

政制及內地事務局
政府總部
香港添馬添美道2號
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
GOVERNMENT SECRETARIAT
EAST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE, TAMAR
HONG KONG

Our Ref.: CMAB C1/30/5/4

Your Ref.: LS/B/23/17-18

Tel. No.: 2810 2908

Fax No.: 2840 1976

30 November 2018

Legislative Council Secretariat
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong.
(Attn: Ms Joanne MAK)

Dear Ms MAK,

Electoral Legislation (Miscellaneous Amendments) Bill 2018

At the Bills Committee meeting held on 13 November 2018, Dr Hon CHIANG Lai-wan requested the Government to give examples to elaborate on the meaning of the expressions “sufficient” and “good” (充分) as used in the Electoral Legislation (Miscellaneous Amendments) Bill 2018 pertaining to the added requirement for an appellant to provide sufficient information about the appeal, claim or objection made under the voter registration claims and objection mechanism, and in the current legislation pertaining to the provision that the Revising Officer may, on his own initiative or for good cause shown by the appellant or the person in respect of whom the objection is made, review a ruling already made.

2. As the circumstances of each objection or claim are different, it is not practicable to list all possibilities. In fact, what information the objector or claimant should provide specifically to be deemed sufficient is subject to the content of the case and the actual circumstances. The amendments serve mainly to clarify that the Revising Officer should determine that the objection or claim is unsubstantiated if the information provided by the objector or claimant is insufficient. This would assist the Revising Officer to handle such cases more effectively.

3. For instance, if the objector raises that the building at the address of the elector concerned has already been demolished, simple information such as the demolition record of the building and even photos or videos may already be sufficient to prove that the address does not exist. If the objector objects to the elector's registration on the grounds of "same address with multiple electors or electors with multiple surnames", the objection should be supplemented with the specific circumstances in respect of the address including, inter alia, the actual reasons for suspecting the elector to be not residing at the address, such as the address having a sole occupant to the objector's knowledge. To take another example, if the objector objects to the elector's registration on the grounds that the elector is no longer residing ordinarily in Hong Kong, the objector should provide information to show prolonged absence of the elector from Hong Kong, rather than merely raising such speculations as someone may be no longer residing in Hong Kong.

4. As for the current legislation that provides for the review of a ruling by the Revising Officer based on good cause, the meaning of such "good cause" depends largely on the factors and information considered when the ruling was made. If the party requesting a review can provide new justifications or even further information which the Revising Officer deems useful for considering whether the ruling is reasonable, the Revising Officer may conduct a review based on the latest justifications and/or information. For instance, the party filing an objection after a ruling was made may invite neighbours of the elector in question to provide information or evidence that would substantiate the fact that the elector has already moved out of the address, which then will enable the Revising Officer to consider reviewing the ruling.

Yours sincerely,



(Ryan CHIU)

for Secretary for Constitutional and Mainland Affairs

c.c. Department of Justice	(Attn: Miss Emma WONG Mr Gary LI Ming-fung)
Home Affairs Department	(Attn: Ms Anna CHOR Kin-lan, JP)
Registration and Electoral Office	(Attn: Mr WONG See-man Mr Raymond WANG Mr SHUM Nam-lung)