



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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By Fax (2824 1003)

27 October 2015

Ms CHAN Shui Yu, Marion
Asst Comr for Census and Statistics (Social)
Census and Statistics Department
21/F, Wanchai Tower
12 Harbour Road
Wan Chai
Hong Kong

Dear Ms CHAN,

**Census and Statistics (2016 Population
Census) Order (L.N. 208 of 2015)**

I am scrutinizing the legal and drafting aspects of the Order.

Section 6 of the Order provides that an occupant, for the purpose of the 2016 census to be taken from 30 June 2016 to 2 August 2016, must give particulars of matters specified in the Schedule to the Order (such as the whereabouts of the occupant) in respect of, among others, any person who is aged below 15 and under the occupant's guardianship (section 6(1)(b)(ii)(A)). "Occupant" is defined to mean, among other things, "a person who has reached 15 years of age at the census reference moment". Under section 2 of the Order, "census reference moment" means "3 a.m. on 30 June 2016".

Please explain the reason for determining the age of an occupant by reference to not only a particular date but also a particular time on that date (i.e. 3 a.m. on 30 June 2016) but there is no such reference in section 6(1)(b)(ii)(A) as to "aged below 15". Please also clarify as to whether an occupant would attract any liability if the occupant was born on 30 June but the occupant is not sure whether he/she has reached the age of 15 because the occupant cannot remember at what time he/she was born.

To enable the House Committee to decide how to proceed with the Order at the meeting on 30 October 2015, I would appreciate if you could let me have the said information (in both Chinese and English with soft copy to Miss Kathy NG at pcng@legco.gov.hk) by 11 a.m. on 28 October 2015.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Winnie LO', written in a cursive style.

(Winnie LO)
Assistant Legal Adviser

c.c. LA
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