

Legislative Council Panel on Constitutional Affairs

**Public Consultation on Improvement Measures
of Voter Registration System :
Summary of Views and Administration's Initial Position**

Purpose

The Public Consultation on Improvement Measures of Voter Registration System finished on 2 March 2012. We will publish a report on the outcome of the consultation and our proposed way forward. Meanwhile, to provide Members with an update on the latest position, this paper sets out a summary of the views received during the consultation and the Administration's initial position on the proposals in the consultation paper.

Background

2. Following the 2011 District Council Election, there were complaints and media reports about suspected false registered addresses of electors. To address the public concerns, the Administration conducted a comprehensive review of the existing voter registration ("VR") system and proposed a number of enhancement measures at the end of 2011. The subject was discussed at the meeting of this Panel on 19 December 2011 and a motion debate at the Legislative Council ("LegCo") on 21 December 2011.

3. In the light of the comments made by the LegCo Members, the Registration and Electoral Office ("REO") has implemented a number of measures to improve the VR system starting from January 2012. The measures implemented include :

- (a) enhanced checking performed by the REO;
- (b) enhanced publicity measures;
- (c) additional checks on lists of demolished buildings and buildings to be demolished; and
- (d) enhanced cross-matching with other government departments on the residential addresses of electors.

4. Meanwhile, the Constitutional and Mainland Affairs Bureau (“CMAB”) conducted a public consultation from 16 January to 2 March 2012 on a number of further improvement measures related to VR which are fundamental and may involve legislative amendments. The proposals are :

- (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 (“the proposed requirement for address proof”);
- (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 (“the proposed penalty concerning update of address”);
- (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. A tentative proposed timetable as compared with the existing timetable is at the Annex (“the proposed amendment to the statutory deadlines”);
- (d) whether the voter register for public inspection should also set out electors in accordance with principal residential addresses so as to show 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 (“the proposed amendment to the register format”);
- (e) whether to require an elector to produce the poll card at the polling station before he or she can cast vote (“the proposed requirement for poll cards”); 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 (“ICAC”). 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 (“the proposed transfer of offence”).

5. The consultation paper was discussed at the Special Panel meeting with deputations on 17 February 2012.

Summary of Views and the Administration’s Initial Position

6. A total of 39 written submissions were received during the consultation period. They included submissions from political parties, LegCo and District Council members, organisations and groups as well as individuals. A summary of the views received and the Administration’s initial position are set out in paragraph 7 to 18 below.

The proposed requirement for address proof

7. A total of 20 submissions received commented on this proposal. About 60% of these submissions were against the proposed requirement for address proof for new or updated registrations. Some submissions expressed concern that this might cause inconvenience to the public and might affect the desire to register as electors. Some submissions questioned whether the proposal would deprive a person’s voting right if he or she could not provide a valid address proof. Some raised questions on the effectiveness of the proposal and whether the proposal could be replaced by enhancing the checking performed by the REO.

8. In light of the views received, the Administration inclines not to pursue the proposal for the time being. Nevertheless, we will step up our efforts in ensuring the accuracy of the register by increasing the extent of checks including using a more targeted approach.

The proposed penalty concerning update of address

9. A total of 26 submissions received commented on this proposal. About 65% of these submissions were against the proposed introduction of penalty. The views received generally considered it important to protect the voting rights of the permanent residents of Hong Kong. The submissions received expressed concern that the proposal would cause undue nuisance to the public and might affect the desire to register as electors. Some considered that the existing offence and penalty in respect of false declaration and corrupt conduct were sufficient and queried whether the proposal could be replaced by enhancing the checking performed by the REO.

10. About 35% of the submissions concerned supported the proposal. Amongst them, 67% considered that the penalty should only apply to registered electors who fail to report change of addresses before the statutory deadline and vote in an election afterwards.

11. In light of the views received, the Administration inclines not to pursue the proposal.

The proposed amendment to the statutory deadlines

12. A total of 8 submissions received commented on this proposal. About 62% of these submissions supported advancing the deadlines, but only 40% of them specifically expressed support for the proposed amendments at the Annex. About 38% of the submissions concerned were against the proposal. Amongst them, some expressed concern that the proposal might affect the desire to register as electors and the voter turnout rates at elections. Some considered that advancing the VR deadlines would render the voter register to be used at the elections less up-to-date.

13. In light of the small number of submissions received which commented on this proposal, the Administration will need to consider the proposal further. In any case, any adjustments to the deadlines will require legislative amendments which can only be done by the next-term government.

The proposed amendment to the register format

14. A total of 10 submissions received commented on this proposal. About 60% of these submissions supported the proposed amendment to the register format. However, some considered that the proposal might infringe on personal privacy. In light of the concerns raised, we are examining the proposal carefully in consultation with the Privacy Commissioner for Personal Data.

The proposed requirement for poll cards

15. A total of 15 submissions received commented on this proposal. A majority (about 73%) of these submissions were against the proposed requirement for poll cards. They generally considered that this would cause unreasonable inconvenience to the electors and might infringe the voting rights of the permanent residents of Hong Kong.

16. In light of the views received, the Administration inclines not to pursue the proposal.

The proposed transfer of offence

17. A total of 7 submissions received commented on this proposal. A majority (about 86%) of these submissions supported the proposed transfer of the existing offences on false declaration under Cap. 541A to the ECICO and be enforced by the ICAC. They recognized that the proposal would enhance the deterrent effect and the enforcement efficiency. The submissions did not indicate clearly to what extent the existing penalty level for such offences should be raised.

18. In light of the small number of submissions received which commented on this proposal, the Administration will need to consider the proposal further, taking into account the views of the REO, the Department of Justice and the relevant law enforcement agencies.

Way Forward

19. The Administration will compile a full report of the consultation paper. The report will set out details of the views received and the Administration's final position on the proposed further improvement measures.

Advice Sought

20. Members are invited to note the summary of views received during the consultation period and the Administration's initial position on the proposed improvement measures as set out in paragraphs 7 to 18 above. Members' views will be welcomed.

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

Major Event	Statutory deadlines in a non-District Council election year		Statutory deadlines in a District Council election year		Relevant Provisions
	Existing	Proposed	Existing	Proposed	
The statutory deadline for an applicant to apply to the Electoral Registration Officer (“ERO”) for registration in the Provisional Register (“PR”).	16 May	1 Feb	16 Jul	1 Apr	Section 4 of Cap. 541A ¹ and section 19 of Cap. 541B ²
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 Omissions List (“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 Final Register (“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 Revising Officer 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

¹ Cap. 541A stands for the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A).

² Cap. 541B stands for the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B).