residential address to submit together with the application documentary evidence to prove that the address stated in the application is the principal residential address of the person; and
 - (c) to specify that, in relation to the compilation of the provisional register of electors for GC for a year, the deadline for an application for change of any specified particulars falls on—
 - (i) if that year is a District Council election year—
2 June in that year; or
 - (ii) if that year is not a District Council election year—
2 April in that year.