

Five amendment regulations under Electoral Affairs Commission Ordinance to be gazetted on Friday

The following is issued on behalf of the Electoral Affairs Commission:

Five amendment regulations to amend the subsidiary legislation under the Electoral Affairs Commission Ordinance (Cap. 541) will be gazetted this Friday (August 10). The amendments aim to refine the requirements relating to the identity documents that electors must produce in applying for ballot papers, which have been put in place by the Electoral Affairs Commission (EAC) through another set of amendment regulations on June 19, 2017.

"At present, an elector who is unable to produce the original of his or her identity document, typically a Hong Kong permanent identity card (HKID), in collecting the ballot papers may produce a document evidencing a report to a police officer of the loss or destruction of the person's identity document (commonly referred to as a 'memo of lost property'), together with the original of the person's valid passport or similar travel document showing his or her name and photograph, and a copy of his or her identity document in paper form showing his or her name, photograph and identity document number. The amendment regulations to be gazetted seek to relax the document requirement of the aforesaid alternative measures such that an elector who has lost his or her HKID will be allowed to collect a ballot paper by producing only the memo of lost property and the original of a valid passport or similar travel document showing his or her name and photograph, without presenting a copy of his or her HKID in paper form at the same time," a spokesperson for the EAC said today (August 8).

"We note that the information contained in the memo of lost property, i.e. the name and HKID number of an elector, could be used to cross-check against the information that appears on the passport or similar travel document concerned, and the relevant entry in the Final Register. Furthermore, it is a criminal offence to make a false report to the police. As such, the authenticity of the information provided in the memo of lost property could thus be relied upon," the spokesperson explained.

Separately, the existing electoral legislation makes reference to "identity document" as defined under the respective EAC regulations or the main Ordinances when it comes to issuance of ballot papers. To provide greater clarity in the regulations, the amendment regulations to be gazetted also seek to change the reference to "identity document" in the relevant provisions to specific references to the identity documents that could be accepted by the presiding or polling officers (as appropriate) in issuing ballot papers to electors, i.e. the HKIDs and the Certificates of Exemption issued by the Immigration Department.

The five regulations to be amended are the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J) and the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L).

The amendment regulations will be tabled at the Legislative Council (LegCo) on October 10, 2018 for negative vetting. Subject to the scrutiny by the LegCo, they will come into operation on December 10, 2018.