

LEGISLATIVE COUNCIL BRIEF

Electoral Affairs Commission Ordinance (Cap. 541)

Electoral Affairs Commission (Registration Of Electors) (Geographical Constituencies) (Legislative Council) (Amendment) Regulation 1999

INTRODUCTON

At the meeting of the Electoral Affairs Commission (“EAC”) on 6 October 1999, the EAC endorsed the Electoral Affairs Commission (Registration of Electors) (Geographical Constituencies) (Legislative Council) (Amendment) Regulation (“the Amendment Regulation”) which seeks to amend the Electoral Affairs Commission (Registration of Elector) (Geographical Constituencies) (Legislative Council) Regulation (“the principal regulation”). This brief informs Members of the main provisions in the Amendment Regulation.

BACKGROUND AND ARGUMENT

2. The principal regulation was made by the EAC in November 1997. It sets out the procedural arrangements in the registration of electors for geographical constituencies (GCs) for the Legislative Council (LegCo) election in accordance with the broad framework laid down in the LegCo Ordinance (Cap. 542). The main provisions of the principal regulation provide for the following:

- (a) the format of the voter register;
- (b) procedures in applying for registration;
- (c) compilation of the provisional and final registers and the omissions list;
- (d) procedures for appeal; and
- (e) offences and penalties.

3. Following the enactment of the LegCo (Amendment) Ordinance 1999 (Ord. 48 of 1999) which sets out the arrangements for the general election to be held in September 2000 to elect members for the second term of office of the LegCo, certain provisions of the principal regulation need to be correspondingly amended to tie in with the changes introduced. The scope of the principal regulation will also need to expand to cover District Councils (DCs) election following the

enactment of the DCs Ordinance.

THE AMENDMENT REGULATION

4. There are no major changes to the principal regulation. The more significant amendments are highlighted in the ensuing paragraphs.

The revised cycle of voter registration

5. The LegCo (Amendment) Ordinance 1999 provides that the Electoral Registration Officer (ERO) must publish a provisional register and a final register of electors not later than 15 April and 25 May respectively each year. To tie in with the new timetable, the various dates concerning different steps in the compilation of the register as set out in the principal regulation are consequentially postponed. They are summarized in the Annex.

Expanding the scope of the principal regulation to cover the District Councils

6. Starting from 2000, the register to be published under the regulation will be used for both LegCo GCs elections and DCs elections. Section 1 seeks to amend the title of the principal regulation to reflect this change. Other related amendments, which include changes to the format of the register and making offences under the principal regulation a prescribed offence for certain purposes under the DCs Ordinance, are elaborated in greater detail below.

Repeal the provisions that are spent

7. Some of the provisions in the principal regulation were applicable only to the LegCo election held in 1998. They should be repealed.

Revised format of the register of electors

8. The following changes are made to the format of the register published for public inspection:

- (a) the register will show only the name and principal residential address of an elector, but not his identity document number and sex. This is to enhance protection of the privacy of electors' personal data. Section 3(b) gives effect to this purpose;
- (b) in addition to dividing the register into sections corresponding to the LegCo GCs as required under the principal regulation, each section will be further divided into subsections by reference to DC constituencies for the purpose of a DCs election. Section 3(a) adds the provisions on the new arrangement.

Procedural Change to facilitate eligible persons to register as electors

9. The principal regulation requires that an application made by a person must be sent by post or delivered by hand to the ERO. Amendment is made to remove this requirement so that applications may be sent through facisimile transmission. It also paves the way for the ERO to receive applications sent through electronic means, such as the Internet through the Electronic Services Delivery Scheme which is being developed by the government for implementation in late 2000. Section 4(a) (iv) seeks to give effect to this purpose.

Offences and Penalties

10. To ensure integrity of an election and to guard against misuse of information contained in a voter register, the principal regulation makes it an offence if any person:

- (a) knowingly makes a false statement or provide false information in relation to voter registration;
- (b) conspires with, incites, compels, induces, coerces, intimidates or persuades another person to make such a false statement or provide such false information;
- (c) misuses information contained in a voter register for a purpose not related to an election.

11. Under the principal regulation, conviction of the offences stated above will disqualify a person from being nominated as a candidate and from being elected as a Member of the LegCo, and where appropriate, from registering and voting under the LegCo Ordinance as well. Since the voter register published under the regulation will also be used for the DCs elections, section 22 seeks to make conviction of these offences grounds for similar disqualification and disqualification from holding office as a member under the DCs Ordinance.

PUBLIC CONSULTATION

12. There is no need for public consultation since the proposals in the Amendment Regulation are largely made to tie in with the changes in the primary legislation.

BASIC LAW IMPLICATIONS

13. The Department of Justice advises that the Amendment Regulation does not conflict with the provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

14. The Department of Justice advises that the Amendment Regulation is consistent with the human rights provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

15. The expenses in connection with the registration of electors are to be absorbed within the total cost for the 2000 LegCo election.

LEGISLATIVE TIMETABLE

16. The Amendment Regulation will be published in the Gazette on 19 November 1999 and tabled in LegCo on 24 November 1999.

PUBLICITY

17. A press release will be issued on 19 November 1999. A spokesman will be available for answering enquiries from the media.

Registration and Electoral Office
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Key Dates in the Voter Registration Cycle

	<u>Section (Subsection) of the Regulation</u>	<u>Existing Dates</u>	<u>Revised dates for 2000</u>	<u>Revised dates for subsequent years</u>	
1.	Deadline for application for registration as an elector	4(1)(a) & (2)	16 January	16 March	(as in 2000)
2.	Deadline for an applicant to submit additional information when required by the Electoral Registration Officer (ERO)	5(2)	25 January	25 March	(as in 2000)
3.	Deadline for ERO to make inquiries on persons who may cease to be eligible to be registered	7(3)	31 December in the preceding year	28 February in the current year	(as in 2000)
4.	Deadline for persons being inquired to submit information to ERO	9(1)(a)(i) & (4)(a)	16 January	16 March	(as in 2000)
5.	ERO may enter corrected particulars in compiling provisional register regarding information received during specified period	11(5)	after 1 March to 16 January	after 1 March 1999 to 16 March 2000	after 29 April of preceding year to 16 March
6.	ERO may accept applications received during specified period for registration in provisional register	12(c)	17 January of preceding year to 16 January	17 January 1999 to 16 March 2000	17 March of preceding year to 16 March
7.	Deadline for publication of provisional register	13(1)	15 February	15 April (stipulated in LegCo (Amendment) Ord.)	(as in 2000)

8.	Deadline for inspection of provisional register and lodging of objections and claims	13(3), 14(2) 15(7)	1 March	29 April	(as in 2000)
9.	Deadline for ERO to deliver copies of objections and claims to the Revising Officer	16(2)	3 March	2 May	(as in 2000)
10.	ERO may enter corrected particulars in compiling final register regarding information received during specified period	17(4)	after 16 January to 1 March	after 16 March to 29 April	(as in 2000)
11.	Deadline for ERO to obtain approval from Revising Officer to correct, add or remove entries in provisional register when compiling final register	18(2)	13 March	11 May	(as in 2000)
12.	Revising Officer's rulings on claims and objections to be reflected in compiling a final register	19(5)	after 16 January but not later than 13 March	after 15 April but not later than 11 May	(as in 2000)
13.	Deadline for publication of the final register .	20(1)	31 March	25 May (stipulated in LegCo (Amendment) Ord)	(as in 2000)