

**VILLAGE REPRESENTATIVE ELECTION LEGISLATION  
(MISCELLANEOUS AMENDMENTS) ORDINANCE 2009**

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**HONG KONG SPECIAL ADMINISTRATIVE REGION**

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ORDINANCE NO. 12 OF 2009



Donald TSANG  
Chief Executive  
29 October 2009

An Ordinance to amend the Village Representative Election Ordinance and certain items of subsidiary legislation relating to village representative elections—

- (a) to include the villages known as “Lai Pek Shan” and “Yuen Long Kau Hui” as Existing Villages and Indigenous Villages for the purposes of village representative elections;
- (b) to make minor amendments to the names of certain Villages;
- (c) to revise the time frames concerning appeals to Revising Officers and the registration of electors;
- (d) to increase the maximum penalty for certain electoral offences;
- (e) to remove spent references; and
- (f) to provide for related matters.

[9 November 2009]

Enacted by the Legislative Council.

**PART 1**

**PRELIMINARY**

**1. Short title**

This Ordinance may be cited as the Village Representative Election Legislation (Miscellaneous Amendments) Ordinance 2009.

**2. Commencement**

This Ordinance comes into operation on 9 November 2009.

PART 2

AMENDMENTS TO VILLAGE REPRESENTATIVE ELECTION  
ORDINANCE

**3. Interpretation**

(1) Section 2(1) of the Village Representative Election Ordinance (Cap. 576) is amended by repealing the definitions of “first final register”, “first provisional register” and “first village ordinary election”.

(2) Section 2(1) is amended, in the definition of “village ordinary election”, by repealing paragraph (a) and substituting—

“(a) the first election held to elect a person as a Village Representative for the Village; or”.

**4. How long a Village Representative holds office**

(1) Section 7(1) is repealed.

(2) Section 7(2) is amended by repealing “any subsequent” and substituting “a”.

**5. Who is entitled to vote at an election**

Section 13(3)(b), in the Chinese text, is repealed and the following substituted—

“(b) 對有關的人可就關乎上述選舉的投票的罪行被檢控和定罪一事造成影響。”.

**6. Who is eligible to be registered as an elector**

(1) Section 15(2) is repealed.

(2) Section 15(4)(c) is amended by repealing everything after “will be an adult” and substituting “on or before 20 October next following the person’s application for registration; and”.

(3) Section 15(5)(b) is amended by repealing everything after “will be an adult” and substituting “on or before 20 October next following the person’s application for registration;”.

**7. Electoral Registration Officer to compile and publish registers of electors**

(1) Section 17(1)(a) is amended by repealing “22 April 2003 and not later than 10 September in each subsequent” and substituting “27 August in each”.

(2) Section 17(1)(b) is amended by repealing “3 June 2003 and not later than 20 October in each subsequent” and substituting “20 October in each”.

(3) Section 17(4)(c) is amended by repealing “who have made applications for registration since the date” and substituting “whose applications for registration are received by the Electoral Registration Officer during the period”.

(4) Section 17(7) and (8) is repealed.

**8. Secretary to specify dates for village ordinary elections**

(1) Section 20(1) is repealed.

(2) Section 20(2) is amended by repealing everything after “fourth year” and substituting “after the first election held to elect a person as a Village Representative for the Village in the year in which the office of village representative is established.”.

**9. Term of office of an approved Village Representative**

Section 63 is repealed.

**10. Section added**

The following is added—

**“69. Transitional provisions relating to Village Representative Election Legislation (Miscellaneous Amendments) Ordinance 2009**

Schedule 5 sets out transitional provisions relating to the Village Representative Election Legislation (Miscellaneous Amendments) Ordinance 2009 (12 of 2009).”.

## 11. Existing Village

Schedule 1 is amended—

(a) in item 36—

(i) by repealing “Chung Sam Wai (忠心圍)” and substituting “Wang Chau Chung Sam Wai (橫洲忠心圍)”;

(ii) by renumbering it as item 625A;

(b) in item 43, by repealing “Fanling (粉嶺)” and substituting “Fanling Wai (粉嶺圍)”;

(c) in item 54—

(i) by repealing “Fuk Hing Tsuen (福慶村)” and substituting “Wang Chau Fuk Hing Tsuen (橫洲福慶村)”;

(ii) by renumbering it as item 625B;

(d) in item 108, by repealing “Kai Kuk Shue Ha and Ham Hang Mei (雞谷樹下及鹹坑尾)” and substituting “Kai Kuk Shue Ha and Nam Hang Mei (雞谷樹下及南坑尾)”;

(e) in item 112, by repealing “Kam Tin San Tsuen (錦田新村)” and substituting “Kam Tin Shing Mun San Tsuen (錦田城門新村)”;

(f) by adding—

“154A. Lai Pek Shan	VEB/2009/	1 April	1	Tai Po Rural
(犁壁山)	P/TP-94	2011		Committee”;

(g) in item 160—

(i) by repealing “Lam Uk Tsuen (林屋村)” and substituting “Wang Chau Lam Uk Tsuen (橫洲林屋村)”;

(ii) by renumbering it as item 625C;

(h) in item 343—

(i) by repealing “Sai Tau Wai (西頭圍)” and substituting “Wang Chau Sai Tau Wai (橫洲西頭圍)”;

(ii) by renumbering it as item 625D;

(i) in item 494—

(i) by repealing “Tai Mon Che (大芒輦)” and substituting “Tai Yeung Che (大陽輦)”;

(ii) by renumbering it as item 535A;

(j) in item 618—

(i) by repealing “Tung Tau Wai (東頭圍)” and substituting “Wang Chau Tung Tau Wai (橫洲東頭圍)”;

(ii) by renumbering it as item 625E;

(k) in item 669—

- (i) by repealing “Yeung Uk Tsuen (楊屋村)” and substituting “Wang Chau Yeung Uk Tsuen (橫洲楊屋村)”;
- (ii) by renumbering it as item 625F;
- (l) by adding—

“686A. Yuen Long Kau Hui (元朗舊墟)	VEB/2009/ M/SPH-31	1 April 1 2011	Shap Pat Heung Rural Committee”.
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## 12. Indigenous Village

Schedule 2 is amended—

- (a) in item 33—
  - (i) by repealing “Chung Sam Wai (忠心圍)” and substituting “Wang Chau Chung Sam Wai (橫洲忠心圍)”;
  - (ii) by renumbering it as item 529A;
- (b) in item 39, by repealing “Fanling (粉嶺)” and substituting “Fanling Wai (粉嶺圍)”;
- (c) in item 47—
  - (i) by repealing “Fuk Hing Tsuen (福慶村)” and substituting “Wang Chau Fuk Hing Tsuen (橫洲福慶村)”;
  - (ii) by renumbering it as item 529B;
- (d) in item 100, by repealing “Kam Tin San Tsuen (錦田新村)” and substituting “Kam Tin Shing Mun San Tsuen (錦田城門新村)”;
- (e) by adding—

“134A. Lai Pek Shan (犁壁山)	1 April 2011	1	Tai Po Rural Committee”;
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- (f) in item 139—
  - (i) by repealing “Lam Uk Tsuen (林屋村)” and substituting “Wang Chau Lam Uk Tsuen (橫洲林屋村)”;
  - (ii) by renumbering it as item 529C;
- (g) in item 295—
  - (i) by repealing “Sai Tau Wai (西頭圍)” and substituting “Wang Chau Sai Tau Wai (橫洲西頭圍)”;
  - (ii) by renumbering it as item 529D;
- (h) in item 420—
  - (i) by repealing “Tai Mon Che (大芒輦)” and substituting “Tai Yeung Che (大陽輦)”;
  - (ii) by renumbering it as item 455A;



- (i) in item 521—
  - (i) by repealing “Tung Tau Wai (東頭圍)” and substituting “Wang Chau Tung Tau Wai (橫洲東頭圍)”;
  - (ii) by renumbering it as item 529E;
- (j) in item 565—
  - (i) by repealing “Yeung Uk Tsuen (楊屋村)” and substituting “Wang Chau Yeung Uk Tsuen (橫洲楊屋村)”;
  - (ii) by renumbering it as item 529F;
- (k) by adding—

“579A. Yuen Long Kau Hui (元朗舊墟)	1 April 2011	1	Shap Pat Heung Rural Committee”.
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### 13. Composite Indigenous Village

Schedule 3 is amended, in item 4—

- (a) by repealing “Kai Kuk Shue Ha and Ham Hang Mei (雞谷樹下及鹹坑尾)” and substituting “Kai Kuk Shue Ha and Nam Hang Mei (雞谷樹下及南坑尾)”;
- (b) by repealing “Ham Hang Mei (鹹坑尾)” and substituting “Nam Hang Mei (南坑尾)”.

### 14. Schedule 5 added

The following is added—

#### “SCHEDULE 5

[s. 69]

#### TRANSITIONAL PROVISIONS RELATING TO VILLAGE REPRESENTATIVE ELECTION LEGISLATION (MISCELLANEOUS AMENDMENTS) ORDINANCE 2009

#### 1. Interpretation

In this Schedule—

- “amending Ordinance” (《修訂條例》) means the Village Representative Election Legislation (Miscellaneous Amendments) Ordinance 2009 (12 of 2009);
- “new Village” (新鄉村) means—

- (a) the Existing Village known as “Lai Pek Shan” which is added into Schedule 1 by section 11(*f*) of the amending Ordinance;
- (b) the Existing Village known as “Yuen Long Kau Hui” which is added into Schedule 1 by section 11(*l*) of the amending Ordinance;
- (c) the Indigenous Village known as “Lai Pek Shan” which is added into Schedule 2 by section 12(*e*) of the amending Ordinance; or
- (d) the Indigenous Village known as “Yuen Long Kau Hui” which is added into Schedule 2 by section 12(*k*) of the amending Ordinance.

**2. The first village ordinary election for a new Village**

The first election to elect a person as a Village Representative for a new Village is to be held in 2011.

**3. Registration of electors for new Villages**

Section 15(1)(*a*) of this Ordinance does not apply in relation to the registration of a person as an elector for a new Village in the first provisional register, or the first final register, to be compiled and published for that new Village after the commencement of the amending Ordinance.

**4. Compilation of first provisional registers for new Villages**

Section 17(3), (4)(*a*) and (*b*), (5) and (6) of this Ordinance does not apply in relation to the compilation of the first provisional register for a new Village after the commencement of the amending Ordinance.

**5. Compilation of first provisional registers for renamed Villages**

In relation to a Village the name of which is amended by section 11, 12 or 13 of the amending Ordinance, the first provisional register for the renamed Village to be compiled and published after the commencement of the amending Ordinance is to be based on the existing final register for the Village, before its name was so amended, that was in effect immediately before the commencement of the amending Ordinance.”.

PART 3

AMENDMENTS TO VILLAGE REPRESENTATIVE ELECTION  
(REGISTRATION OF ELECTORS) (APPEALS) REGULATION

**15. Interpretation**

(1) Section 1 of the Village Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576 sub. leg. A) is amended by repealing the definition of “first provisional register”.

(2) Section 1 is amended, in the definition of “provisional register”, by repealing the semicolon and substituting a full stop.

(3) Section 1 is amended by repealing the definition of “subsequent provisional register”.

**16. Fixing a hearing date and notifying  
the appellant**

(1) Section 2(1)(a) is amended by repealing “subsections (4) and” and substituting “subsection”.

(2) Section 2(4) is repealed.

(3) Section 2(5) is amended by repealing everything before paragraph (a) and substituting—

“(5) If a notice of claim or a notice of objection is lodged under Part 5 of the EAC Regulation in respect of a provisional register on or before 9 September of the year for which the relevant register is being compiled, the hearing date in respect of that notice—”.

(4) Section 2(5)(a) is amended—

(a) by repealing “10 September” and substituting “27 August”;

(b) by repealing “30 September” and substituting “23 September”.

(5) Section 2(5)(b) is amended, in the English text, by repealing “the notice is received” and substituting “a copy of the notice is received by the Revising Officer”.

**17. Revising Officers notify parties  
of outcome of appeal**

Section 4(4) is amended by repealing “2 days” and substituting “4 days”.

**18. Electoral Registration Officer  
to be notified of rulings**

Section 5(2) is repealed and the following substituted—

“(2) The Revising Officer shall notify the Electoral Registration Officer on or before 12 October in the year in which the hearing is concluded.”.

**19. Review of rulings by Revising Officer**

(1) Section 7(1)(b) is amended, in the Chinese text, by repealing “份” and substituting “分”.

(2) Section 7(2) is repealed and the following substituted—

“(2) A ruling made under section 3(2) may only be reviewed on or before 5 October in the year in which the ruling is made.”.

**20. Approval of Revising Officer in relation to  
Electoral Registration Officer’s proposal**

Section 8 is amended, in the English text, by repealing “setion” and substituting “section”.

**PART 4**

**AMENDMENTS TO ELECTORAL AFFAIRS COMMISSION (REGISTRATION  
OF ELECTORS) (VILLAGE REPRESENTATIVE ELECTION)  
REGULATION**

**21. Interpretation**

(1) Section 1(1) of the Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (Cap. 541 sub. leg. K) is amended, in the definition of “application”, by repealing “8 or”.

(2) Section 1(1) is amended by repealing the definitions of “first final register”, “first provisional register” and “second provisional register”.

**22. When to apply for registration in first  
provisional register and applications  
received after deadline**

Section 8 is repealed.

**23. When to apply for registration in provisional registers compiled after first provisional register**

(1) Section 9 is amended, in the heading, by repealing “**compiled after first provisional register**”.

(2) Section 9(1) is amended by repealing “30 July” and substituting “16 July”.

(3) Section 9(2) is amended by repealing “30 July” wherever it appears and substituting “16 July”.

(4) Section 9(3) is repealed.

**24. ERO may require further particulars or proof**

(1) Section 12 is amended, in the Chinese text, in the heading, by repealing “及” and substituting “或”.

(2) Section 12(5) is amended by repealing everything after “ERO” and substituting “, which must be a period ending on or before 6 August following the making of the requirement.”.

**25. ERO may make inquiries about persons registered in existing final register**

Section 17(3) is amended by repealing “14 July” and substituting “30 June”.

**26. ERO to prepare omissions list**

(1) Section 18(2) is amended by repealing “14 July” and substituting “30 June”.

(2) Section 18(2)(a) is amended by repealing “30 July” and substituting “16 July”.

(3) Section 18(3) is amended by repealing “30 July” and substituting “16 July”.

(4) Section 18(6) is amended by repealing “30 July” and substituting “16 July”.

**27. ERO to publish notice that omissions list is available for public inspection**

Section 19(2) is amended by repealing “23 September” and substituting “9 September”.

**28. ERO to correct entries in existing final register when compiling next provisional register**

Section 20(7) is amended by repealing everything after “the compilation of” and substituting “a provisional register, after 9 September of the preceding year, but on or before 16 July of the current year.”.

**29. What is to be contained in provisional register**

(1) Section 21(1) is repealed.

(2) Section 21(2) is amended by repealing “The second provisional register and any subsequent provisional register are” and substituting “A provisional register is”.

(3) Section 21(2)(c) is amended by repealing everything after “received by the ERO” and substituting “during the period beginning on 17 July of the preceding year and ending on 16 July of the current year.”.

**30. ERO to publish notice that provisional register is available for public inspection**

Section 22(2) is amended by repealing everything after “published” and substituting “every year, not later than 27 August.”.

**31. Objection regarding registered person in provisional register**

Section 23(3) is amended by repealing everything after “an entry” and substituting “in a provisional register, on or before 9 September of the current year.”.

**32. How to lodge notice of claim**

(1) Section 25(4) is amended by repealing everything after “registration” and substituting “in a provisional register, on or before 9 September of the current year.”.

(2) Section 25(5) is amended by repealing “relevant”.

(3) Section 25(8) is amended by repealing “relevant”.

**33. ERO to correct entries in provisional register when compiling final register**

(1) Section 27(7) is amended by repealing “30 July” and substituting “16 July”.

(2) Section 27(10)(a) is amended by repealing everything after “the compilation of” and substituting “a final register, the period beginning on 17 July of the current year and ending on 9 September of the same year; and”.

(3) Section 27(10)(b) is amended by repealing everything after “the compilation of” and substituting “a final register, 9 September of the current year.”.

**34. ERO to correct entries in provisional register with approval of Revising Officer**

Section 28(2)(a) is amended by repealing everything after “the compilation of” and substituting “a final register, on or before 5 October of the current year; and”.

**35. What is to be contained in final register**

Section 29(5) is repealed and the following substituted—

“(5) For the purposes of subsection (1)(b), (2), (3) or (4), in relation to a final register, only decisions made by the Revising Officer after 27 August of the current year, but on or before 5 October of the same year, are to be taken into account.”.

**36. ERO to publish notice of final register and to make final register available for public inspection**

Section 30(2) is amended by repealing everything after “published” and substituting “every year, not later than 20 October.”.

PART 5

AMENDMENTS TO ELECTORAL PROCEDURE (VILLAGE  
REPRESENTATIVE ELECTION) REGULATION

**37. Offence**

(1) Section 89(1) of the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L) is amended—

(a) by repealing “(4),”;

(b) by repealing “, 79 or 82(1)” and substituting “or 79”.

(2) Section 89(2) is amended by adding “38(4), 82(1) or” after “section”.