

Legislative Council Panel on Constitutional Affairs

Updating of Electoral Records Geographical Constituencies Voter Register

Purpose

This paper sets out for Members' information the procedures which the Registration and Electoral Office ("REO") adopts in conducting electoral records vetting exercises.

Background

2. At the meeting of the Panel on 20 December 1999, some Members expressed concern that some electors seemed to have been wrongfully removed from the voter register as a result of the REO's annual vetting exercise.

3. The exercise is part of the REO's effort to maintain accuracy of the geographical constituencies (GCs) voter register by weeding out those electors who are no longer eligible to be registered, mainly because their residential addresses as recorded in the register are outdated.

The Statutory Provision

4. The statutory basis for conducting vetting exercises is the Legislative Council ("LegCo") Ordinance. Under section 24(2)(b) of the Ordinance, a person registered as an elector in an existing final register of GCs shall not be entitled to be included as an elector in any subsequent register if the Electoral Registration Officer ("ERO") is satisfied on reasonable grounds that the person no longer resides at the residential address recorded in that existing register and the ERO does not know his new principal residential address. It is therefore the duty of the ERO to maintain accuracy of the voter register by removing from it the name of these electors who no longer reside at their registered addresses.

5. While the LegCo Ordinance has laid down the broad legal basis, the Electoral Affairs Commission (EAC) Regulation sets out the

procedures which the ERO must follow, i.e. the making of inquiries in writing by registered post to ascertain whether an existing elector is still eligible to be registered before his or her name may be removed from the register.

The Updating and Vetting Procedure

6. The REO regularly updates the registered addresses in the GCs register based on requests made by the electors themselves, on information obtained from the Housing Department in respect of their new tenants / home owners, and on reports to the Registration of Persons Office from people on their change of address. For electors who appear to have moved but whose new addresses are not available to the REO, they may be included in a vetting exercise.

7. Take the compilation of the GCs voter register for 1999 as an example, a vetting exercise was conducted in respect of those electors whose registered addresses were buildings which had already been demolished or whose poll cards had been undelivered and returned to the REO. In the conduct of the first LegCo election held in May 1998, 59,100 poll cards were undelivered and returned to the REO. These returned poll cards constituted prima facie evidence that the electors concerned might no longer be residing at their registered address. They were therefore earmarked for vetting.

8. Before making written inquiries to these electors by registered post, the REO had taken the following steps –

- (a) Housing Department's assistance was sought to identify if any of the 59,100 electors were their current tenants or owners and to provide the REO with their addresses. As a result, 9,700 records were updated and needed not be included in the vetting exercise;
- (b) for the other 49,400 poll cards, Post Office's assistance was sought to identify those electors to whom door-to-door mail delivery service was not available. As a result, 13,900 such electors were identified, mainly those living in the very remote

rural areas outside Post Office's delivery zone and some who were only served by communal mail boxes.

The REO did not include these 13,900 electors in the vetting exercise. Since door-to-door mail delivery service was not available to them, the undelivered poll card was not considered a conclusive evidence that they were no longer residing at their registered addresses. There was greater chance that the undelivery was caused by other factors.

9. After taking the above steps, inquiries were made to the 35,500 electors by registered mail requesting them to provide their current residential address by a specified date. The majority of the registered letters were undelivered and returned to the REO. In the end, the names of 30,772 electors under inquiry were placed on the omissions list which was published together with the 1999 provisional register for public inspection. The REO received no appeal from them. Their names were subsequently omitted from the 1999 final register published on 26 March 1999.

Conclusion

10. The REO considers that the existing procedures prescribed in the EAC Regulation, coupled with the safeguarding measures taken before embarking on a vetting exercise, are practical and sufficient to protect electors against wrongful omission. In the voter registration campaign for 2000, full scale household visits will be conducted to register new electors and to verify the records of the existing electors, in particular their registered address. Results of the verification through the household visits will be useful in further enhancing accuracy in the future vetting exercise.

Registration and Electoral Office
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