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12 May 2016

Ms Joanne MAK
Clerk to the Legislative Council Panel on Constitutional Affairs
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Mak,

**Panel on Constitutional Affairs
Follow-up on issues raised at the meeting on 21 March 2016**

At the meeting of the Panel on Constitutional Affairs held on 21 March 2016, Members enquired about matters pertaining to the 2015 District Council (“DC”) ordinary election, voter registration (“VR”) and the 2016 Legislative Council (“LegCo”) New Territories East Geographical Constituency (“NTE GC”) by-election. The Registration and Electoral Office (“REO”) hereby provides supplementary information for Members’ reference.

Complaint Cases in respect of the 2015 DC Ordinary Election

2. A Member enquired about the number of complaints received by the Electoral Affairs Commission (“EAC”) in respect of the 2015 DC ordinary election involving complainants not being able to cast their votes on the polling day.

3. After verification, it is confirmed that the EAC received a total of 32 complaints in this connection. All 32 electors concerned were not registered electors in the 2015 Final Register, and consequently, they were not able to cast their votes on the polling day. Twenty-four of these electors were disqualified from being electors after completion of the statutory inquiry process, while the remaining eight electors were individuals who have not submitted any VR applications or submitted their VR applications after the statutory deadline set for the 2015 VR cycle.

VR

4. A Member enquired about the REO’s follow-up action for cases of electors with previous registered addresses at Shek Lei Estate which were changed in 2015 to addresses in Tai Pak Tin constituency suspected not to be their principal residence.

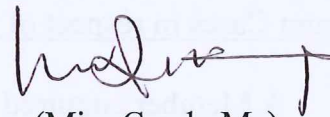
5. According to media reports and the information provided in the complaints received by the REO, 51 electors with previous registered addresses at Shek Lei Estate reported change of particulars to addresses situated in Tai Pak Tin constituency in the past VR cycles. The REO has followed up each of these cases, and 31 of these electors have provided written confirmation of their registered addresses or updated their registered addresses in the register of electors with the REO. The REO has reviewed the relevant information and found no prima facie evidence of suspected irregularities in these cases. As regards the remaining 20 electors, the REO has included them in the statutory inquiry process in the 2016 VR cycle, and also referred these cases to the law enforcement agency to follow up.

The 2016 LegCo NTE GC By-election

6. With regard to the specimens of election mail submitted by a candidate of the captioned by-election not being accepted for the free postage facility, a Member enquired about the contents and justifications of the relevant legal advice, and requested further information from the Government.

7. The REO has succinctly replied to the questions raised by Members at the meeting, and has subsequently referred the request to the Department of Justice (“DoJ”). All along, legal advice offered to Government departments by the DoJ would not be disclosed. In addition, as the candidate concerned has recently filed an application for judicial review in respect of this case, it is inappropriate to provide further comments on the case.

Yours sincerely,



(Miss Candy Ma)
for Chief Electoral Officer