

**立法會**  
**Legislative Council**

Ref : CB2/SS/5/16

LC Paper No. CB(2)462/17-18  
(These minutes have been seen  
by the Administration)

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

**Minutes of the second meeting  
held on Monday, 9 October 2017, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** :
- Hon MA Fung-kwok, SBS, JP (Chairman)
  - Hon Jeffrey LAM Kin-fung, GBS, JP
  - Hon Starry LEE Wai-king, SBS, JP
  - Hon Paul TSE Wai-chun, JP
  - Hon Frankie YICK Chi-ming, SBS, JP
  - Hon YIU Si-wing, BBS
  - Hon Charles Peter MOK, JP
  - Hon CHAN Han-pan, JP
  - Hon Alice MAK Mei-kuen, BBS, JP
  - Dr Hon Helena WONG Pik-wan
  - Hon Alvin YEUNG
  - Dr Hon Junius HO Kwan-yiu, JP
  - Hon LAM Cheuk-ting
  - Hon Holden CHOW Ho-ding
  - Hon YUNG Hoi-yan
  - Hon LUK Chung-hung
- Public Officers attending** :
- Mr Andy CHAN Shui-fu  
Under Secretary for Constitutional and Mainland Affairs
  
  - Miss Helen CHUNG Chi-ching  
Principal Assistant Secretary for Constitutional and  
Mainland Affairs
  
  - Mr WONG See-man  
Chief Electoral Officer  
Registration and Electoral Office
  
  - Miss Candy MA Siu-hung  
Principal Electoral Officer  
Registration and Electoral Office

Mr Henry CHAN Ngai-him  
Senior Government Counsel  
Department of Justice

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

**Staff in attendance** : Ms Wendy KAN  
Assistant Legal Adviser 6

Ms Wendy LO  
Senior Council Secretary (2) 2

Mrs Fanny TSANG  
Legislative Assistant (2) 3

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**I. Meeting with the Administration**

[LC Paper Nos. LS86/16-17, CB(2)2143/16-17(01) to (05), CB(2)2144/16-17(01) and REO 14-32/7(Con)]

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

Follow-up actions required of the Administration

Admin 2. The Administration was requested to provide written responses to the following issues and concerns raised by members at the meeting:

- (a) given that some elderly electors might have the original of their Hong Kong Permanent Identity Cards ("HKIDs") kept by their family members for various reasons such as safety considerations, they might have difficulties in producing the originals of their HKIDs for collection of ballot paper(s) on the polling day. Some members suggested that the Administration should consider introducing a special alternative measure for elderly electors to collect ballot papers with other documents (such as Senior Citizen Cards); and
- (b) the Administration should consider whether the "identity documents" that could be accepted for issuance of ballot papers could be more clearly provided for in the relevant provisions in the Amendment Regulations. Under the Administration's current

Action

proposal, the definition made reference to the respective definition under the Electoral Affairs Commission regulations or main Ordinances.

3. Members noted that as agreed at the previous meeting, the Subcommittee Chairman would move a motion to extend the scrutiny period of the Amendment Regulations (L.N. 129 to 133 of 2017) to the Council meeting of 8 November 2017.

Date of next meeting

4. Members noted that the next meeting of the Subcommittee was tentatively scheduled for Monday, 16 October 2017 at 4:30 pm.

*(Post-meeting note: With the concurrence of the Chairman and after consultation with the Administration, the next meeting was scheduled for Friday, 20 October 2017, at 8:30 am.)*

**II. Any other business**

5. There being no other business, the meeting ended at 12:14 pm.

Council Business Division 2  
Legislative Council Secretariat  
5 December 2017

**Proceedings of the second meeting of the  
Subcommittee on Amendments to Five Regulations  
under the Electoral Affairs Commission Ordinance  
on Monday, 9 October 2017, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000501 - 001519	Chairman Administration	Opening remarks  Briefing by the Administration	
001520 - 002130	Chairman Mr Jeffrey LAM Administration	<p>Mr Jeffrey LAM expressed support for the proposed amendments to five regulations under the Electoral Affairs Commission Ordinance (Cap. 541) ("the five regulations") to set out expressly that an elector should produce the original of his/her Hong Kong Permanent Identity Card ("HKID") before ballot paper(s) could be issued to him/her, and to provide for alternative measures in case such an original could not be produced.</p> <p>Under paragraph 7(b)(v) of the Legislative Council ("LegCo") Brief, if an elector lost his/her HKID on the polling day, one alternative measure would be to produce (i) a document evidencing a report to a police officer of the loss or destruction of the person's identity document ("a memo of lost property"); (ii) the original of a valid passport or similar travel document (e.g., a passport (other than the Hong Kong Special Administrative Region ("HKSAR") Passport) or the Home Return Permit showing his/her name and photograph), and (iii) a copy of his/her identity document in paper form showing his/her name, photograph and identity document number to apply for ballot paper(s). Mr LAM enquired how the Presiding Officer ("PRO") would determine the identity of an elector before issuance of ballot paper(s) if the elector's name on a foreign passport was not fully identical to that shown in the copy of his/her HKID (for example, because of some differences in the order of the first and last names).</p>	

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		<p>The Administration advised that PRO would cross-check the personal information of an elector (including the name and photograph) shown on all the required documents listed in paragraph 7(b)(v) to ascertain the identity of an elector in such cases. Even if there was a slight discrepancy in the elector's name on a foreign passport and the copy of his/her HKID, PRO would still issue ballot paper(s) to an elector if PRO was satisfied, after inspection of the person's identity documents, that he/she was the person registered in the Final Register ("FR") as claimed. PRO could seek the advice of the legal adviser in case of doubt.</p>	
002131 - 002717	<p>Chairman Mr LAM Cheuk-ting Administration</p>	<p>Mr LAM Cheuk-ting expressed support for the proposed amendments to the five regulations.</p> <p>In response to Mr LAM's enquiry on the identity document(s) that an elector had to produce when applying for ballot paper(s) under the existing practice, the Administration explained that PRO would issue ballot paper(s) to an elector if PRO was satisfied that a person was the elector registered in FR upon inspection of the original of his/her HKID or the HKSAR Passport. However, if a person could only produce other government documents carrying his/her name and photograph (e.g. Senior Citizen Card), the person concerned should produce a copy of his/her HKID at the same time such that PRO was satisfied that he/she was the elector registered in FR.</p>	
002718 - 003346	<p>Chairman Mr YIU Si-wing Administration</p>	<p>Mr YIU Si-wing indicated support for the proposed amendments to the five regulations. Referring to the alternative measure set out in paragraph 7(b)(v) of the LegCo Brief, Mr YIU was concerned that some electors might not readily keep a copy of their HKIDs in paper form, and might not be in possession of any of the specified documents as set out in paragraph 7(b)(i) to (iv) of the LegCo Brief. To avoid imposing any unreasonable restrictions on an eligible elector's right to vote, he suggested that if an elector lost his/her HKID on the polling day, the elector concerned should be given the choice to produce the original of a valid passport/similar travel documents (other than the</p>	

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		<p>HKSAR Passport) together with a memo of lost property, to apply for ballot paper(s). There should be no need to produce a copy of his/her HKID in paper form.</p> <p>The Administration advised that:</p> <p>(a) the Amendment Regulations sought to set out precisely that an elector must produce the original of his/her HKID before ballot paper(s) could be issued, and provide for the specific forms or types of documents that PRO might accept as alternatives in ascertaining the identity of an elector. This could avoid unnecessary queries and disputes;</p> <p>(b) one of the alternative measures as set out in paragraph 7(b)(v) of the LegCo Brief was that an elector could produce the memo of lost property, coupled with the original of a valid passport/similar travel document (other than the HKSAR Passport) and a copy of HKID to apply for ballot paper(s). The required documents served to facilitate PRO to be satisfied of the identity of the elector through cross-checking of the name, photograph and HKID number on the documents; and</p> <p>(c) the Registration and Electoral Office ("REO") would proactively publicize the requirement for an elector to produce the original of his/her HKID before ballot paper(s) could be issued to him/her.</p>	
003347 - 003806	Chairman Mr Holden CHOW Administration	<p>Mr Holden CHOW's enquiry and the Administration's response on the existing and revised requirements concerning proof of an elector's identity before ballot paper(s) would be issued to him/her.</p> <p>Mr CHOW's enquiry and the Administration's response on the definition of "identity document" stipulated in section 3(1) of the Legislative Council Ordinance ("LCO") (Cap. 542).</p>	

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003807 - 004231	Chairman Administration	The Chairman remarked that elderly electors living in residential care homes might have the original of their HKIDs kept by the staff of the care homes or their family members. He suggested that REO could step up its publicity measures to remind operators of residential care homes of the revised requirements that an elector had to produce the original of his/her HKID before ballot paper(s) could be issued. The Administration advised that apart from publicizing the revised requirements in the routine publicity work on the polling arrangements, REO would engage in publicity measures to explain the revised arrangements to operators of residential care homes (e.g. issuing letters to care homes about the new practice).	
004232 - 004510	Chairman Dr Helena WONG Administration	Dr Helena WONG expressed support for the proposed amendments to the five regulations. Her enquiry and the Administration's response on the existing and revised requirements concerning proof of an elector's identity before the elector was issued ballot paper(s).	
004511 - 005126	Chairman Ms Starry LEE Mr Paul TSE Administration	Ms Starry LEE and Mr Paul TSE queried the need to amend the relevant legislation simply because of isolated incidents during the 2016 LegCo General Election in which two electors were able to collect ballot paper(s) by only producing photocopies of their HKIDs. Noting that the HKIDs of some elderly electors were kept by their family members for various reasons such as safety considerations, they were concerned that these elderly electors might have difficulties in producing the original of their HKIDs for collection of ballot paper(s) on the polling day. Ms LEE and Mr TSE pointed out that in the past, elderly electors could choose to produce a copy of their HKIDs, together with other supporting documents, to apply for ballot paper(s). They considered that the revised requirements might discourage elderly electors from exercising their voting rights. Ms LEE asked whether consideration would be given to allowing elderly electors to produce documents (e.g. a Senior Citizen Card) other than the original of their HKIDs to apply for ballot paper(s).	

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		<p>The Administration explained the background and justification for amending the five regulations. It further advised that:</p> <p>(a) at present, every person who had attained the age of 15 years and was the holder of an identity card issued under the Registration of Persons Ordinance (Cap. 177) should have with him/her at all times proof of his/her identity in accordance with section 17C of the Immigration Ordinance (Cap. 115). Hence, the Administration envisaged that there should not be any difficulty for an elector to produce the original of his/her HKID when applying for ballot paper(s) at the polling station. In fact, nearly all electors produced their HKIDs to apply for ballot paper(s) in the past; and</p> <p>(b) as mentioned earlier, REO would step up the publicity on the revised requirements that an elector should produce the original of his/her HKID before ballot paper(s) could be issued to him/her. REO would also keep in view the implementation of the revised requirements and consider further enhancing its publicity work as appropriate.</p>	
005127 - 010127	Chairman Mr Paul TSE Ms YUNG Hoi-yan Administration	<p>Ms YUNG Hoi-yan indicated support for the proposed amendments to the five regulations.</p> <p>She and Mr Paul TSE echoed Mr YIU Si-wing's views on the alternative measure as set out in paragraph 7(b)(v) of the LegCo Brief. They remarked that some electors might not readily keep a copy of their HKIDs in paper form, and suggested that it would suffice for an elector to produce a memo of lost property, together with a valid passport/similar travel document (other than the HKSAR Passport), to apply for ballot paper(s). In response to Ms YUNG's further enquiry, the Administration advised that a foreign driving licence would not be accepted as proof of identity under the revised requirements because it was not a travel document.</p>	
010128 - 011549	Chairman Ms Starry LEE Mr Holden CHOW	<p>Ms Starry LEE and Mr Paul TSE reiterated their concern that elderly electors might not be able to produce the originals of their HKIDs for the</p>	



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	Mr Paul TSE Administration	<p>purpose of identity verification for being issued ballot paper(s) on the polling day. They considered that the Administration should strike a good balance between the need to adopt a more prudent approach in ascertaining the identity of an elector before issuance of ballot paper(s) and the need to avoid imposing undue restrictions on an eligible elector's right to vote.</p> <p>The Administration undertook to carefully consider member's suggestion after the meeting.</p> <p>Mr Holden CHOW and Mr Paul TSE enquired about the meaning of item (c) of the definition of "identity document" under section 3(1) of LCO (i.e., "any other document issued to a person that was acceptable to the Electoral Registration Officer as proof of the person's identity"), and whether it inferred that documents other than those specified in the Amendment Regulations could be accepted by PRO for issuance of ballot paper(s) after inspection.</p> <p>The Administration clarified that in respect of the issuance of ballot paper(s) by PROs to electors in LegCo elections, the Electoral Registration Officer did not accept any document other than HKIDs and the Certificates of Exemption issued by the Immigration Department ("ImmD") (items (a) and (b) in the definition of "identity document"). Therefore, in the context of issuance of ballot paper(s) in LegCo elections, "identity document" in practice only referred to HKIDs and the Certificates of Exemption issued by ImmD.</p> <p>That notwithstanding, Mr CHOW and Mr TSE urged the Administration to consider providing for the identity documents that could be accepted for issuance of ballot paper(s) more clearly in the relevant provisions. The Administration undertook to provide a written response.</p>	<p><b>Admin</b> (paragraph 2 of the minutes)</p> <p><b>Admin</b> (paragraph 2 of the minutes)</p>
011550 - 012118	Chairman Ms Starry LEE Administration	In response to the Chairman's enquiry, the Administration advised that REO did not keep statistics on the types of identity document produced by electors for collection of ballot paper(s) at polling stations but most electors were able to produce their HKIDs in the past.	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
012119 - 012827	Chairman Mr Holden CHOW Mr Paul TSE Administration	Discussion on the definition of "identity document" under section 3(1) of LCO.	
012828 - 013312	Chairman Mr Paul TSE Clerk Administration Mr Holden CHOW	Legislative Timetable  Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
5 December 2017