
L.N. 174 of 2017

**Electoral Affairs Commission (Registration of Electors)
(Rural Representative Election) (Amendment)
Regulation 2017**

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Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) (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) (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 13.

3. Section 1 amended (interpretation)

Section 1(1)—

Repeal the definition of *application*.

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

(1) Section 1A(4), Table—

Repeal

“section 9(1) sections 9(2) and 20(7)(b)”

Substitute

“section 9(1) sections 9(2) and 20(7)(b)

section 19A(12)(a)(ii) section 19A(12)(b)(i)

section 19A(12)(b)(ii) section 19A(12)(b)(i)”.
.”

(2) Section 1A(5)—

Section 5

Repeal

“section 21(2)(c) has”

Substitute

“sections 20A(3) and 21(2)(c) have”.

- (3) Section 1A(5)—

Repeal

“that section”

Substitute

“those sections”.

5. Section 4 amended (entries in Existing Villages register and Market Towns register)

- (1) Section 4(2)—

Repeal

“on the application form for registration”

Substitute

“in the application made under section 9(1) or 19A(1) (*application*)”.

- (2) Section 4(3)(a)—

Repeal

“on the application form”

Substitute

“in the application”.

- (3) Section 4(3)(b)—

Repeal

“on that form”

Section 6

Substitute

“in the application”.

- (4) Section 4—

Repeal subsection (4)

Substitute

“(4) If in the application—

- (a) the name appears in English only (despite the principal residential address being in Chinese), the name is to be recorded in English; and
- (b) the name appears in Chinese only (despite that address being in English), the name is to be recorded in Chinese.”.

6. Section 5 amended (entries in Indigenous Villages and Composite Indigenous Villages register)

- (1) Section 5(1)—

Repeal paragraph (b)

Substitute

“(b) if—

- (i) the person has provided to the ERO the person’s principal residential address—the address; or
- (ii) the person has provided to the ERO the person’s correspondence address but not the person’s principal residential address—the correspondence address.”.

- (2) Section 5(2)—

Repeal

“on the application form for registration”

Substitute

“in the application made under section 9(1) or the request made under section 20(1)”.

- (3) Section 5(3)(a)—

Repeal

“on the application form”

Substitute

“in the application made under section 9(1) or the request made under section 20(1)”.

- (4) Section 5(3)(b)—

Repeal

“on that form”

Substitute

“in the application made under section 9(1) or the request made under section 20(1)”.

- (5) Section 5—

Repeal subsection (4)

Substitute

“(4) If in the application made under section 9(1) or 19A(1) (*application*) or the request made under section 20(1)—

- (a) the name appears in English only (despite the principal residential address being in Chinese), the name is to be recorded in English;
- (b) the name appears in Chinese only (despite that address being in English), the name is to be recorded in Chinese; and
- (c) the principal residential address is not furnished, the name is to be recorded—

- (i) in Chinese, if the signature of the person in the application appears to be in Chinese;
- (ii) in English, if the signature of the person in the application appears to be in English; or
- (iii) in any other case, in Chinese or English as determined by the ERO.”.

7. Section 19A added

After section 19—

Add

“19A. Application for change of principal particulars in existing final register

- (1) A person whose personal particulars are recorded in the existing final register (*applicant*) may apply to the ERO for change of a principal particular 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 recorded in the final register for Existing Villages or the final register for Market Towns, the ERO 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 ERO 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 ERO;
 - (b) documentary evidence that proves that the entry relating to the applicant in the existing final register is incorrect.
- (5) The period is a period specified by the ERO ending on or before 6 August that follows the making of the requirement.
- (6) The ERO must approve an application if the ERO 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 ERO must refuse an application if the ERO 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.
- (8) The ERO must refuse an application for change of principal residential address if there is no satisfactory evidence available to the ERO that proves that the address stated in the application is the principal residential address of the applicant.
- (9) The ERO may decide not to process an application further—

- (a) if the ERO is satisfied that the entry relating to the applicant in the existing final register is correct; or
 - (b) where the ERO 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 ERO.
- (10) The ERO must notify the applicant, by post, of a decision made under subsection (6), (7), (8) or (9).
- (11) If the ERO—
- (a) receives an application during the period specified in subsection (12); and
 - (b) approves the application,
- the ERO must, when compiling the first provisional register after that period, record in the appropriate place in the register the principal particular changed.
- (12) The period is, in relation to the compilation of—
- (a) the provisional register for 2018—
 - (i) after 16 July 2017; but
 - (ii) not later than 16 June 2018; or
 - (b) any subsequent provisional register—
 - (i) after 16 June in the preceding year; but
 - (ii) not later than 16 June in the current year.
- (13) In this section—
- principal particular*** (主要詳情), in relation to an applicant, means—

- (a) for the compilation of the Existing Villages provisional register or the Market Towns provisional register—the name or principal residential address of the applicant; or
- (b) for the compilation of the Indigenous Villages and Composite Indigenous Villages provisional register—the name of the applicant.”.

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

- (1) Section 20, heading—

Repeal

“ERO to correct entries in existing final register when compiling provisional register”

Substitute

“Request for change of other particulars in existing Indigenous Villages and Composite Indigenous Villages final register”.

- (2) Section 20—

Repeal subsection (1)

Substitute

“(1) A person whose name is recorded in the existing Indigenous Villages and Composite Indigenous Villages final register may make a written request to the ERO—

- (a) to change the principal residential address or the correspondence address in an entry relating to the person;

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- (b) to add to, or remove from, an entry relating to the person the principal residential address or the correspondence address of the person; or
 - (c) if the person is eligible to be registered as an elector for 2 or more Indigenous Villages or Composite Indigenous Villages—to change the Indigenous Village or Composite Indigenous Village for which the person is registered.
 - (1A) In making a request under subsection (1), the person must provide to the ERO information on—
 - (a) in relation to a request described in subsection (1)(a) or (b)—how the entry relating to the person is to be changed; or
 - (b) in relation to a request described in subsection (1)(c)—the Indigenous Village or Composite Indigenous Village for which the person seeks to be registered.”.
- (3) Section 20—
 - Repeal subsection (2)**
 - Substitute**
 - “(2) If the ERO—
 - (a) receives a request under subsection (1) within the period specified in subsection (7); and
 - (b) is satisfied that the entry relating to the person, or the Indigenous Village or Composite Indigenous Village for which the person is registered, should be changed,

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the ERO must, when compiling the first Indigenous Villages and Composite Indigenous Villages provisional register after that period, record in the appropriate place in the provisional register the personal particulars of the person changed.”.

(4) Section 20—

Repeal subsection (3).

(5) Section 20(4)—

Repeal

“a correction under subsection (2) or (3)”

Substitute

“a change under subsection (2)”.

(6) Section 20(4)—

Repeal

“the correction”

Substitute

“the change”.

(7) Section 20(5), English text—

Repeal

“alteration”

Substitute

“change”.

(8) Section 20—

Repeal subsection (6).

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(9) Section 20(7)—

Repeal

“For the purposes of subsections (2) and (3), the relevant”

Substitute

“The”.

(10) Section 20(8), Chinese text, definition of *指明期間*—

Repeal the semicolon

Substitute a full stop.

(11) Section 20(8)—

Repeal the definition of *personal particulars*.

9. Section 20A added

After section 20—

Add

“20A. ERO to correct entries in existing final register when compiling provisional register

- (1) If it appears to the ERO, from information obtained within the specified period, as a result of an inquiry or otherwise, that a personal particular in an entry in the existing final register is incorrect, the ERO may, when compiling the first provisional register after that period, record in the appropriate place in the register the personal particular corrected.
- (2) If the ERO makes a correction under subsection (1), the ERO must inform the person concerned, in writing, of the correction.
- (3) In this section—

specified period (指明限期) means a period beginning on 17 July of the preceding year and ending on 16 July of the current year.”.

10. Section 21 amended (what is to be contained in provisional register)

(1) Section 21(2)(a)—

Repeal

“20”

Substitute

“19A, 20, 20A”.

(2) Section 21(2)(b)—

Repeal

“corrected” (wherever appearing)

Substitute

“changed”.

(3) Section 21(2)(c), after “applications”—

Add

“made under section 9(1)”.

11. Section 24 amended (who may make a claim)

(1) After section 24(3)—

Add

“(3A) Subsection (3B) applies to a person whose application under section 19A(1) for change of a particular—

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- (a) has been refused by the ERO under section 19A(7) or (8); or
 - (b) has been decided by the ERO not to process further under section 19A(9).
- (3B) The person may make a claim to have the particular changed in accordance with the information provided in the application.”.
- (2) Section 24(4)—
 - Repeal**
 - “alter a particular in an entry relating to that person”
 - Substitute**
 - “change a particular”.
- (3) Section 24(4), English text—
 - Repeal**
 - “altered”
 - Substitute**
 - “changed”.
- (4) Section 24(5)—
 - Repeal**
 - “altered”
 - Substitute**
 - “corrected”.
- (5) Section 24(5)—
 - Repeal**
 - “20(3)”
 - Substitute**
 - “20A(1)”.

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(6) Section 24(5)—

Repeal

“alteration”

Substitute

“correction”.

12. Section 25 amended (how to lodge notice of claim)

(1) Section 25(5)—

Repeal paragraph (a)

Substitute

“(a) as a request for change made under section 20(1) for the purpose of the compilation of the next provisional register; or”.

(2) Section 25(5)(b), English text—

Repeal

“claim, for the purpose of compiling”

Substitute

“claim for the purpose of the compilation of”.

(3) Section 25(6)(a)—

Repeal

“, (5) and (6)”

Substitute

“and (5)”.

(4) Section 25(8)—

Repeal

“or applications”

Substitute

“, applications or requests”.

(5) Section 25(8)—

Repeal

“or application”

Substitute

“, application or request”.

13. Section 33 amended (ERO to make specified forms available)

Section 33(1), after “10,”—

Add

“19A,”.

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) (Rural Representative Election) Regulation (Cap. 541 sub. leg. K).

2. The main purposes of the amendments are—
- (a) to provide that a person seeking to change any of the following particulars must apply to the Electoral Registration Officer (*ERO*) for the change—
 - (i) the name of the person recorded in the existing Indigenous Villages and Composite Indigenous Villages final register, the existing final register for Existing Villages or the existing final register for Market Towns;
 - (ii) the principal residential address of the person recorded in the existing final register for Existing Villages or the existing final register for Market Towns;
 - (b) to empower the ERO to require a person who applies to change the person's principal residential address recorded in the existing final register for Existing Villages or the existing final register for Market Towns 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 relevant provisional register for a year, the deadline for an application for change of any particulars specified in subparagraph (a) falls on 16 June in that year.