

**立法會**  
**Legislative Council**

Ref : CB2/SS/4/17

LC Paper No. CB(2)541/17-18  
(These minutes have been seen  
by the Administration)

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

**Minutes of the second meeting  
held on Monday, 20 November 2017, at 10:45 am  
in Conference Room 2 of the Legislative Council Complex**

- Members present** : Hon CHEUNG Kwok-kwan, JP (Chairman)  
Hon Starry LEE Wai-king, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon MA Fung-kwok, SBS, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon Helena WONG Pik-wan  
Hon CHU Hoi-dick  
Dr Hon Junius HO Kwan-yiu, JP
- Members absent** : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Tanya CHAN
- Public Officers attending** : Mr Andy CHAN Shui-fu, JP  
Under Secretary for Constitutional and Mainland  
Affairs
- Mr CHIU Pit-ming  
Principal Assistant Secretary (Constitutional and  
Mainland Affairs)
- Ms Emma WONG  
Acting Senior Assistant Law Draftsman  
Department of Justice
- Mr WONG See-man  
Chief Electoral Officer  
Registration and Electoral Office

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

Ms YIU Mung-hin  
Assistant Director (1) (Acting)  
Home Affairs Department

Mrs CHAN YUEN Po-yee  
Principal Liaison Officer (1) 1  
Home Affairs Department

Ms WAN Siu-ling  
Chief Liaison Officer (1) 2  
Home Affairs Department

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

**Staff in attendance** : Ms Clara TAM  
Assistant Legal Adviser 9

Mr Dennis HO  
Senior Council Secretary (2) 3

Mrs Fonny TSANG  
Legislative Assistant (2) 3

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Action

**I. Meeting with the Administration**

[LC Paper Nos. CB(2)298/17-18(01) to (03), CB(2)299/17-18(01) to (02), CB(2)316/17-18(01), LS8/17-18 and REO GC/51/0 C Pt. 2]

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

Follow-up actions required of the Administration

- Admin 2. The Administration was requested to review the use of "correspondence address" ("通訊地址") in section 6(1) in L.N. 174 of 2017 with reference to the use of "postal address" ("通信地址") as defined in the Electoral Affairs

Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) and revert to the Subcommittee on whether any amendment to L.N. 174 of 2017 was necessary.

Admin

3. Members noted the drafting issues brought up by the legal adviser to the Subcommittee. At the request of Mr Paul TSE, the Administration agreed to consider the following proposals in its future review of the relevant Regulations under the Electoral Affairs Commission Ordinance (Cap. 541):

- (a) whether the expression "is incorrect" ("屬不正確") in section 7 of L.N. 172 of 2017 should be replaced with "is no longer correct" ("屬不再正確") or "is not applicable" ("屬不適用"). The use of the expression in other provisions of the relevant Regulations under Cap. 541 should also be reviewed; and
- (b) with the use of the expression "not to process further" in section 10 of L.N. 172 of 2017 and section 6 of L.N. 173 of 2017 (which related to applications for change of particulars), whether the expression "not to consider...further" used in the context of applications for new registration in existing provisions of the relevant Regulations should be revised so that the same expression would be used.

#### Legislative timetable

4. The Subcommittee completed examination of the provisions of the three Amendment Regulations (L.N. 172 to 174 of 2017). The Chairman informed members that he would submit a written report on the deliberations of the Subcommittee to the House Committee on 1 December 2017. Members agreed that the Chairman should move a motion at the Council meeting of 22 November 2017 to extend the scrutiny period of the three Amendment Regulations to the Council meeting of 13 December 2017.

*(Post-meeting note: As the motion to extend the scrutiny period of the three Amendment Regulations was not dealt with at the Council meeting of 22 November 2017, the scrutiny period of the three Amendment Regulations expired at the said Council meeting.)*

**II. Any other business**

5. There being no other business, the meeting ended at 12:48 pm.

Council Business Division 2  
Legislative Council Secretariat  
14 December 2017

**Proceedings of the second meeting of the  
Subcommittee on Amendments to Three Regulations  
under the Electoral Affairs Commission Ordinance  
on Monday, 20 November 2017, at 10:45 am  
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
001330 - 001741	Chairman Administration	Opening remarks  Briefing by the Administration on the three Amendment Regulations under the Electoral Affairs Commission Ordinance (L.N. 172 to 174 of 2017).	
001742 - 002306	Chairman Ms Alice MAK Administration	While expressing support for the proposed Amendment Regulations, Ms Alice MAK raised concern as to whether the Registration and Electoral Office ("REO") would have adequate manpower to effectively verify the authenticity of the address proofs submitted by electors in relation to their applications for change of registration particulars ("COP"). She recalled that, in the run-up to the District Council ("DC") election in 2015, a candidate was impersonated by a third party to apply for COP, and the application had been processed without adequate verification by REO.  The Administration said that REO would strive to ensure the accuracy of particulars included in the registers of electors. After processing an application for COP, REO would, apart from sending notification to the relevant elector by post, alert that elector via mobile phone short message service ("SMS") or electronic mail (if available) after his/her registration particulars had been updated. The relevant elector who had not submitted the application for COP would then be alerted and contact REO at once for follow-up action.	
002307 - 002833	Chairman Dr Junius HO Administration	Dr Junius HO also expressed support for the proposed Amendment Regulations. He enquired about the need for setting the statutory	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>deadline for COP in non-DC election years on 2 May (or 2 April following the implementation of the amendment). The Administration explained that this would allow sufficient time for REO to verify the registration particulars of electors in processing their applications prior to the compilation of registers before Legislative Council elections held in September in non-DC election years.</p> <p>The Administration said that it would look into the information security aspect of Dr HO's suggestion to allow electors to submit their applications for COP, as well as the relevant address proofs, through mobile applications such as WhatsApp. The Administration also advised that electors could submit these documents to REO by electronic means.</p>	
002834 - 004041	Chairman Ms Alice MAK Administration	<p>Ms Alice MAK enquired about the response rate of REO's notifications sent to electors in relation to their applications for COP. The Administration advised that, in the 2017 voter registration cycle, some 60 000 and some 300 such notifications were sent to the electors concerned through SMS and email respectively. These notifications would be deemed successfully delivered to the electors concerned if no replies were received from them. Ms MAK suggested that REO should consider enabling a reply function for these notifications.</p> <p>Ms MAK said that there might be cases such that the elector would move to reside in another constituency after the statutory deadline for COP, but before the deadline, he/she was still unable to produce the required address proof to support his/her application for COP. The Administration advised that in that case, the elector concerned could still vote in his/her original constituency. The elector could vote in the new constituency after his/her updated registered address was recorded in the relevant final registers.</p> <p>The Administration supplemented that before each election, electors could check their designated polling station through the Online Voter Information Enquiry System, if they did</p>	

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		<p>not receive the poll cards after moving residence.</p> <p>The Administration briefed members on examples of acceptable address proofs as listed in LC Paper No. CB(2)316/17-18(01).</p>	
004042 - 004319	Chairman Mr Paul TSE Administration	With reference to LC Paper No. CB(2)316/17-18(01), Mr Paul TSE enquired and the Administration advised that the statutory declaration would serve as a documentary proof for an elector to substantiate claims of residing at an address in cases where address proofs could not be provided. If an elector could provide an address proof bearing the name of another person (e.g. his/her family members), he/she might make a declaration signed by himself/herself to certify that such other person was living with him/her at the same address.	
004320 - 004519	Chairman Administration Ms Alice MAK	The Chairman enquired whether resident cards of housing estates could be accepted as address proof. The Administration replied that, under the proposed new requirement, any sound documentary evidence bearing the elector's name and address would suffice.	
004520 - 004806	Chairman Mr Paul TSE Administration	In reply to Mr Paul TSE's enquiry the Administration explained the objective of the proposed advancement of the statutory deadline of COP.	
<b><u>Examination of the provisions of the three Amendment Regulations</u></b>			
004807 - 012400	Chairman Administration ALA Mr Paul TSE	<p><b><u>L.N. 172 of 2017</u></b></p> <p><i>Section 7 of L.N. 172 of 2017</i></p> <p>Mr Paul TSE suggested that in the proposed section 10A of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A), the expression "is incorrect" ("屬不正確") should be replaced with "is no longer correct" ("屬不再正確") or "is not applicable" ("屬不適用"). The Administration explained that the usage in the proposed section 10A was accurate. The</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>principal residential address of an elector shown on the register was factually incorrect if the elector has moved residence. The expression "is incorrect" was also used in other provisions of the relevant Regulations. Mr TSE requested the Administration to consider reviewing the use of the expression in the relevant provisions in future review. In reply to ALA's enquiry, the Administration explained that, if an elector moved residence, the elector's presentation of a new address with sufficient proof in his/her application for COP would at the same time mean that the original principal residential address in the entry of the elector was incorrect.</p> <p><i>Section 10 of L.N. 172 of 2017</i></p> <p>ALA pointed out that while the expression "not to <u>process</u> further" ("不進一步處理") was used in the proposed section 15(4)(b) of Cap. 541A, the expression "not to <u>consider</u>...further" ("不進一步考慮") was used in other existing provisions of Cap. 541A (e.g. in section 5(3)). She expressed concern about the use of different expressions in similar contexts, i.e. handling of applications in relation to voter registration. The Administration explained that "process" ("處理") was more appropriate in the context relating to applications for COP, whereas "consider" ("考慮") was more appropriate in the context relating to applications for new registration.</p> <p>Mr Paul TSE, however, opined that "consideration" was only one of the many elements in the "process" of handling applications. The Administration agreed to consider the proposals in its future review of the relevant Regulations.</p>	<p><b>Admin.</b> (para. 3 of minutes)</p> <p><b>Admin.</b> (in para. 3 of minutes)</p>
012401 - 014406	Chairman Administration ALA Mr Paul TSE	<p><b><u>L.N. 173 of 2017</u></b></p> <p><i>Section 6 of L.N. 173 of 2017</i></p> <p>ALA pointed out that, with the proposed amendments, the expressions "not to consider" and "not to process" would coexist in the amended section 21 of the Electoral Affairs</p>	



Time Marker	Speaker(s)	Subject(s)	Action required
		Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B). The Administration reiterated its views.	
014407 - 015954	Chairman Administration ALA Mr Paul TSE	<p><b><u>L.N. 174 of 2017</u></b></p> <p><i>Section 6 of L.N. 174 of 2017</i></p> <p>ALA enquired about the difference in meaning between the term "correspondence address" ("通訊地址") in the amended section 5(1)(b)(ii) of the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) and the term "postal address" ("通信地址") which was defined and used in the existing provisions of Cap. 541K. Mr Paul TSE considered that these terms should be aligned as appropriate. The Administration undertook to review the use of the two terms in Cap. 541K and revert to members on whether it was appropriate to use "correspondence address", instead of "postal address" in L.N. 174 of 2017 and whether any amendment was necessary.</p>	<b>Admin</b> (para. 2 of minutes)
015955 - 020734	Chairman Administration Ms Alice MAK Clerk Mr Paul TSE	<p>Legislative timetable</p> <p>The Subcommittee agreed to extend the scrutiny period of the Amendment Regulations.</p> <p>Closing remarks</p>	