

**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)**

**NOTICE OF APPEAL  
REGARDING REGISTRATION OF REPLACEMENT OR SUBSTITUTE  
AUTHORIZED REPRESENTATIVE  
FOR CORPORATE ELECTOR OR VOTER  
(Section 31A of the Regulation)**

*(Please read the attached explanatory notes before completing this Notice)*

To: Electoral Registration Officer

**APPEAL FOR NOT REGISTERING AN AUTHORIZED REPRESENTATIVE AS A REPLACEMENT OR AS A SUBSTITUTE [s. 31A(1)]**

1. My body hereby gives you a notice of appeal for your decision not to register as an authorized representative \_\_\_\_\_ (*Name of Individual*) appointed by my body as a \*replacement / substitute (referred to as “new authorized representative” hereinunder) for the \* \_\_\_\_\_ functional constituency / \_\_\_\_\_ subsector.

2. The circumstance giving rise to my body’s appeal is that you decided not to register as an authorized representative the above-named person appointed by my body as a \*replacement / substitute though a notice of appointment and the personal particulars of the new authorized representative (on the specified form (REO-42R)) were given to reach you not later than 14 days before the polling date for the \*functional constituency / subsector concerned.

<b>PARTICULARS OF THE NEW AUTHORIZED REPRESENTATIVE:</b>		
<b>Name</b>	<b>Identity Document Number</b>	<b>Principal Residential Address (Note 4)</b>

3. The grounds in support of my body’s appeal are as follows:

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PARTICULARS OF APPELLANT:	
Name of Body	
Business Address	
Name and Position of Responsible Person	
Contact Telephone Number	
Fax Number <i>(if any)</i>	

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Responsible Person  
on behalf of the Appellant *(Note 7)*)

\_\_\_\_\_  
(Company Chop)

\* *Please delete whichever is not applicable.*



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(MEMBERS OF ELECTION COMMITTEE) REGULATION  
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**EXPLANATORY NOTES FOR COMPLETING A NOTICE OF APPEAL  
REGARDING REGISTRATION OF REPLACEMENT OR SUBSTITUTE  
AUTHORIZED REPRESENTATIVE  
FOR CORPORATE ELECTOR OR VOTER**

1. The Notice of Appeal may be lodged if your body is dissatisfied with the decision of the Electoral Registration Officer not to register as an authorized representative a person your body appointed as a replacement or as a substitute:

(a) As to a replacement –

A corporate elector/voter may replace an authorized representative appointed by it from time to time. Although the notice of replacement (on specified form (REO-42R)) and the personal particulars of the replacement authorized representative reached the Electoral Registration Officer not later than 14 days before the polling date for the functional constituency or the subsector concerned, your body's application for registering a replacement authorized representative has been refused by the Electoral Registration Officer.

(b) As to a substitute –

The Electoral Registration Officer has refused to register as an authorized representative a person appointed by your body or the Revising Officer has ruled on a claim or objection that a person appointed by your body should not be registered as such. Although the notice of substitution (on specified form (REO-42R)) and the personal particulars of the substitute authorized representative reached the Electoral Registration Officer not later than 14 days before the polling date for the functional constituency or the subsector concerned, your body's application for registering a substitute authorized representative has been refused by the Electoral Registration Officer.

2. A separate Notice in the specified form must be used for each appeal.

3. Your body should state the grounds in support of the appeal in the Notice. While not attempting to be exhaustive, the following are some examples:

(a) the person appointed by your body is registered, or is eligible to be and has applied to be registered, as an elector for a geographical constituency (i.e. he is a permanent resident of Hong Kong, or satisfies the requirements for being an ordinary resident in Hong Kong or the age requirement);

(b) he has a substantial connection with your body;

- (c) he is not registered, and has not applied to be registered, as an individual elector/voter for the same functional constituency/subsector that your body is registered;
- (d) he is not disqualified from being registered as an elector for a geographical constituency for:
  - (i) having been found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
  - (ii) serving as a member of the armed forces of the Central People's Government or any other country or territory.

4. "Principal residential address", in relation to a person, means the address of the only or principal residence (within the meaning of section 28(1B) or (3) of the Legislative Council Ordinance (Cap. 542)) of that person.

5. Your body must furnish the particulars at the space provided in the Notice.

6. To ensure that rulings on your body's appeal can be made at an earliest possible date, the responsible person of your body must deliver the Notice by hand **in person** at the office of the Electoral Registration Officer at the following address not later than 11 days before the polling date for the functional constituency and subsector concerned:

Registration and Electoral Office,  
10<sup>th</sup> Floor, Harbour Centre,  
25 Harbour Road,  
Wan Chai, Hong Kong.

*or*

Registration and Electoral Office,  
10<sup>th</sup> Floor, Guardian House,  
32 Oi Kwan Road,  
Wan Chai, Hong Kong.

7. The Notice should be signed by a **responsible person** of your body and must be **delivered by that person**. A responsible person is a person authorized by a corporate elector/voter for this purpose.

8. The Electoral Registration Officer may require the responsible person to identify himself by inspecting his Hong Kong identity card or passport. He should therefore bring his identity card or passport with him when he delivers the Notice.

9. The Electoral Registration Officer will forward your body's appeal to the Revising Officer for his determination. The Revising Officer will be the Registrar of the High Court or a magistrate or a legal officer appointed by the Chief Justice.

10. The Revising Officer will, by notice, inform your body of the date, time and place for holding a hearing as regards the appeal to which your body's Notice relates. The responsible person of your body may appear at the hearing either in person or be represented by a legal practitioner or any other person (authorized in writing by your body). Whether or not the responsible person of your body appears or is represented at the hearing, your body may make written representations to the Revising Officer, which should reach him on a date not later than 1 day before the date of the hearing. The date of hearing stipulated in this paragraph will be a date amongst the following:

- (a) within a period of 21 days beginning from 25 days before the polling date for the functional constituency/subsector concerned in respect of Notices received by the Electoral Registration Officer on a date not later than 11 days before the relevant polling date; or
- (b) within a period of 28 days ending on 12 September 2011<sup>1</sup> in respect of Notices received by the Electoral Registration Officer between 9 July 2010 and 8 September 2011 on a date later than 11 days before the polling date for the functional constituency/subsector concerned; or
- (c) within a period of 27 days ending on 11 July 2012 in respect of Notices received by the Electoral Registration Officer after 8 September 2011 on a date later than 11 days before the polling date for the functional constituency/subsector concerned.

11. If the responsible person of your body does not appear or is not represented at the hearing, or if the Revising Officer does not receive any written representations from your body on a date not later than 1 day before the date of the hearing, and the Electoral Registration Officer does not make representations to the Revising Officer at the hearing, the decision of the Electoral Registration Officer to which your body's Notice relates shall stand.

12. These notes are for general guidance only. You should also refer to the Legislative Council Ordinance (Cap. 542), the Chief Executive Election Ordinance (Cap. 569), the Electoral Affairs Commission Ordinance (Cap. 541) and subsidiary legislations made thereunder. The relevant legislations can be found on the website: [www.legislation.gov.hk/eng/home.htm](http://www.legislation.gov.hk/eng/home.htm) and are on sale at the Publications Sales Unit of the Information Services Department.

13. For enquiries, please call our Hotline 2891 1001.

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<sup>1</sup> The statutory deadline fixed for holding a hearing in 2011 (11 September 2011) is a Sunday. The date is extended to 12 September 2011 (Monday) in accordance with section 71(1)(c) of the Interpretation and General Clauses Ordinance (Cap. 1).

## **Personal Information Collection Statement**

### *Purpose of Collection*

14. The personal data and other related information provided by your body by means of this Notice will be used by the Registration and Electoral Office for voter registration and election related purposes. The provision of personal data and other related information by means of this Notice is voluntary. However, if your body does not provide adequate and accurate data, we may not be able to process your Notice.

### *Transfer of Information*

15. The information provided by your body will be provided to the Revising Officer, and where necessary, may also be provided to other authorized departments/organizations/persons for the purposes of voter registration and election under relevant Ordinances and/or subsidiary legislations, and all purposes related thereto.

### *Access to Personal Data and Enquiry*

16. Your body has a right to request access to, and to request the correction of, the personal data and other related information your body supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486). Such requests and enquiries should be made in writing to the Electoral Registration Officer at 10<sup>th</sup> Floor, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong.

Registration and Electoral Office  
August 2011