



Submission on EAC Regulations - Does your Candidate live where you do?

David M Webb to: h_c

28/10/2019 15:44

Cc: "Dennis Wing Hang Kwok", "Tanya Chan", kkcl, charlespmok,
jkstolegco, fernandocheung, "Alvin Yeung", "Claudia Man Ching
Mo"

History: This message has been replied to.

1 attachment



Does your candidate live where you do.pdf

Dear Legislators and House Committee,

We refer to the two Regulations laid before the Legislative Council (GN 143/19 and 144/19) and to the [Legislative Council Brief](#) thereon.

As part of this submission, we attach an article on the Regulations which urges the Legislative Council to amend the Regulations as stated therein, in order to protect the electors' right to know:

1. Whether the candidate for a District Council seat lives in that District or not (yes/no), and if yes, whether the candidate lives in the Constituency of the District which he/she wishes to represent (yes/no);
2. Whether the candidate for a the Legislative Council lives in the geographic constituency which he/she wishes to represent (yes/no).

That important information, which many electors would wish to take into account in their voting decisions, cannot be deduced once the requirement to publish residential addresses is removed. It appears from the Legislative Council Brief that the Electoral Affairs Commission gave no consideration to this very important point and has gone too far with its regulation. The binary information itemised above should be disclosed.

We consent to the publication of this submission, with contact details redacted.

Yours sincerely,

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A knee-jerk amendment to the laws on nomination of DC and LegCo candidates goes too far by removing your right to know whether the candidate even lives in your constituency and/or District. We call on LegCo to amend the subsidiary legislation.

Does your candidate live where you do?

18 October 2019

In response to fears of personal attacks against candidates, the Government, via the [Electoral Affairs Commission \(EAC\)](#) has [today announced](#) subsidiary legislation which removes the requirement for District Council (**DC**) or Legislative Council (**LegCo**) candidates to disclose their home addresses, both in nomination forms and in the published Gazette. The [DC amendment](#) takes immediate effect because there is an election due on 24-Nov. The [LegCo amendment](#) is proposed to take effect on 1-Jan-2020. Both can be [amended](#) by LegCo under negative vetting procedures.

In our view, the amendments have gone too far. Electors don't need to know exactly where a candidate sleeps at night, but electors do have a legitimate interest in whether or not the candidate actually lives in the constituency or district which they wish to represent. Based on [the 2015 DC nominations](#), we know that many serving District Councillors do not live in their constituency (there are 431 constituencies, increasing to 452 this time) or even in their District ([there are 18](#)). Similarly, based on the [2016 LegCo nominations](#), many of the Geographic Constituency legislators don't live in their constituency (there are 5). A candidate who does live in their constituency or District might have a better understanding of the issues that place faces. One who lives on the opposite side of the HKSAR might find it harder to serve and be less attentive to the interests of their constituents.

In this knee-jerk response to "doxxing", the Government and EAC do not appear to have given any consideration to striking a balance between the informational needs of electors and the needs of candidates to protect their homes and families. So we urge LegCo to amend the regulations to require that DC candidates disclose whether or not they live in the District, and if so, whether or not they live in the constituency of that District for which they are running. Similarly, for LegCo elections, whether or not the candidate lives in the Geographic Constituency. This is binary information that doesn't require disclosing home addresses.

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