

立法會

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

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on the proposed amendments to three regulations under the Electoral Affairs Commission Ordinance (Cap. 541) ("EACO"). It also gives a brief account of the previous discussion of the Panel on Constitutional Affairs ("the Panel") on the subject.

Background

2. According to the Administration, an elector at present only has to complete an application form to change his/her registered address and there is no need to submit any documentary proof. In the 2015 voter registration ("VR") cycle, the Registration and Electoral Office ("REO") had received complaints from electors who claimed that they had never submitted any application form for new registration/updating registration particulars to REO and suspected that a third party had impersonated them and submitted such forms to REO. If an elector being impersonated is not aware of the change in his/her registered address before the publication of the registers of electors and then lodge a claim, he/she will not be able to vote in his/her respective constituency. The Administration considers that such situation should be stamped out and proposes to introduce the requirement of submitting address proofs when applying for change of registration particulars ("COP").

The three Amendment Regulations (L.N. 172 to L.N. 174 of 2017)

3. On 16 October 2017, the Electoral Affairs Commission made three Amendment Regulations to amend three regulations under EACO. The amendments mainly aim to:

- (a) expressly empower the Electoral Registration Officer ("ERO") to require the electors/voters to submit documentary evidence in an application for the change of principal residential address in the

relevant final registers and provide for the procedure for ERO to process the application; and

- (b) advance the relevant statutory deadlines for electors/voters to submit the application for COP by 30 days (i.e. for the Geographical Constituencies, Functional Constituencies and Election Committee Subsectors, the deadline will fall on 2 April for a non-District Council election year or 2 June for a District Council election year; and for Rural Representatives elections, the deadline will fall on 16 June).

4. The three Amendment Regulations also make consequential amendments and other amendments (e.g. amendments relating to the effect of inclement weather warning on the computation of certain dates and periods).

5. Details of the relevant proposals are set out in paragraphs 6 to 13 of the Legislative Council ("LegCo") Brief (File Ref.: REO GC/51/0 C Pt.2). Subject to negative vetting by LegCo, the three Amendment Regulations will come into operation on 1 February 2018.

Discussion of the Panel on Constitutional Affairs

Administration's proposals

- 6. At its meeting held on 19 April 2017, the Panel was consulted on:
 - (a) the proposed requirement for electors to submit address proofs when submitting applications for COP upon move of residence in order to further enhance the accuracy of information contained in the registers of electors; and
 - (b) the proposed advancement of the statutory deadline for applications for COP by 30 days to allow sufficient time for REO to process the applications for COP and check the information on the address proofs.

While members did not raise objection to the proposal in sub-paragraph (b) above, the following views and concerns were raised by members on the proposal in sub-paragraph (a).

Proposed requirement of submitting address proofs

7. While members in general expressed support for the requirement of submitting address proofs, some members expressed objection to the

Administration's proposal that the address proof requirement would only be applicable to existing registered electors who applied for COP. They considered that the requirement for address proofs should be introduced to both applications for new registration and COP in one go. They also considered it self-contradictory for the Administration to require only registered electors to submit address proofs upon moving home but not to impose the same requirement on applicants for new registration.

8. The Administration explained that it had to consider the public's response to the requirement of submitting address proofs and whether it would take time for members of the public to adapt to the new measure, in particular whether the requirement might affect the desire of members of the public to register as electors. The Administration advised that the requirement for address proofs would also be extended to applications for new registration in the long run. The proposed progressive approach only aimed to ensure smooth implementation of the new measure and avoid affecting the desire of eligible persons to register as electors. Some other members expressed support for the proposed progressive approach to facilitate smooth implementation of the new requirement. They shared the Administration's concern that introducing the requirement for address proofs to new VR registration might dampen the desire of members of the public to apply for VR.

Difficulties in producing address proofs

9. Some members enquired about the documents that would be accepted as address proofs. The Administration advised that REO would review and prepare a list of documents that were acceptable as address proofs for electors' reference. The documents currently accepted by REO when conducting VR checking measures included rates/water/electricity/gas bills bearing the elector's name, or a letter bearing the elector's name issued by banks, government departments, public authorities, schools or institutions, etc.

10. Some members suggested that upon receipt of an application for update of registered address from a registered elector, REO should send an acknowledgement letter enclosing a reply slip to the elector concerned requiring him/her to complete and return the reply slip to REO. The reply slip returned by that elector could then be used as the address proof. This might resolve the difficulties of some people (e.g. youngsters living with their parents) in producing address proofs.

11. Some members expressed concern that people who were homeless would be unable to provide address proofs. The Administration advised that the VR arrangement for street sleepers had all along been made through non-governmental organizations. REO would consider applications for registration

by street sleepers if supporting information could be provided by a trustworthy third party like a registered social worker to ascertain their usual place of residence or if a correspondence address could be provided.

Relevant papers

12. A list of the relevant papers available on the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
13 November 2017

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

Committee	Date of meeting	Paper
Panel on Constitutional Affairs	30.9.2015 (Item I)	Agenda Minutes
	21.12.2015 (Item III)	Agenda Minutes
	--	Consultation Report on Enhancement of Voter Registration System
	19.4.2017 (Item IV)	Agenda Minutes

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