

# 立法會

## *Legislative Council*

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### **Panel on Constitutional Affairs**

#### **Background brief prepared by the Legislative Council Secretariat for the meeting on 19 March 2012**

#### **2012 Voter registration campaign**

### **Purpose**

This paper summarizes the major issues raised by members of the Panel on Constitutional Affairs ("the Panel") on the voter registration ("VR") campaigns for the Legislative Council ("LegCo") and District Council ("DC") elections. It also gives a brief account of the relevant discussions held by relevant LegCo committees.

### **Background**

2. The Government has been organizing VR campaigns during LegCo and DC election years since the First LegCo. Under current legislation, Hong Kong permanent residents holding an identity document who have reached 18 years of age, and ordinarily reside in Hong Kong, are eligible to be registered as electors. Eligible persons should apply to the Registration and Electoral Office ("REO") for registration. Registration can be made any time in a year, but only those who have made their application by the annual deadline can be included in the registers of electors published in that year and vote in elections conducted thereafter. Once registered, there is no need for the electors to register again. However, if there is any change in their registration particulars, they will have to report to REO by the annual deadline.

3. According to the 2011 final register, there were about 3.56 million registered electors for geographical constituencies ("GCs"), and 243,142 registered electors for functional constituencies ("FCs").

4. FCs and their electors are provided for in sections 20A to 20ZB of and Schedules 1 to 1E to the Legislative Council Ordinance (Cap. 542) ("LCO"). Two kinds of persons (i.e. a natural person (individual) and a body) are eligible to be

registered as FC electors. If the person is an individual, he must also be either registered for a GC or eligible to be registered for a GC and has made an application to be so registered. A body is eligible to be registered as a corporate elector for the relevant FC only if it has been operating for the 12 months immediately before making an application for registration as an elector. Similar to the VR for GCs, the Electoral Registration Officer ("ERO") is responsible for publishing the provisional registers, the omissions list and the final registers for FCs.

5. In the 2012 LegCo Election, there will be a new DC (second) FC which will return five Members to LegCo. With the introduction of this new FC, all electors will have one vote for a GC and one vote for an FC. In accordance with the legislation, all GC electors who are not registered in any FC will be automatically registered in the DC (second) FC, unless they elect not to be so registered. FC electors (except for those for the Heung Yee Kuk FC, Agriculture and Fisheries FC, Insurance FC, Transport FC, and DC (first) FC) may also choose to change their registration to become electors for the DC (second) FC instead of the FC for which they are currently registered. In February 2012, REO sent letters to all registered electors in batches to inform them of the VR arrangements for the new DC (second) FC. The letter will also appeal to electors to inform REO if their address or other registration particulars are incorrect or have changed. Electors are also encouraged to provide their email address, which will be provided to candidates for sending election advertisements.

### **Major issues raised by relevant committees**

#### Time gap between the deadline for VR and the polling day

6. Members have all along held the view that the time gap between the deadline for VR and the polling day should be narrowed. During the scrutiny of the Chief Executive Election (Amendment) Bill 2010 and the LegCo (Amendment) Bill 2010, some members considered that there was room for postponing the deadline for registration of electors to allow more time for eligible persons to register as electors for the 2011 DC election. The Administration advised that in response to the views raised by members a few years ago, the Administration had already postponed the deadline for registration of electors in a DC election year for two months to allow more time for VR. The Administration stressed that it was important to allow sufficient time for REO to process the registration particulars of some 3.2 million electors to ensure the accuracy of the information.

7. Some members remained of the view that the Administration should consider simplifying and shortening the registration procedures. For instance, to specify a period before the polling day as the deadline for VR and to update voter register a few times a year. They also pointed out that there was no time gap between the deadline for application for VR and the polling day in Canada, and immediate registration on polling day could be arranged there. These members considered that the Administration should make reference to VR procedures of overseas jurisdictions.

8. The Administration advised that it was aware of the different practices of VR adopted in overseas jurisdictions. While compulsory VR was adopted in Australia, VR was voluntary in Hong Kong and Canada. Under the existing practice in Hong Kong, registers for electors were published annually to facilitate candidates liaising with electors. The Administration considered that the existing arrangement for VR had been functioning well as the number of registered electors had increased some hundreds of thousands over the past eight to nine years.

9. Some members considered that to ensure fairness of election, no more updating of records should be allowed after the provisional register had been published for public inspection because the public would not have any opportunity to lodge objections to those changes made after the publication of the provisional register. These members considered that there should not be any overlap in the period for the public to make an objection to or to make a claim on the registration on the provisional register or to apply for updating registration particulars and for the Revising Officer to make determination on the objections and claims.

10. The Administration explained that there was a practical need for setting the deadline for updating electors' records after the date of publication of the provisional register to allow time for electors to update their records after inspection of the provisional register. ERO would bring to the attention of the Revising Officer any changes in registration particulars of electors relating to cases of objections/claims being handled by the Revising Officer. Objections/claims made by the public on the registration of the final register would be handled in the next VR cycle.

11. When the Panel discussed review of the VR system at its meeting on 19 December 2011, some members suggested that the period of public inspection of the provisional register be extended to allow ample time for candidates and parties concerned to verify the records therein. Concern was, however, expressed that the information on the final register would not be up-to-date if the statutory deadline for the compilation of the provisional register was to be advanced.

12. The Administration advised that extension of the inspection period would result in advancing the statutory deadline for new registration and reporting change of addresses to allow sufficient time for REO to complete the checking and verification processes. There were preliminary plans to extend the public inspection period of provisional register and to allow more time for hearing of objections and claims in respect of entries in the provisional register. In its Consultation Paper on Improvement Measures of the VR System issued in January 2012, the Administration had sought the public's views, among others, on whether the existing statutory deadlines for VR should be amended to allow sufficient time for ERO 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. A tentative proposed timetable as compared with the existing timetable as provided by the Administration is in **Appendix I**. The Administration has undertaken to revert to the Panel on the consultation results in due course.

#### Status of registered corporate electors of FCs

13. During the scrutiny of the former Subcommittee on Package of Proposals for the Methods for Selecting Chief Executive and for Forming LegCo in 2012 and the former Bills Committee on Chief Executive Election (Amendment) Bill 2010 and LegCo (Amendment) Bill 2010, some members expressed the view that the Administration should have conducted a comprehensive review to assess and verify the status of the registered corporate electors of FCs on a regular basis to ensure that they remained to be eligible for registration as electors, i.e. whether they were still active and representative since LCO was enacted back in 1997. The Administration explained that REO had kept in touch with relevant umbrella organizations to update the electoral records. The Administration would review LCO before every LegCo general election to reflect the latest developments. The Electoral Legislation (Miscellaneous Amendments) Bill 2012 which was introduced into LegCo on 8 February 2012 sought to, among others, introduce amendments relating to organizations which are constituents of several FCs of LegCo or subsectors of the Election Committee ('EC').

#### Publicity for VR and communication with electors

14. The low registration rates of young people at the 18 to 20 and the 21 to 25 age groups had all along been a concern to the Panel. Some members suggested that REO should seek assistance from secondary schools and tertiary institutions to promote registration, and consider doing registration on-line. The Administration advised that REO had established contacts with the tertiary institutions and also visited secondary schools to promote VR. To encourage more young people to register, visits would be paid to higher education

institutions to facilitate eligible students to register. A dedicated website would be set up which would hyperlink with certain websites which young people frequently visited, so as to enhance the appeal to them to make applications for VR. The Administration would set up registration counters at all Registration of Persons Offices and in areas with high pedestrian flow. It was suggested that to enhance the registration rate among young people, the Administration would reach out to young people through new media such as Facebook and YouTube.

15. Some members expressed concern about the registration rate of ethnic minorities as electors and the measures taken by the Administration in promoting VR among them. They were also concerned that some polling stations were not provided with barrier free access to facilitate persons with disabilities ("PWDs") to access polling stations. The Administration advised that there was no specific information on the number of ethnic minorities registered as electors as applicants were not required to specify their ethnic origin in their application forms. To promote VR among ethnic minorities, REO would publish promotional leaflets in different ethnic minority languages and free interpretation services would also be provided by one of the four support service centres for ethnic minorities for enquiries on VR matters made by the ethnic minorities.

16. To encourage the public to register as FC electors, the Administration advised the Panel that the number of FC electors would increase substantially from the number of 225 000 at that time to over 3.2 million under the "one-person-two-votes" model for returning the five new DC (second) FC seats in 2012. It was envisaged that the number of GCs electors and FC electors could approach 3.4 million in 2012. The Administration had maintained liaison with professional bodies and organizations in relation to registration of electors under the traditional FCs. REO would write directly to newly registered members of such organizations and professional bodies to remind them to apply for registration.

17. Noting that household visits would be conducted at new residential developments completed for intake in recent years, some members enquired about the number of new residential developments involved and whether household visits would also be conducted at other housing estates. The Administration affirmed that household visits would only be conducted at new residential developments; and as a usual practice, REO would write to all households which had moved into new private developments to remind them to report changes in address before the statutory deadline of updating of registration particulars and, if they were not already registered electors, to register early.

Expenditure for the VR campaign

18. Some members of the Panel were concerned whether it was sufficient to earmark a total of \$27 million for conducting the 2011 VR campaign to encourage the public to register as GC electors and FC electors respectively. For reference sake, the Administration advised that \$14 million and \$11 million were spent on promoting VR for the 2007 DC election and the 2006 EC Subsector elections respectively. Since a DC election and EC Subsector elections would be held in 2011, the Administration had allocated up to \$27 million for the publicity and administrative costs for conducting the 2011 VR campaign. It would be spent on the overall promotion of VR for both GC and FC elections.

**Relevant papers**

19. A list of the relevant papers which are available on the LegCo website is in **Appendix II**.

Council Business Division 2  
Legislative Council Secretariat  
15 March 2012

## Appendix I

### Tentative Proposed Amendments to the Statutory Deadlines for Voter Registration and the Relevant Provisions

Major Event	Statutory deadlines in a non-DC election year		Statutory deadlines in a DC election year		Relevant Provisions
	Existing	Proposed	Existing	Proposed	
The statutory deadline for an applicant to apply to the ERO for registration in the PR.	16 May	1 Feb	16 Jul	1 Apr	Section 4 of Cap. 541A and section 19 of Cap. 541B
If the ERO requires an applicant to provide further particulars relating to the application, the statutory deadline for an applicant to provide such particulars.	25 May	15 Feb	25 Jul	15 Apr	Section 5 of Cap. 541A and section 21 of Cap. 541B
The statutory deadline for the ERO to publish and make available the PR and OL for public inspection.	15 Jun	30 Apr	15 Aug	30 Jun	Section 32 of the LCO and section 14 of the Schedule to the CEEO
After inspecting the PR and OL, the statutory deadline for the public to make an objection to or make a claim on the registration in the PR, or to apply for updating the registration particulars in the FR.	29 Jun	15 Jun	29 Aug	15 Aug	Sections 10, 13, 14, 15 and 17 of Cap. 541A and sections 25, 29, 30, 31 and 33 of Cap. 541B
The statutory deadline for the RO to fix a hearing for and rule each notice of objection or notice of claim received.	11 Jul	11 Jul	11 Sept	11 Sept	Section 18 of Cap. 541A and section 34 of Cap. 541B
The statutory deadline for ERO to publish and make available the FR for public inspection.	25 Jul	25 Jul	25 Sept	25 Sept	Section 32 of the LCO and section 14 of the Schedule to the CEEO
Relevant election	September		November		Not applicable

## Appendix II

### Relevant documents on 2012 voter registration campaign

Committee	Date of meeting	Paper
Panel on Constitutional Affairs ("CA Panel")	20.12.1999 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	1.3.2000	<a href="#">Official Record of Proceedings Pages 73 - 74 (Written question)</a> (Mr LEE Wing-tat)
CA Panel	17.4.2000 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	14.5.2008	<a href="#">Official Record of Proceedings Pages 71 - 73 (Written question)</a> (Mr LAU Chin-shek)
CA Panel	17.3.2003 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	19.5.2003 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	15.3.2004 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	--	<a href="#">IN12/03-04</a>
	16.4.2007 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	17.3.2008 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	19.5.2008 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012	11.5.2010	<a href="#">Agenda</a> <a href="#">Minutes</a>
	18.5.2010	<a href="#">Agenda</a> <a href="#">Minutes</a>
	3.6.2010	<a href="#">Agenda</a> <a href="#">Minutes</a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
House Committee	11.6.2010	<a href="#">Report of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012</a>
Bills Committee on Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010	18.1.2011	<a href="#">Agenda</a> <a href="#">Minutes</a>
	25.1.2011	<a href="#">Agenda</a> <a href="#">Minutes</a>
House Committee	18.2.2011	<a href="#">Report of the Bills Committee on Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010</a>
CA Panel	18.3.2011 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	30.11.2011	<a href="#">Official Record of Proceedings Pages 78 - 83 (Written question) (Mr Albert HO)</a>
	14.12.2011	<a href="#">Official Record of Proceedings Pages 136 - 140 (Written question) (Ms Audrey EU)</a>
CA Panel	19.12.2011 (Item III)	<a href="#">Agenda</a>
Legislative Council	21.12.2011	<a href="#">Official Record of Proceedings Pages 262 - 345 (Motion)</a>
CA Panel	17.2.2012 (Item I)	<a href="#">Agenda</a>