

Two amendment regulations under Electoral Affairs Commission Ordinance gazetted

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

Two amendment regulations to amend the subsidiary legislation under the Electoral Affairs Commission Ordinance (Cap. 541) have been gazetted today (October 18). The amendments aim to refine the requirements relating to disclosure of personal data in Legislative Council (LegCo) and District Council (DC) elections.

The two regulations to be amended are the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) and the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F).

"According to the existing legislation, for LegCo and DC elections, the notice of valid nominations and other specified notices to be published by the Returning Officers in the Gazette must state the principal residential address of each validly nominated candidate. To protect the privacy of candidates, the gazetted amendment regulations replace the requirement of disclosing the "principal residential address" with "address" in the gazette notices in LegCo and DC elections," a spokesman for the Electoral Affairs Commission (EAC) said today.

"After the amendment regulations have come into effect, candidates may choose to disclose an address that they prefer, be it their office or business address, correspondence address, residential address or post office box number. This could strike a balance between the need for media and members of the public to contact the candidates on one hand, while protecting the privacy of candidates on the other hand," the spokesman explained.

Separately, the relevant electoral legislation also stipulates that a ballot paper, if the EAC so determines, is to contain the address of the candidate as shown on the notice of nominations. The gazetted amendment regulations amend the relevant legislation of LegCo and DC elections such that the provisions on printing of the principal residential address of the candidates on ballot papers will be removed.

The amendment regulations will be tabled at the LegCo on October 23, 2019 for negative vetting. The Electoral Affairs Commission (Electoral Procedure) (District Council) (Amendment) Regulation 2019 will take effect on the date of gazettal (October 18, 2019), so that the notice of valid nominations in the 2019 District Council Ordinary Election to be published by the Returning Officers in the Gazette on October 30, 2019 will state only the address chosen by each validly nominated candidate. The Registration and

Electoral Office will collect from candidates their addresses for publication in the Gazette. As for the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2019, the proposed commencement date is January 1, 2020.