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REGISTRATION AND ELECTORAL OFFICE

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本函檔號 OUR REF : REO 14-17/1(Con)VI
來函檔號 YOUR REF: LS/S/3/17-18

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Ms Clara TAM
Legal Service Division
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

13 November 2017

Dear Ms TAM,

**Amendments to Three Regulations under
the Electoral Affairs Commission Ordinance (Cap. 541)
(L.N. 172 to L.N. 174 of 2017)**

I refer to your letter dated 31 October 2017 to the Secretary for Constitutional and Mainland Affairs. We would like to provide our response to your questions regarding the above-mentioned three regulations under the Electoral Affairs Commission Ordinance (Cap. 541).

Question 1

To facilitate an elector's application for change of principal residential address recorded in the existing final register, the Electoral Registration Officer ("ERO") will accept a wide range of documentary proofs as satisfactory evidence. Examples are set out below—

- (a) rates/water/electricity/towngas bill bearing the name and principal residential address of the elector or a letter bearing such particulars issued by a reliable organization such as a government department, bank, public authority, school or educational institution, etc. Original copy, photocopy or fax copy of the abovementioned documents will be accepted;

- (b) address proof bearing the name and residential address of another person, with a declaration signed by the elector to certify that (i) such other person is living with him/her at the same address; (ii) the address is the elector's principal residential address; and (iii) the address proof provided is a complete authentic copy or true copy of the original; or

- (c) statutory declaration made by the elector before a Commissioner for Oaths/a practising solicitor/a Justice of the Peace under the Oaths and Declarations Ordinance (Cap.11) to substantiate the claim of residing at the address. Free statutory declaration services are provided by the District Offices.

The above-mentioned arrangement will be subject to the Electoral Affairs Commission's deliberations before implementation of the address proof requirement on 1 February 2018.

Questions 2 and 3


Under section 2 of Cap. 541A, "principal residential address" means "the address of the only or principal residence (within the meaning of section 28(1B) or (3) of the Legislative Council Ordinance (Cap. 542))" of a person. Section 28(3) of Cap. 542 provides that "a reference to a person's only or principal residence in Hong Kong is a reference to a dwelling-place in Hong Kong at which the person resides and which constitutes the person's sole or main home". The criterion of being "sole" or "main" is essential for determining whether a residence of an elector is his/her principal residence. In this connection, even if a person may actually reside in more than one place in Hong Kong or is moving to a new residence but the previous residence is still under his/her ownership, there should only be one "correct" principal residential address for the purpose of compiling the register of electors by the ERO. As such, the provision of a new principal residential address to the ERO with valid address proof would at the same time mean that the current principal residential address in the voter register is incorrect in this context. The proposed section 10A(6) of Cap. 541A states the action that the ERO is required to take if he is satisfied that the applicant has provided valid evidence that the address stated in the application is his/her current principal residential address.

Under the proposed section 10A(3) of Cap. 541A, an elector is required to submit documentary evidence that proves that his/her new address is his/her principal residential address. However, there may be cases where an

applicant has not submitted valid proof of address, or there is inadequacy in the address proof submitted which makes it difficult for the ERO to decide if there is a new principal residential address and thus the current entry in the final register is incorrect. The proposed section 10A(4) of Cap. 541A, which is modeled on the existing section 11(6) and is to be repealed, empowers the ERO to require the applicant to submit further proof so as to enable the ERO to process the application for change of address.

The above response also applies to section 26A of Cap. 541B and section 19A of Cap. 541K.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Shum Nam-lung', written in a cursive style.

(SHUM Nam-lung)
for Chief Electoral Officer

c.c. Secretary for Constitutional and Mainland Affairs
(Attention: Mr Ryan CHIU)