

**立法會**  
**Legislative Council**

Ref : CB2/PL/CA

LC Paper No. CB(2)1210/16-17  
(These minutes have been seen  
by the Administration)

**Panel on Constitutional Affairs**

**Minutes of meeting**  
**held on Thursday, 23 February 2017, at 4:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)  
Hon Holden CHOW Ho-ding (Deputy Chairman)  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Frankie YICK Chi-ming, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon Jimmy NG Wing-ka, JP  
Hon LAM Cheuk-ting  
Hon CHAN Chun-ying  
Hon CHEUNG Kwok-kwan, JP

Hon HUI Chi-fung  
Hon LAU Kwok-fan, MH  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu

**Member  
attending**

Dr Hon YIU Chung-yim

**Members  
absent**

: Hon Abraham SHEK Lai-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon WU Chi-wai, MH  
Hon MA Fung-kwok, SBS, JP  
Hon Dennis KWOK Wing-hang  
Hon CHUNG Kwok-pan  
Hon CHU Hoi-dick  
Hon YUNG Hoi-yan  
Hon Tanya CHAN  
Hon LUK Chung-hung  
Hon Kenneth LAU Ip-keung, MH, JP  
Hon Nathan LAW Kwun-chung  
Dr Hon LAU Siu-lai

**Public Officers : Items III and IV  
attending**

Mr Ronald CHAN Ngok-pang, JP  
Under Secretary for Constitutional and Mainland Affairs

Miss Rosanna LAW Shuk-pui, JP  
Deputy Secretary for Constitutional and Mainland  
Affairs

Mr Ryan CHIU Pit-ming  
Principal Assistant Secretary for Constitutional and  
Mainland Affairs

Mr WONG See-man  
Chief Electoral Officer  
Registration and Electoral Office

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

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

**Staff in attendance** : Mr Kelvin LEE  
Senior Assistant Legal Adviser 3

Miss Cindy HO  
Senior Council Secretary (2) 3

Mrs Fonny TSANG  
Legislative Assistant (2) 3

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Action

**I. Information paper(s) issued since the last meeting**  
[LC Paper No. CB(2)825/16-17(01)]

Members noted the referral memorandum and its enclosure issued by the Public Complaints Office ("PCO") on policy issues relating to the protection of new arrivals from the Mainland against discrimination in Hong Kong.

**II. Items for discussion at the next meeting**  
[LC Paper No. CB(2)828/16-17(01)]

2. Members agreed to discuss the following items proposed by the Administration at the next meeting on 20 March 2017 at 2:30 pm:

- (a) an initial assessment of the recommendations in the Discrimination Law Review submitted by the Equal Opportunities Commission; and
- (b) briefing by the Privacy Commissioner for Personal Data.

3. Regarding the item referred to in paragraph 2(a), the Chairman requested the Administration to note that members might take the opportunity to follow up on the subject raised in the aforementioned referral memorandum issued by PCO [LC Paper No. CB(2)825/16-17(01)] and they might seek the Administration's response to relevant issues.

Action

2017 Chief Executive Election

4. Dr Helena WONG expressed concern about media reports that officials of the Central People's Government ("CPG") had been actively in contact with some Election Committee members and that a former Chief Executive ("CE") had reportedly remarked at a closed-door meeting that CPG would not appoint a particular CE candidate even if that candidate got elected in the upcoming CE election. Dr WONG requested the Administration to explain whether this might constitute a breach of the electoral law and the role of CPG officials in the CE election. She proposed that the Panel should convene a special meeting to discuss the matters.

5. The Under Secretary for Constitutional and Mainland Affairs ("USCMA") said that the Administration was not in a position to comment on anecdotal and unverified reports in the press. He stressed that the Administration would work closely with the Electoral Affairs Commission ("EAC") to ensure that the 2017 CE Election was conducted in a fair, open and honest manner in strict accordance with the relevant legislation. He added that upon receipt of any complaints, EAC would take follow-up actions in accordance with established procedures and, where necessary, refer it to the relevant law enforcement agency for handling.

6. Mr LAM Cheuk-ting, Dr Fernando CHEUNG, Ms Claudia MO and Mr IP Kin-yuen expressed support for Dr Helena WONG's proposal and they considered that the relevant media reports were not mere speculation. Mr KWONG Chun-yu said that the issue had attracted wide public concern and he would raise an oral question on the issue at the Council meeting of 1 March 2017.

7. Mr LEUNG Che-cheung and the Deputy Chairman, however, considered that any suspected case of infringement of the electoral law should be reported to EAC, and it was inappropriate for the Panel to discuss individual cases. Mr WONG Ting-kwong and Dr CHIANG Lai-wan also considered that there was no need to follow up on the basis of certain hearsay information.

8. The Chairman suggested that the Panel might further consider Dr Helena WONG's proposal after consideration of the Administration's reply to the question raised by Mr KWONG Chun-yu at the Council meeting of 1 March 2017. He said that members who wished to follow up might write to him. Members agreed.

Action

**III. Review of objection mechanism in relation to voter registration system**

[LC Paper Nos. CB(2)828/16-17(02) and (03)]

9. USCMA briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)828/16-17(02)].

Discussion

*Responsibility to substantiate the case and attendance at the hearings*

10. In view of the large number of objections in the 2015 voter registration ("VR") cycle, Ms Claudia MO considered it necessary for the Administration to come up with proposals to seek improvements to the operation of the objection mechanism and to reduce the nuisance caused to the electors being objected to by requiring them to attend the hearings. USCMA advised that the Administration currently proposed that while an objector or a claimant was not required to prove beyond doubt of the objection/claim case(s), it should be prescribed in the law that he/she had the responsibility to provide sufficient information and grounds to substantiate his/her cases.

11. Mr LAM Cheuk-ting said that under the existing mechanism, an objector or a claimant, when submitting a notice of objection or claim to the Electoral Registration Officer ("ERO"), was already required to set out the grounds in support of his/her objection/claim, as well as any evidence or documentary proof to support the objection/claim. He requested the Administration to explain more clearly its proposal that the onus of proof rested on the objector and the implications. He queried whether the proposal was fair to the objector, who would have practical difficulties and limitations to conduct investigation and produce evidence to support his/her objection. Mr IP Kin-yuen echoed Mr LAM's concern and he requested the Administration to strike a balance between the needs to prevent abuse of the objection mechanism and to facilitate persons who had reasonable grounds to make objections. Referring to paragraph 7 of the Administration's paper, Mr IP requested the Administration to provide the number of substantiated cases out of the 1 451 objections cases in the 2015 VR cycle. Mr LAM Cheuk-ting added that the Administration should consider extending the time limit for lodging objections and claims by three weeks so that the public would have more time to gather more facts before raising an objection/claim.

Action

12. USCMA said that the current proposal aimed to specify in the law that the objector had the responsibility to provide sufficient information and grounds to substantiate his/her case. He further said that the Revising Officer ("RO") in the past had also remarked that the objection mechanism was not to serve as a channel for lodging speculations with unfounded basis. An objector should give reasons for raising reasonable doubt and provide certain facts in support of his/her case. He added that more views were received during the public consultation exercise in 2015 in support of specifying in the law that the burden of proof rested on the objector.

13. Dr Helena WONG said that the Democratic Party ("DP") opposed specifying in the law that the burden of proof rested on the objector. Noting that the Administration's proposal did not include specifying in the law the Registration and Electoral Office ("REO")'s responsibility to investigate and verify relevant registration particulars, Dr WONG queried whether it would mean that the objector would have to conduct investigation even though it might involve entry into another person's flat so as to collect evidence. Ms Claudia MO considered that the objector should only be required to demonstrate that he/she had reasonable doubt. She also queried how it would be assessed as to whether the objector had provided "sufficient" information.

14. Dr Helena WONG further said that the existing arrangement that an objector was allowed to choose whether he/she would appear at the hearing in person or make written representations to RO was more reasonable and should be maintained. Moreover, similar arrangement was adopted in the United Kingdom ("UK") and Canada. She said that DP opposed introducing a requirement that the objector had to attend the hearing to make representations. Ms Claudia MO suggested that the Administration should propose that the objector normally should not be required to attend the hearing unless so directed by RO.

15. USCMA reiterated that the Administration currently proposed that it should be set out in the law that an objector or a claimant had the responsibility to provide sufficient information and grounds to substantiate his/her cases. However, this did not mean that the objector/claimant was required to prove beyond doubt of the objection/claim case(s). As for attendance at the hearings, USCMA said that the Administration did not propose to make it mandatory for the objector/claimant to appear at the hearing. However, if the objector only provided limited information in the notice of objection, RO might require the objector to attend the hearing so as to seek clarifications from the objector at the hearing. The Administration

Action

also proposed to set out in the law that RO might dismiss (rather than "shall dismiss") an objection if the objector did not appear at a hearing.

16. Mr LEUNG Che-cheung and Ms Starry LEE expressed support for the Administration to take measures to enhance the objection mechanism in order to prevent abuse of the mechanism and to reduce the nuisance caused to the electors being objected to by requiring them to attend the hearings. Referring to the "Overseas practices of handling VR objections" in Annex to the Administration's paper, the Deputy Chairman suggested that reference should be made to certain measures adopted in UK, e.g. the objector and the elector being objected to must reside in the same local authority area, and their EROs could disallow an objection without the need for a hearing if the objection was "clearly without merit". He further said that while it might require further discussion as to whether it should be mandatory for the objector to attend the hearing, RO should have the discretion to dismiss an objection if the objector required to attend the hearing did not show up.

17. Ms Starry LEE considered that it was possible that some objections were made out of political motive during public elections. She suggested that the Administration should consider introducing penalties for substantiated cases of abuse in order to achieve deterrent effect. Mr CHEUNG Kwok-kwan shared Ms LEE's concern and urged the Administration to plug the loophole as the objector bore no cost at all in lodging an objection under the present system. USCMA said that the Administration would continue to closely monitor the operation of the system and the number of objections. Where necessary, the Administration would come up with proposals to introduce additional measures for prevention of abuse.

*Empowering REO to process indubitable objection cases*

18. Dr YIU Chung-yim enquired about the role played by REO in processing objection/claim cases. USCMA advised that under the current mechanism, as ERO was responsible for preparing the registers of electors and in order to facilitate RO to arrive at a ruling, REO would, if time and circumstances allow, gather the relevant facts (including cross-matching the relevant entries with relevant departments such as the Housing Department and the Buildings Department) and render assistance to RO as far as possible in terms of making clarifications and verifications of the relevant registration particulars. The Administration now further proposed that it could be specified in the law that REO might first screen whether the objections/claims received were frivolous or vexatious, or involving clerical errors in the elector(s)' particulars. If so, REO might seek RO's approval to retain, add,

Action

delete or correct the relevant entries in the registers by written submissions in lieu of hearings. In any event, these cases would still be determined by RO by way of written submissions, based on the grounds and facts in support of the objections/claims. Dr Helena WONG considered it necessary to consider how to determine what would be regarded as "indubitable objection cases" for which hearings by RO would not be needed.

*Other issues*

19. Dr Priscilla LEUNG expressed concern about the VR status of electors who had moved to reside in the Mainland and might not have a residential address in Hong Kong. She said that it remained unclear whether these electors were still entitled to vote in Hong Kong and she requested the Administration to provide the number of such electors who had been removed from the electoral registers. The Chief Electoral Officer ("CEO") advised that in the 2016 VR cycle, about 11 000 electors had been removed from the final registers as a result of the random checks conducted by REO, and there were about 20 000 to 30 000 deceased electors. Regarding the eligibilities of Hong Kong permanent residents who resided in the Mainland or overseas, REO would consider each application on a case by case basis and seek legal advice, if necessary.

20. Mr LEUNG Che-cheung said that some electors might have lost their voting rights simply because they were not aware of REO's inquiry letters. He also requested the Administration to note that residents of remote rural areas might only provide REO the address of a nearby grocery as their communal address as they were unable to install postal boxes at their village houses. USCMA said that in carrying out the checking process, REO would also contact the electors concerned by phone, email or fax according to the contact details they had provided, so as to remind them to confirm or update their registration particulars before the statutory deadline. Besides, REO had changed to use surface mail, instead of registered post, for sending all inquiries and VR notifications to electors to address the concern that some electors had difficulties in acknowledging receipt of REO's letters.

**IV. 2017 Voter registration campaign**

[LC Paper Nos. CB(2)828/16-17(04) and (05)]

21. USCMA and CEO briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)828/16-17(04)].



Action

Discussion

22. Mr CHAN Chi-chuen enquired whether the Administration had assessed the effectiveness of its publicity measures adopted in the 2016 VR campaign. He said that the number of registered electors among young people aged between 18 and 35 was only 23.9% (about 900 000 electors) of the total number of electors in 2016; and the number of registered electors aged between 18 and 20 had even dropped by 14% when compared with the corresponding figure in the 2012 VR cycle. He suggested sponsoring student organizations of tertiary education institutions and secondary schools to organize projects to promote VR in districts. He further said that the procedures for online registration (e.g. the use of e-certificate for authentication of identity) were cumbersome and should be improved through developing a mobile app for users to fill out and sign an e-form on computers and mobile devices.

Admin

23. USCMA said that sustained efforts would be made to encourage more people to register. He said that the 2016 final registers contained about 3.78 million electors for geographical constituencies, representing a registration rate of 78.9%. Both the total number of registered electors and the registration rate were record high. Besides, REO had processed about 170 000 new applications and about 250 000 requests for updating registration particulars. CEO said that Mr CHAN's suggestions of sponsoring student organizations and enhancing the procedures for online registration would be considered.

24. Ms Claudia MO said that more innovative ways should be explored to appeal to young people for new registration (e.g. Instagram and Snapchat etc.). Noting that a budget of \$6 million was earmarked in this area, Ms MO enquired whether the Government had allocated sufficient resources. USCMA said that the budget for 2017 VR campaign was slightly higher than that for 2013 and 2014 which were non-election years. He undertook to explore the wider use of new media channels on the Internet for VR publicity.

**V. Any other business**

25. There being no other business, the meeting ended at 6:00 pm.