

Please read the attached explanatory notes before completing this Notice

**NOTICE OF APPEAL
REGARDING REGISTRATION OF REPLACEMENT OR
SUBSTITUTION OF AUTHORIZED REPRESENTATIVE
FOR CORPORATE ELECTOR OR VOTER**

Please note that:

This Notice of Appeal is only applicable to a registered corporate elector / voter to lodge an appeal for the request for a replacement or a substitute of its authorized representative which was rejected by the Electoral Registration Officer. When the registration of authorized representative was rejected in your body's application to be registered as a corporate elector / voter, please complete and return the Notice of Claims (For Corporate Elector/Voter).

To: Electoral Registration Officer

APPEAL FOR NOT REGISTERING AN AUTHORIZED REPRESENTATIVE AS A REPLACEMENT OR AS A SUBSTITUTE OF MY BODY [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 (on the specified form (REO-FCR)/(REO-SSR)) and the personal particulars of the new authorized representative has **reached** you not later than 14 days before the polling date for the *functional constituency/subsector concerned.

PARTICULARS OF THE NEW AUTHORIZED REPRESENTATIVE:

| Name (in BLOCK LETTERS) | Hong Kong Identity Card Number | Principal Residential Address (<i>Note 4</i>) |
|-------------------------|--------------------------------|---|
| | | |

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

| PARTICULARS OF THE APPELLANT | |
|--|--|
| Name of Body (in BLOCK LETTERS) | |
| Name and Position of Responsible Person | |
| Business Address | |
| Contact Telephone Number | |
| Fax Number <i>(if any)</i> | |
| Email Address <i>(if any)</i> | |

Date: _____

(Signature of Responsible Person
of the Appellant *(Note 7)*)

(Body Chop)

* *Please delete whichever is not applicable.*

To: Revising Officer

Notice of Appeal
Regarding Registration of Replacement or Substitution of
Authorized Representative for Corporate Elector or Voter

In connection with my body's appeal lodged on _____,
(Date)

- (i) I *do/do not wish to appear at the hearing.
- (ii) my body *will/will not be represented by a legal practitioner or any other person (authorized in writing by my body) at the relevant hearing.

Signature of Responsible Person

: _____

Name of Responsible Person

(in BLOCK LETTERS) :

Name of Appellant

(in BLOCK LETTERS) :

Telephone Number :

Fax Number *(if any)* :

Email Address *(if any)* :

Date :

* *Please delete whichever is not applicable.*

**EXPLANATORY NOTES FOR COMPLETING A NOTICE OF APPEAL
REGARDING REGISTRATION OF REPLACEMENT OR
SUBSTITUTION OF AUTHORIZED REPRESENTATIVE
FOR CORPORATE ELECTOR OR VOTER**

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

(a) As to a replacement of an authorized representative –

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-FCR)/(REO-SSR)) and the personal particulars of the new 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 to an authorized representative –

A corporate elector/voter may appoint a substitute if 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/objection that a person appointed by your body should not be registered as such. Although the notice of substitution (on specified form (REO-FCR)/(REO-SSR)) and the personal particulars of the new 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 of Appeal in the specified form must be used for each appeal regarding the authorized representative.

3. Your body should state the grounds in support of the appeal in this 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. that person is a permanent resident of Hong Kong, or satisfies the requirements for being an ordinary resident in Hong Kong or the age requirement etc.);
- (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; or

- (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) being a member of the armed forces of the Central People's Government or any other country or territory.

Your body must provide sufficient information about the appeal so as to inform the Revising Officer and the Electoral Registration Officer of the grounds of the appeal.

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. 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 this 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/subsector concerned**:

Address

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

or

Registration and Electoral Office,
13/F, Kowloonbay International Trade & Exhibition Centre
1 Trademart Drive,
Kowloon Bay, Kowloon.

6. This Notice should be signed by a **responsible person of your body** and must be **delivered** to the Electoral Registration Officer **by that person**. A responsible person is a person authorized by a corporate elector/voter for this purpose. A decision to appeal against a decision of the Electoral Registration Officer that relates to the appointment of an authorized representative of a corporate elector/voter may only be made by the governing authority, by whatever name called, of the corporate elector/voter.

7. 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 Hong Kong identity card or passport with him when he delivers this Notice.

8. 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.

9. 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 the relevant 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 Revising Officer on a date **not later than the 8th day before the relevant polling date**; or
- (b) **within a period of 28 days ending on 11 September 2021** in respect of Notices received by the Revising Officer **on or before 8 September 2021** and on a date **later than the 8th day before the polling date for the functional constituency/subsector concerned**; or
- (c) **within a period of 27 days ending on 11 September 2022** in respect of Notices received by the Revising Officer **after 8 September 2021** and on a date **later than the 8th day before the polling date for the functional constituency/subsector concerned**.

10. If the responsible person of your body does not appear; is not represented at the hearing, and 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 Appeal Notice relates shall stand. **The Revising Officer may dismiss the appeal direct if the responsible person of your body or the authorized person does not attend the hearing of the relevant appeal.**

11. If no ground is submitted by your body in the appeal, or the ground(s) submitted by your body are irrelevant to registration eligibilities, or the appeal involves only a clerical error made in compiling or printing the electoral register, the Electoral Registration Officer would request the Revising Officer to determine the relevant appeal by written submissions and the Revising Officer must direct that the relevant appeal be determined without a hearing on the

basis of written submissions only. Your body could still request a review of the ruling (if so, a hearing will be conducted) if your body is not satisfied with the Revising Officer's ruling.

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 the relevant subsidiary legislation. The relevant legislation can be found on the website: www.elegislation.gov.hk and is on sale at the Publications Sales Unit of the Information Services Department.

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

14. **Offences and Penalties**

Pursuant to section 42(1) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors)(Members of Election Committee) Regulation (Cap. 541B), any person who in any notice of appeal makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such a notice commits an offence and is liable on conviction on indictment to a fine at level 3 and to imprisonment for 2 years.

Personal Information Collection Statement

Purpose of Collection

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 entirely voluntary. However, if your body does not provide adequate and accurate data, this Office may not be able to process your body's Notice.

Transfer of Information

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, election and all purposes related thereto in accordance with the relevant Ordinances and/or subsidiary legislation.

Access to Personal Data and Enquiry

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 personal data requests and enquiries

should be made in writing to the Electoral Registration Officer (Address: 10th Floor, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong).

Registration and Electoral Office
July 2021