

Motion on
“Improving the voter registration system
to rebuild people’s confidence in the electoral system”
moved by Hon KAM Nai-wai
at the Legislative Council meeting on 21 December 2011

Progress Report

At the meeting of the Legislative Council (“LegCo”) on 21 December 2011, the motion on “Improving the voter registration (“VR”) system to rebuild people’s confidence in the electoral system” moved by Hon KAM Nai-wai, as amended by Dr Hon Philip WONG, was passed. The wording of the passed motion is at Annex.

2. In the light of the comments made by LegCo Members, the Administration undertook to consult the public on a number of proposed measures to improve the VR system, which are fundamental and involve legislative amendments. In the meantime, with effect from January 2012, the Registration and Electoral Office (“REO”) has put in place a number of immediate measures to improve the existing VR system. This report briefs Members on the further actions taken in respect of the aforesaid motion.

Public consultation on improvement measures of the voter registration system

3. The Constitutional and Mainland Affairs Bureau (“CMAB”) has issued a consultation paper on the proposed improvement measures of the VR system to collect views from the public. The issues involve :

- (a) whether to introduce a requirement that address proof should be provided as standard supporting evidence at the same time when a person applies for registration as a geographical constituency (“GC”) elector or when a registered elector applies for change of his residential address;
- (b) whether to introduce penalty for registered electors who fail to report change of addresses or to introduce penalty for registered electors who fail to report change of addresses before the statutory deadline for reporting change of registered particulars and vote in an election afterwards;

- (c) whether the existing statutory deadlines for VR should be amended to allow sufficient time for the Electoral Registration Officer to complete the checking and the verification processes, and for the public to inspect and to lodge claims and objections, before the publication of the final register;
- (d) whether the voter register for public inspection should also set out electors in accordance with principal residential addresses so as to check the relevant electors' names in the same address, which will facilitate the public to identify irregularities in respect of residential addresses. Currently, the register format sets out the electors' names followed by their principal residential addresses only;
- (e) whether to require an elector to produce the poll card at the polling station before he or she can cast vote. Currently, poll cards are sent by the REO to electors in order to inform the electors of the polling stations allocated to them. At the polling stations, voters are required to produce their identity cards but not their polling cards in order to cast their votes. Whilst requiring electors to produce poll cards before they can cast votes would help to prevent dishonest or fraudulent acts and would improve public confidence in the integrity of the election system, care should be taken as the proposed requirement may also at the same time have the effect that those electors who have lost their polling cards or have forgotten to bring their polling cards to the polling station would be deprived of the opportunity to exercise their right to vote; and
- (f) whether the existing offences under the Electoral Affairs Commission (Registration of Electors) (LegCo GCs) (District Council Constituencies) Regulation (Cap. 541A) on false declaration should be transferred to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO") as corrupt conduct or illegal conduct and be enforced by the Independent Commission Against Corruption. If yes, whether and to what extent the existing penalty level for such offences should be raised having regard to the maximum penalties for corrupt conduct or illegal conduct under the ECICO. If not, whether and to what extent the existing penalty level for such offences should be raised under Cap. 541A; and
- (g) whether there are any other views on the improvement of the VR system.

4. Copies of the consultation paper have been distributed to the LegCo Members. The consultation paper is also available at the Public Enquiry Service Centres of District Offices and the website of the CMAB. The consultation period runs from 16 January to 2 March 2012. In the light of the views received, the CMAB will formulate appropriate improvement measures and, if necessary, legislative amendment proposals and consult the LegCo as soon as possible.

Investigation of complaints and Immediate measures already taken

5. As at 29 February 2012, the REO has followed up on over 9 900 electors in response to the complaints received through different channels. Of these, no follow-up action is required for around 2 700 of the electors because there is no prima facie irregularity, or the complainant did not provide sufficient information for follow-up. The REO has sent letters to the remaining electors and has requested more than 7 200 of the electors to provide address proofs. If they do not provide valid address proof before the specified deadline, they will be referred to the law enforcement agencies for follow-up. They will also be put on the omissions list of the next voter register after the statutory inquiry process.

6. With effect from January 2012, the REO has put in place a number of immediate measures to improve the existing VR system. The following paragraphs set out the latest position of these measures.

Enhanced checking

7. The enhanced checking includes stepping up the follow-up checks on undelivered poll cards for the 2011 District Council election by sending inquiry letters to the electors concerned to ask for address proof; stepping up the existing checks based on additional parameters, such as when the number of surnames of electors in an address exceeds a certain figure; and implementing random checks on around 3% of existing electors within the 2012 VR cycle. As at 29 February 2012, amongst the electors covered, the addresses of about 48 400 electors have been verified through existing checks, or will be verified through the cross-matching exercise with the Housing Department and the Housing Society to be conducted in due course. Separately, around 84 000 letters have been issued to the other electors concerned. If the electors concerned do not provide valid address proof before the specified deadline, they will be put on the omissions list of the next voter register after the statutory inquiry process.

Enhanced publicity

8. REO has sent letters to all registered electors to inform them of the VR arrangement for the new District Council (second) functional constituency in the coming LegCo Election to be held in September 2012. The letters also reminds electors to update their residential addresses if there has been any change. This is complemented by other publicity measures such as TV and radio Announcements in the Public Interests, posters and newspaper advertisements. During the 2012 VR Campaign, the message on the importance for new registration to provide accurate information and for registered electors to update their residential addresses will also be strengthened.

Additional checks on lists of demolished buildings and buildings to be demolished

9. The REO has liaised with the Buildings Department and the Rating and Valuation Department to conduct checks on the list of buildings which have been demolished recently and buildings which will be demolished soon. Through this exercise, the REO has identified around 600 electors whose registered addresses no longer exist. The REO will include these electors in the statutory inquiry process.

Enhanced cross-matching

10. Currently, the REO conducts cross-matching of information of electors with a number of departments (including the Immigration Department, the Housing Department, the Housing Society and the Home Affairs Department). In early March, the REO will commence a full-scale cross-matching exercise with the Housing Department and the Housing Society to verify the accuracy of the registered addresses of registered electors who are residing in the housing estates under the management of these public authorities. The REO is also exploring the technical feasibility and usefulness of expanding the cross-matching work with more departments. Any cross-matching to be conducted by the REO will comply with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486) and the Privacy Commissioner for Personal Data will be consulted.

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Motion as amended by Dr Hon Philip WONG

That the media have recently disclosed the discovery of many suspected vote-rigging cases after the District Council Election held on 6 November this year; besides, after every Legislative Council Election and District Council Election in the past, the Administration also received tens of thousands of returned poll cards; in this connection, this Council considers that the Administration should further enhance the verification mechanism under the voter registration system, so as to prevent law-breakers from registering as voters with falsified addresses, thus ruining the electoral system and causing voters to lose confidence; on the other hand, the right to vote is a very important right, and under Article 26 of the Basic Law, permanent residents of the Hong Kong Special Administrative Region (‘HKSAR’) shall have the right to vote and the right to stand for election in accordance with law; in this connection, this Council urges the Administration to spare no efforts in investigating suspected vote-rigging cases, institute prosecutions against law-breakers, comprehensively review the voter registration system, and, while upholding HKSAR permanent residents’ right to vote, ensure that before the Legislative Council Election to be held in September next year, the loopholes are plugged and people’s confidence in the electoral system is rebuilt.