

立法會
Legislative Council

Ref : CB2/SS/4/15

LC Paper No. CB(2)1296/15-16
(These minutes have been seen
by the Administration)

**Subcommittee on Amendments to Three Regulations
under the Electoral Affairs Commission Ordinance**

**Minutes of the second meeting
held on Tuesday, 16 February 2016, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon Starry LEE Wai-king, JP
Hon Alan LEONG Kah-kit, SC
Hon NG Leung-sing, SBS, JP
Hon Charles Peter MOK, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Dr Hon CHIANG Lai-wan, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members absent** : Hon LEE Cheuk-yan
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan, JP
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Steven HO Chun-yin, BBS
- Public Officers attending** : Mr Ryan CHIU Pit-ming
Principal Assistant Secretary for Constitutional and
Mainland Affairs
- Ms KONG Ka-man
Assistant Secretary for Constitutional and Mainland Affairs

Mr CHAN Ngai-him
Senior Government Counsel
Department of Justice

Miss WU Chung-yi
Government Counsel
Department of Justice

Mr LI Pak-hong
Chief Electoral Officer
Registration and Electoral Office

Mr SHUM Nam-lung
Deputy Chief Electoral Officer (Operations)
Registration and Electoral Office

Mrs CHAN YUEN Po-yee
Principal Liaison Officer
Home Affairs Department

Ms KAN Sau-fun
Chief Liaison Officer
Home Affairs Department

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Miss Rachel DAI
Assistant Legal Adviser 2

Miss Cindy HO
Senior Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

Action

I. Meeting with the Administration

[LC Paper Nos. LS29/15-16, CB(2)866/14-15(01) to (03), CB(2)868/15-16(01) and REO GC/51/0 C]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

Admin 2. Dr CHIANG Lai-wan considered that there was room for improvement in the clarity of the Chinese version of some of the proposed amendments, citing the following examples –

- (a) in section 10 of L.N.10 of 2016, "為人" in "最後為人所知的地址" seemed ambiguous; and
- (b) in section 12(5) of L.N.12 of 2016, "將任何若無本款主任便須以書面(但無須以郵遞方式)向該人送交的通訊，送交予該人" was not easily comprehensible. It might be amended, by adding a comma, to read "將任何若無本款，主任便須以書面(但無須以郵遞方式)向該人送交的通訊，送交予該人".

The Administration agreed to consider the above suggestions in future review exercise of the relevant Electoral Affairs Commission Regulations.

Legislative timetable

3. The Subcommittee completed examination of the provisions of the Amendment Regulations (L.N. 10 to L.N. 12 of 2016).

4. Members noted that the Amendment Regulations would come into operation on 18 March 2016. Members noted that if the proposed resolution for extending the scrutiny period of the Amendment Regulations was dealt with and passed at the Council meeting of 24 February 2016, the period for amending the Amendment Regulations would be extended to the Council meeting of 16 March 2016; otherwise, the period for amending the Amendment Regulations would expire at the Council meeting of 24 February 2016. The Subcommittee would report its deliberations to the House Committee on 26 February 2016.

(Post-meeting note: Hon TAM Yiu-chung's proposed resolution to extend the scrutiny period of the Amendment Regulations was not dealt with at the Council meeting of 24 February 2016. The scrutiny period of the Amendment Regulations therefore expired at the said Council meeting.)

II. Any other business

5. There being no other business, the meeting ended at 12:27 pm.

Council Business Division 2
Legislative Council Secretariat
13 April 2016

**Proceedings of the second meeting of the
Subcommittee on Amendments to Three Regulations
under the Electoral Affairs Commission Ordinance
on Tuesday, 16 February 2016, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
001004 - 001654	Chairman Administration	Briefing by the Registration and Electoral Office ("REO") on the Legislative Council ("LegCo") Brief.	
001655 - 002346	Chairman Dr CHIANG Lai-wan Administration	<p>Dr CHIANG Lai-wan enquired whether there would be any remedial measures in case an elector failed to receive REO's inquiry letter sent by surface mail and to respond to the inquiry. The Administration explained that in conducting the inquiry process, REO would also contact the elector concerned by phone, mobile phone short message service ("SMS") or email (according to the contact details the elector provided), so as to remind the elector to confirm or update his/her registered residential address before the statutory deadline. For electors who had received the inquiry letters but had not replied to REO by the deadline to confirm or update their residential addresses, REO would remove their names in compiling the provisional register and include them in the omissions list ("OL"). After including their names in OL, REO would also send another reminding letter by surface mail to these electors to remind them to make claims or reply to REO in a timely manner so as to reinstate their registration status.</p> <p>In response to Dr CHIANG's enquiry, the Administration advised that in the 2015 voter registration ("VR") cycle, REO initiated the inquiry process for about 80 000 electors in accordance with the relevant electoral laws, and had received replies from over 40 000 electors under inquiry. Dr CHIANG was concerned that it would incur much work on REO if electors under inquiry had to be contacted individually through telephone. The Administration explained that apart from contacting electors through telephone, REO also communicated with electors by other means of communication</p>	

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		<p>according to the contact details provided by the electors (e.g. mobile phone SMS).</p> <p>In response to Dr CHIANG's concern about erroneous entries in electoral registers, the Administration advised that REO would improve the data entry work by enhancing staff training and would put in place in-house verification measures (e.g. independent entry by two different operators) in processing of VR applications. Besides, action would be taken by REO to establish a database of existing buildings in Hong Kong to facilitate verification of address information.</p>	
002347 - 003159	Chairman Mr SIN Chung-kai Administration	<p>Mr SIN Chung-kai asked about the existing arrangement of sending reminding letters to relevant electors. The Administration explained that REO was not required by the relevant electoral laws to issue the reminding letters. It was only an administrative measure adopted by REO since 2012 to remind electors whose names had been included in OL to respond to REO's inquiry process.</p> <p>In response to the Chairman's enquiry, the Administration advised that about 100 000 inquiry letters would be issued in the 2016 VR cycle. The Chairman was concerned that a large number of electors might be removed from the final registers ("FR") if they failed to respond to REO's inquiry letters. The Administration explained that after implementation of the legislative proposal, inquiry letters would be sent by surface mail instead of registered mail. Hence, the addressee would no longer be required to acknowledge receipt of mail on the spot or arrange for collection from the post office. As such, it was expected that electors would be able to respond to REO's inquiry letters more readily.</p> <p>Members discussed about the basis for initiating checks on existing electors by REO. The Chairman considered that a high percentage of random checking should be avoided in order not to discourage people from registration. The Administration advised that in the 2016 VR Campaign, the Administration would appeal to eligible persons to register as electors and remind</p>	

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		electors to update their registration particulars before the statutory deadline of 2 May 2016 for new registration/change of particulars, and would promote the use of the Online Voter Information Enquiry System and the REO's hotline.	
003200 - 003556	Chairman Dr CHIANG Lai-wan Administration Mr SIN Chung-kai	<p>Mr SIN Chung-kai sought details about the handling of applications for updating registration particulars submitted after the statutory deadline. He also asked whether the voting eligibility of relevant electors would be affected if they had moved home after the statutory deadline.</p> <p>The Administration explained that under the current requirements, REO would, in accordance with the electoral laws, process in the next VR cycle any requests for new registration or updating registration particulars submitted after the statutory deadline, i.e., these particulars would not be included in the FR published in the current VR cycle. Therefore, taking the 2016 VR cycle as an example, if the proposal was implemented, applications for new registration or updating registration particulars submitted after 2 May 2016 would be processed in the 2017 VR cycle but not included in the FR published in July 2016. The Administration further advised that electors were entitled to vote in the constituencies for which they were registered, as it had been ruled by the court that there was no provision to bar or disqualify the electors from voting although they had moved to a new address without informing REO.</p>	
003557 - 003621	Chairman	Members noted that no written submission had been received before the meeting.	
<u>Clause-by-clause examination of the provisions of the Amendment Regulations</u>			
003622 - 004550	Chairman Administration	<u>L.N. 10 of 2016</u> [LC Paper No. CB(2)866/15-16(01)]	
004551 - 005459	Chairman Dr CHIANG Lai-wan Administration	<p><i>Section 10 of L.N. 10 of 2016</i></p> <p>Dr CHIANG Lai-wan considered that in section 10 of L.N. 10 of 2016, the expression "為人" in "最後為人所知的地址" seemed ambiguous and should be improved to enhance the clarity. The Administration explained that, in the English text, it was "last known address", and no change was</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		proposed to the Chinese text. The Administration agreed to consider the suggestion in future review exercise of the relevant Electoral Affairs Commission ("EAC") Regulations.	Admin (para. 2 of the minutes)
005500 - 011202	Chairman Dr CHIANG Lai-wan Administration Mr SIN Chung-kai	<p><u>L.N. 11 of 2016</u> [LC Paper No. CB(2)866/15-16(02)]</p> <p>While expressing support for the EAC's proposal of using surface mail instead of registered mail for sending inquiry letters issued by REO, Mr SIN Chung-kai considered that the reminding letter was very important as it served to inform the elector concerned that REO was about to remove his/her name from FR if he/she still failed to reply to REO by the deadline on the reminding letter. He suggested that REO should send the reminder letters by both registered mail and surface mail (instead of only by surface mail) to the electors whose names were included in OL. Dr CHIANG Lai-wan expressed support for Mr SIN's suggestion.</p> <p>The Administration advised that it needed to carefully consider the suggestion from the perspective of resource implications and possible reaction of the electors. The Administration reiterated that REO was not required by the relevant electoral laws to issue the reminding letters. Such administrative arrangement was, therefore, not pertinent to the current amendment which concerned using surface mail for sending inquiry letters and other VR notifications. Nevertheless, the Administration had undertaken to consider members' views and suggestions.</p>	
011203 - 011943	Chairman Administration Dr CHIANG Lai-wan	<p><i>Section 10 of L.N. 11 of 2016</i></p> <p>In section 33(5) of the principal Regulation, "則他必須以掛號郵遞方式" was repealed and substituted by "則須以郵遞方式". Dr CHIANG raised query about the deletion of the character "必". The Administration confirmed that in that context, the Chinese terms "必須" and "須" had the same meaning.</p>	
011944 - 013012	Chairman Administration Dr CHIANG Lai-wan	<p><u>L.N. 12 of 2016</u> [LC Paper No. CB(2)866/15-16(03)]</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
013013 - 013951	Chairman Dr CHIANG Lai-wan Administration	<p><i>Section 12 of L.N. 12 of 2016</i></p> <p>Dr CHIANG Lai-wan's enquiry about section 34(3) of the principal Regulation and the Administration's explanation that the expression "any communication is sent to a person by the ERO by post" described the manner in which such a communication was delivered to a person. In that context, the word "communication" was used as a noun referring to the information communicated to a person by post.</p> <p>Dr CHIANG also considered that in the amendment to section 34(5) of the principal Regulation, the expression "將任何若無本款主任便須以書面(但無須以郵遞方式)向該人送交的通訊，送交予該人" was not easily comprehensible. She suggested that it might be amended, by adding a comma, to read "將任何若無本款，主任便須以書面(但無須以郵遞方式)向該人送交的通訊，送交予該人". The Administration agreed to consider the suggestion in future review exercise of the relevant EAC Regulations.</p>	Admin (para. 2 of the minutes)
013952 - 014256	Chairman Dr CHIANG Lai-wan	Legislative timetable	