

**立法會**  
**Legislative Council**

LC Paper No. CB(2)782/12-13(07)

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**Panel on Constitutional Affairs**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 18 March 2013**

**Review of the voter registration system**

**Purpose**

This paper provides background information and summarizes major issues raised by relevant committees of the Legislative Council ("LegCo") in respect of the voter registration ("VR") system for the LegCo and District Council ("DC") elections since the First LegCo.

**Background**

Eligibility for voter registration

2. For a DC election, only a registered elector is eligible to vote. A registered elector is a person whose name appears on the final register of geographical constituencies ("GC") which is in force at the time of election as compiled and published by the Electoral Registration Officer ("ERO") under the Legislative Council Ordinance (Cap. 542) ("LCO"). According to section 29(3) of the District Councils Ordinance (Cap. 547), a person may only vote in respect of the DC constituency for which the person is registered as an elector in the register.
3. For a LegCo election, only a registered elector, i.e. a person whose name appears on the final register which is in force at the time of the election, is eligible to vote. The qualifications for registration as electors for GCs and functional constituencies ("FCs") (paragraph 9 refers) are provided in LCO.
4. To qualify for registration as an elector in a GC, an individual has to satisfy all the following requirements –
  - (a) in any year other than a year in which a DC ordinary election is to be held ("non DC election year"), he has to be aged 18 years or above

as at 25 July next following his application for registration (or 25 September in a DC election year);

- (b) he is a permanent resident of Hong Kong;
- (c) (i) he ordinarily resides in Hong Kong and the residential address in his application for registration is his only or principal residence in Hong Kong; or
  - (ii) if he is a person serving a sentence of imprisonment and at the time of the application does not have a home in Hong Kong outside the prison, the following prescribed address is deemed to be the person's only or principal residence in Hong Kong for the purpose of VR :
    - (1) the last dwelling-place in Hong Kong at which the person resided and which constituted his sole or main home; or
    - (2) the residential address of the person last recorded by the Immigration Department under the Registration of Persons Regulations (Cap. 177A) if the person cannot provide any proof on his last dwelling place in Hong Kong.
- (d) he holds an identity document or has applied for a new identity document or a replacement identity document; and
- (e) he is not disqualified from being registered as an elector by virtue of section 31 of LCO.

The disqualification provisions which also apply to the VR for FCs in section 31 of LCO are in **Appendix I**.

5. According to section 28 of LCO, a reference to a person's only or principal residence in Hong Kong is a reference to a dwelling-place in Hong Kong at which the person resides and which constitutes the person's sole or main home.

6. The Electoral Affairs Commission (Registration of Electors) (LegCo GCs) (DC Constituencies) Regulation (Cap. 541A) stipulates a statutory timeframe for receiving applications for VR as electors for GCs, publication of the provisional register, omission list and final register, and determination of claims and objections in an annual registration cycle. An applicant who qualifies for registration will be allocated to the relevant GC and DC Constituency Area on

the basis of his residential address. The deadline for receiving VR applications and the publication of the final register are approximately two months apart in a VR cycle. The statutory timetables for the VR cycle in a DC election year and a non DC election year are in **Appendix II**.

7. Section 32(4) of LCO states that in compiling a provisional register, ERO must strike out the name and particulars of a registered elector from the final register of electors if the person is no longer eligible to be an elector. At the same time when the provisional register for GCs is published, ERO will also publish the omissions list, containing the names and residential addresses of persons formerly registered as GC electors. These particulars are struck out from the provisional register and proposed to be omitted from the next final register, based on the information received by ERO who is satisfied on reasonable grounds that these persons are no longer eligible to be registered or have been disqualified.

8. An individual who is already registered in the final register of GCs is not entitled to be included as an elector in the next register of GCs if –

- (a) he has ceased to ordinarily reside in Hong Kong;
- (b) he no longer resides at the residential address recorded against his name in the existing register and ERO does not know his new principal residential address in Hong Kong;
- (c) he is no longer a permanent resident of Hong Kong;
- (d) he was an imprisoned person who used his last dwelling-place in Hong Kong at which he resided or the address last recorded under the Registration of Persons of Regulations as the address for registration as an elector and who had served his sentence of imprisonment and left the prison without reporting his new residential address to ERO; or
- (e) he is disqualified for being registered as an elector by virtue of section 31 of LCO.

9. Functional constituencies ("FCs") and their electors are provided for in sections 20A to 20ZC of and Schedules 1 to 1E to 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. The electorate of the new DC (second) FC is composed of persons who are registered as electors for GCs but are not registered as electors for any of the other 28 traditional FCs. Electors registered for the traditional FCs<sup>1</sup> may choose to be registered for their own FCs or for the DC (second) FC. Similar to the VR for GCs, ERO is responsible for publishing the provisional registers, the omissions list and the final registers for FCs.

### Offence

10. It is an offence under section 22 of Cap. 541A for a person to make any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular when furnishing ERO with information regarding his application for registration.

11. The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO") is enforced by the Independent Commission Against Corruption ("ICAC"). According to section 16 of ECICO, it is an offence for any person –

- (a) to vote at an election knowing that he is not entitled to vote at that election;
- (b) to vote at an election after having knowingly or recklessly given materially false or misleading information to an electoral officer, or to vote at an election after having knowingly omitted to give material information to an electoral officer;
- (c)
  - (i) to vote at an election more than once in the same GC, or to vote in more than one GC, or
  - (ii) to vote more than once in the same FC, or vote in more than one FC,except as expressly permitted by an electoral law; or
- (d) to invite or induce another person to commit the act in (a), (b) or (c) above.

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<sup>1</sup> The arrangement for FC electors to choose to be registered in the DC (second) FC is not applicable to the electors in the Heung Yee Kuk, Agriculture and Fisheries, Insurance, Transport, and DC (first) FCs.

The maximum penalty for the above offences is a fine of \$500,000 and imprisonment for seven years.

### **Review of VR system conducted after the 2011 DC Election**

12. After the 2011 DC Election, there were complaints and media reports on cases of suspected false addresses of electors. To address public concern and to maintain the integrity of the VR system, the Administration conducted a review in late 2011. Having considered Members' views, the Government announced that it would implement a number of improvement measures starting from 1 January 2012 and would conduct public consultation on the other proposed measures. The enhanced checking measures implemented by the Registration and Electoral Office ("REO") since January 2012 are set out in **Appendix III**.

13. On 16 January 2012, the Administration issued the Consultation Paper on Proposed Improvement Measures of the VR System ("the Consultation Paper") for public consultation which ended on 2 March 2012. In April 2012, the Consultation Report was published. In light of the views received, the Administration decided not to pursue some of the proposed measures including the proposed requirement for address proof and the proposed penalty concerning update of address.

#### Members' views on the proposals contained in the Consultation Paper

14. During discussion on the proposed improvement measures put forward in the Consultation Paper at meetings of the Panel on Constitutional Affairs ("the CA Panel")<sup>2</sup>, members expressed views on the following proposed measures –

(a) *The proposed requirement for address proof and proposed penalty concerning update of address*

15. Members in general expressed reservations about the proposal for introducing a requirement that address proof should be provided as standard supporting evidence at the same time when a person applied for registration as a GC elector or when a registered elector applied for change of his residential address ("the proposed requirement for address proof"), and the proposal of introducing penalty for registered electors who failed to report changes of addresses or who failed to report such changes before the statutory deadline and

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<sup>2</sup> At its meeting on 19 December 2011, the CA Panel discussed REO's proposed improvement measures to the VR system. After publication of the Consultation Paper, the Panel held a special meeting on 17 February 2012 to receive public views on the relevant proposals. The Administration reported the summary of the public views and its initial position at the Panel meeting on 19 March 2012.

vote in an election afterwards ("the proposed penalty concerning update of address"). They considered that the proposed requirement for address proof might affect the desire of the public to apply for VR and to vote, and that some eligible voters who were not property owners of the addresses would have difficulty in producing address proofs. The proposed penalty concerning update of address would also create panic among the public.

*(b) The proposed requirement for producing the poll card before voting*

16. Some members considered that electors should be required to produce poll cards before voting in order to prevent occurrence of vote-rigging cases. Some other members, however, considered that this requirement would cause undue inconvenience to electors who might forget to bring along their poll cards or have lost their polling cards.

*(c) The proposed transfer of offence under Cap. 541A on false declaration to ECICO*

17. The existing offences under section 22 of Cap. 541A on false declaration and the existing offences related to voting under ECICO are enforced by the Police and ICAC respectively. Some members considered that the enforcement of offences separately by two law enforcement agencies was undesirable and suggested that consideration should be given to transferring the offences under section 22 of Cap. 541A to ECICO in order to facilitate the relevant investigation work. The Administration explained that the proposal would have the effect of raising the penalty of the offences under Cap. 541A because offences under ECICO were subject to higher penalties.

*(d) The proposed amendment to the statutory deadlines*

18. Some members suggested that the period of public inspection of the provisional register should be extended to allow for a more meaningful public scrutiny. The Administration advised that extension of the inspection period would require advancing the statutory deadlines for new registration and reporting change of addresses so as to allow sufficient time for ERO to complete the checking and verification processes, and for the public to inspect and to lodge claims and objections, before the publication of the final register.

*(e) The proposed amendment to the register format*

19. Members in general expressed support for the proposal subject to the advice of the Privacy Commissioner for Personal Data that the proposal was not inconsistent with the Personal Data (Privacy) Ordinance (Cap. 486).

20. The Administration's final position on the above proposals is set out in the Consultation Report. The relevant extract is in **Appendix IV**.

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

#### Accuracy of the voter register

21. Under section 24(2)(b) of LCO, 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 ERO is satisfied on reasonable grounds that the person no longer resides at the residential address recorded in that existing register and ERO does not know his new principal residential address. It is the duty of 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.

22. Maintaining the accuracy of the voter register has all along been a concern to Members. Members noted that a full-scale door-to-door visit to all the two million households in the territory had been conducted during the 2000 VR campaign. According to the Administration, the purpose of the household visits was to help all the potential electors to get registered, and to verify and, if necessary, update the records of registered electors on the existing electoral rolls. The Administration informed the CA Panel in 2004 that as the result of conducting door-to-door household visits for the whole territory during the 2000 VR campaign was found not to be cost effective, household visits would be conducted to newly developed residential areas only.

23. Following media reports that a large number of poll cards mailed by REO for the 2011 DC election were undeliverable, Hon Albert HO raised a written question on verification of VR particulars at the Council meeting of 30 November 2011; and that Hon Audrey EU raised a written question at the Council meeting of 14 December 2011 on verification of addresses of registered electors for DC elections. After the 2012 LegCo Election, Hon Albert CHAN raised a written question at the Council meeting of 31 October 2012 regarding electors being deregistered from register of electors. The questions raised by Mr HO, Ms EU and Mr CHAN and the respective replies of the Secretary for Constitutional and Mainland Affairs are in **Appendix V**.

#### Removal of registered electors' names from the final register

24. Members expressed concern on various occasions about the removal of registered electors' names from the final register. They stressed that there should be stringent vetting procedure prior to striking out an elector's name from

the voter register. They pointed out that some electors were only aware of the removal of their names from the final register on the polling day. Even if an elector realized that he had not received a polling card and reported to REO, it would be too late to reinstate his voting right in the upcoming election because the deadline for registration had already lapsed. Members suggested that the Administration should devise user-friendly measures for electors to update their particulars with REO and to check their status in the voter register such as enabling an elector to check on-line his registration status in the voter register.

25. Regarding the 2012 LegCo Election, the CA Panel expressed concern at various meetings about the removal of some 200 000 electors' names from the final registers of electors. The Panel urged the Administration to ascertain whether the electors concerned had lost their voting rights inadvertently and the reasons for their failure to lodge a claim or update their registered residential addresses by the deadline. The Administration advised that REO had issued inquiry letters to electors according to the relevant regulation, requesting them to confirm whether their addresses in the 2011 final register of electors were still their principal residential addresses. In the first half of 2012, REO had received the replies from a few tens of thousands of electors and their names had been reinstated in the final register. The Administration undertook to step up publicity on the requirement that registered electors should report any changes in their registered residential addresses or other registration particulars to REO as soon as possible to update their electoral records. The Administration advised that the some 200 000 electors concerned who had their names removed could be re-registered by filling out the relevant updating form and returning it to REO.

#### Streamlining procedures for voter registration

26. The CA Panel has discussed the subject of the implementation of automatic VR on various occasions. While some members were of the view that implementation of an automatic VR system should be the long-term solution to the issues arising from VR, some other members held the view that it was not necessary to implement such a system, taking into account the technical problems identified and the right of eligible persons to decide whether or not to register as an elector. According to the Administration, it would not rule out the possibility of implementing an automatic VR system, but the problems which had been identified, including inherent difficulties in excluding disqualified voters from an automatically generated register, and difficulties in updating effectively the particulars of registered electors, should be addressed before consideration could be given to introducing the system. It was the Administration's view that eligible persons should continue to be given the personal choice of whether to register as an elector.



27. Members suggested that the procedures of on-line application should be streamlined to facilitate VR, particularly by young people. The Administration advised that on-line VR was currently available by way of using the Hong Kong Post personal e-certificate. Members further suggested that where necessary, consideration should be given to amending relevant legislation or practical guidelines to ensure that the whole procedure of VR could be processed through electronic means for the applicants' convenience.

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

28. During the scrutiny of the Chief Executive Election (Amendment) Bill 2010 and the LegCo (Amendment) Bill 2010, some members of the Bills Committee concerned 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.

29. Some members 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. The Administration advised that 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 to liaise with electors and the Administration considered that the existing arrangement for VR had been functioning well.

#### Meaning and interpretation of "ordinarily resident in Hong Kong"

30. Noting that the issue relating to the meaning of "ordinarily resident in Hong Kong" was not included in the Consultation Paper, some members requested the Administration to clarify as a matter of principle the eligibility of electors who had retired outside Hong Kong or still retained a close connection but did not have a residential address in Hong Kong. Members requested the Administration to explore whether these people were still entitled to vote and if so, how they could exercise their voting right legally.

31. The Administration explained that the address so provided by these people should be residential address and it should be the elector's only or principal residence in Hong Kong. Under section 2(6) of the Immigration Ordinance (Cap.115), a person did not cease to be ordinarily resident in Hong Kong if he

was temporarily absent from Hong Kong and whether that person should cease to be so ordinarily resident would depend on the circumstances of that person and his absence. According to the "Guidelines on Election-related Activities in respect of the DC Election", relevant factors would include the length of the person's absence, the reason for his absence, and his continuing connections with Hong Kong, etc. and each case would have to be considered on its own merits.

32. During the public consultation, the Administration has received views on VR in relation to the definitions of "ordinarily reside in Hong Kong" and "principal residential address" which are outside the scope of the consultation paper. The Administration has explained in its Consultation Report that these are complicated issues which have to be handled carefully by the fourth-term Government. Other factors, including the freedom of movement and travel by the Hong Kong permanent residents enjoyed and protected under the Basic Law, have to be taken into consideration as well.

#### Status of registered corporate electors of FCs

33. 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.

34. During discussion of the Electoral Affairs Commission Report on the 2012 LegCo Election at the CA Panel meeting on 17 December 2012, some members enquired about the number of reminder letters issued to FC electors concerning their eligibility to vote immediately prior to the past two rounds of Election Committee ("EC") Subsector Elections and LegCo Election. The supplementary information provided by REO is attached in **Appendix VI** for members' easy reference.

#### **Recent development**

35. On 1 March 2013, the High Court handed down a judgment on an election petition filed by a defeated DC candidate (HCAL 10/2012). In the judgment, it

was ruled that the current legislation did not require electors to register their new addresses after they had moved to other places, and that there was no evidence to prove that the electors concerned had made false registration of their addresses. Members may refer to the judgment which is available at [http://legalref.judiciary.gov.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=85941&QS=%2B&TP=JU](http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=85941&QS=%2B&TP=JU).

36. The Administration has proposed to brief the Panel on the work being undertaken by REO for VR in the 2013 registration cycle and the related publicity work at the next meeting on 18 March 2013.

### **Relevant motion/questions and papers**

37. At the Council meeting of 21 December 2011, Hon KAM Nai-wai moved a motion on "Improving the VR system to rebuild people's confidence in the electoral system". The motion, as amended by Dr Hon Philip WONG, was passed by the Council. The wording of the passed motion is in **Appendix VII**.

38. Details of relevant LegCo questions raised at Council meetings since the first LegCo and relevant papers available on the LegCo website (<http://www.legco.gov.hk>) are in **Appendix VIII**.

Council Business Division 2  
Legislative Council Secretariat  
14 March 2013

## Appendix I

### Cap 542 s 31 When person is disqualified from being registered as an elector (Legislative ...

#### Contents of Section

Chapter:	542	Title:	<b>Legislative Council Ordinance</b>	Gazette Number:	2 of 2011; G.N. 5176 of 2012
Section:	31	Heading:	<b>When person is disqualified from being registered as an elector</b>	Version Date:	01/10/2012

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(1) A natural person is disqualified from being registered as an elector for a constituency if the person-

(a)-(c) (Repealed 7 of 2009 s. 7)

(d) is found under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or (Replaced 25 of 2003 s. 17)

(e) is a member of the armed forces of the Central People's Government or any other country or territory.

(2) Subsection (1) applies to an authorized representative of a corporate elector in the same way as it applies to an elector who is a natural person. (Amended 2 of 2011 s. 14)

(3) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap 557) is disqualified from being registered as a corporate elector. (Added 2 of 2011 s. 14)

(4) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap 558) is disqualified from being registered as a corporate elector. (Added 2 of 2011 s. 14)

(5) A body which is a department or an agency of a government of a place outside the People's Republic of China, whether at national, regional or municipal level, is disqualified from being registered as a corporate elector. (Added 11 of 2012 s. 34)

(6) For the purposes of subsection (5), a body is not regarded as a department or an agency of a government of a place unless-

(a) the management of the body is appointed by the government and is answerable to the government;

(b) the principal function of the body is to advance the interest of the place; and

(c) the body is non-profit-making. (Added 11 of 2012 s. 34)

**Statutory Timetables for Voter Registration**

<b>Major Event</b>	<b>Statutory deadlines in a non-DC election year</b>	<b>Statutory deadlines in a DC election year</b>
The statutory deadline for an applicant to apply to the ERO for registration in the PR.	16 May	16 July
<p>If the ERO requires an applicant to provide further particulars relating to the application, the statutory deadline for an applicant to provide such particulars.</p> <p>After finishing all the registration procedures, the ERO has to compile the registration particulars, and to arrange for printing, checking and binding of the PR and OL, for subsequent sorting and distribution to the District Offices for public inspection.</p>	25 May	25 July
The statutory deadline for the ERO to publish and make available the PR and OL for public inspection.	15 June	15 August
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 June	29 August

<b>Major Event</b>	<b>Statutory deadlines in a non-DC election year</b>	<b>Statutory deadlines in a DC election year</b>
<p>The ERO must deliver to the Revising Officer (RO) a copy of each notice of objection or notice of claim received. The RO will fix a hearing for each notice of objection or notice of claim concerning VR, and may review the ruling. With the approval of the RO, the ERO will correct an entry, make an additional entry or remove an entry as may be appropriate when compiling the FR.</p> <p>Meanwhile, the ERO will determine the applications for updating registration particulars, and with the approval of the RO, correct an entry, make an additional entry or remove an entry as may be appropriate.</p>	15 June to 11 July	15 August to 11 September
<p>After updating the entries, the ERO has to compile the registration particulars, and to arrange for printing, checking and binding of the FR, for subsequent sorting and distribution to the District Offices for public inspection.</p>	11 to 25 July	11 to 25 September
<p>The statutory deadline for the ERO to publish and make available the FR for public inspection.</p>	25 July	25 September
<p>DC Election</p>	Not applicable	November
<p>LegCo Election</p>	September	Not applicable

**Legislative Council Panel on Constitutional Affairs**

**Checking Measures to Improve the Voter Registration System**

**Purpose**

This paper explains the various checking measures on the registered residential addresses of electors introduced by the Registration and Electoral Office (“REO”) in 2012 to enhance the accuracy of the information in the voter registers.

**Checking Measures**

2. According to the current legislation, any eligible Hong Kong permanent resident has to provide a true and accurate residential address if he wishes to apply to be registered as an elector. After the 2011 District Council (“DC”) Election, there were complaints and media reports on cases of suspected false addresses of electors. To address public concern and to maintain the integrity of the voter registration system, the Administration conducted a review on the current voter registration system in late 2011 and proposed a series of improvement measures. After considering the views of the Members of the Legislative Council and those from the community, the REO has implemented a series of measures since January 2012 to improve the voter registration system and to enhance the accuracy of the information in the voter registers. The checking measures implemented by the REO in this regard include:

- (a) Follow up on the undelivered poll cards of the DC Election and the Election Committee Subsector Elections in 2011: the REO has issued a letter by registered mail to the elector concerned for any undelivered poll cards received, requesting the elector to confirm whether the address on the current final register is his principal residential address and to provide an address proof. If that letter is also undelivered or if the elector fails to reply by the deadline on the inquiry letter, the registration particulars of that elector will be removed from the 2012 provisional register and be included in the omissions list;

- (b) Checks on multiple electors or multiple surnames of electors at one registered residential address: the REO will require the electors concerned to provide proof or information if the number of electors or the surnames of electors exceed a certain number to confirm their residential addresses;
- (c) Random sampling checks: the REO has conducted random sampling checks on all electors in Hong Kong and requested the selected electors to provide proof or information to confirm their residential addresses;
- (d) Follow up on the undelivered letters on the voter registration of District Council (second) functional constituency (“DC (second) FC”): the REO sent a letter relating to the voter registration arrangements for the newly established DC (second) FC to all 3.56 million registered electors in Hong Kong in late February 2012. The envelope was specially designed to facilitate the public to return wrongly addressed letters to the REO for follow up action. The REO has issued inquiry letters to all electors whose letters are undelivered and requested them to confirm whether they still reside at the registered addresses and provide address proof;
- (e) Checks on demolished units or vacant units pending demolition: the REO has received a list of recently demolished buildings or buildings vacated pending demolition from the departments concerned (such as the Buildings Department and the Rating and Valuation Department). The REO has identified electors who may not have updated their residential addresses and issued inquiry letters to them;
- (f) Full-scale data matching with the Housing Department and the Hong Kong Housing Society: after seeking the agreement of the Privacy Commissioner for Personal Data, the REO has conducted a full-scale data matching exercise with the Housing Department and the Housing Society in March and April 2012 to confirm the accuracy of registered addresses of electors residing in public housing estates contained in the voter registers;



- (g) Follow up on suspected false address cases arising from the 2011 DC Election: the REO has issued 6 470 inquiry letters to electors involving in suspected false addresses from complaints received and media reports. The REO has thus far referred cases involving 2 120 electors to the law enforcement agencies for investigation (1 537 electors were involved in cases referred to the Hong Kong Police Force, while 583 electors were involved in cases referred to the Independent Commission Against Corruption); and
- (h) Other categories: the REO by applying internal criteria has identified a number of addresses suspected to be incomplete or located in non-domestic buildings from the current final register and issued inquiry letters to the electors concerned.

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**Consultation Report on Improvement Measures of Voter Registration System**

(Extract)

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**Chapter Ten: Conclusion – the Administration’s final position on the proposals****The proposed requirement for address proof**

10.1 In light of the views received, the Administration will not pursue the proposal for the time being. The Administration has stepped up efforts in enhancing the accuracy of the register by increasing the extent of checks including using a more targeted approach, as well as random checks on those new applications.

**The proposed penalty concerning update of address**

10.2 In light of the views received, the Administration will not pursue the proposal.

**The proposed amendment to the statutory deadlines**

10.3 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**

10.4 In light of the concerns raised, the Administration has consulted the PCPD on the proposal. The PCPD is of the view that the proposal may be within the definition of “election-related purposes” as the proposal would only involve a new sorting sequence and would not involve disclosure of additional personal data of voters. Based on the above information, PCPD considers that the proposal is not inconsistent with Data Protection Principle 3 in Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486), which is about the use (including disclosure or transfer) of personal data. Considering that the proposal will facilitate electors to inspect the register to help identify irregularities, the Administration has proposed to introduce a Committee Stage Amendment in the Electoral Legislation (Miscellaneous Amendments) Bill 2012 to implement the proposal.

### **The proposed requirement for poll cards**

10.5 In light of the views received, the Administration will not pursue the proposal.

### **The proposed transfer of offence**

10.6 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.

### **Other views on voter registration**

10.7 The definitions of “ordinarily reside in Hong Kong” and “principal residential address” are outside the scope of the consultation paper. The Administration has explained that these are complicated issues which have to be handled carefully by the next-term government, especially as it involves the fundamental right to vote by Hong Kong permanent residents. Other factors, including the freedom of movement and travel by the Hong Kong permanent residents enjoyed and protected under the Basic Law, have to be taken into consideration as well.

**Constitutional and Mainland Affairs Bureau  
April 2012**

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## ATTACHMENTS

LCQ10: Verification of voter registration particulars  
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■ Annex

Following is a question by the Hon Albert Ho Chun-yan and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Raymond Tam, in the Legislative Council today (November 30):

Question:

It has been reported that in respect of the 2011 District Council Election completed not long ago, a large number of poll cards mailed by the Registration and Electoral Office (REO) were undeliverable, indicating that the registered residential addresses of the electors might be incorrect. Moreover, under section 16 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), it is a corrupt conduct for any person to vote at an election after having given materially false or misleading information to an electoral officer. In this connection, will the Government inform this Council:

(a) with regard to the 2007 District Council Election, the 2008 Legislative Council Election and the 2011 District Council Election, of the respective numbers and percentages of poll cards mailed to registered electors which were undeliverable;

(b) whether it has looked into the reasons why the poll cards in (a) were undeliverable; if it has, of the details and follow-up actions taken; if not, the reasons for that;

(c) after the elections in 2007 and 2008, whether it had further verified the particulars of the electors concerned with regard to the undeliverable poll cards; if it had, of the number of electors who were verified to have given information that was materially false or misleading; if not, the reasons for that;

(d) of the numbers of members of the public who were prosecuted in each year since 2007 for having given voter registration particulars which were materially false or misleading and then voted at an election; among them the respective numbers of convicted persons and the penalties imposed;

(e) what procedures it has currently put in place during the process starting from voter registration to the official voting for verifying that the electors' particulars are correct; of the procedures that the authorities will follow and the time required in average to omit from the final register the electors whose registered residential addresses are incorrect; whether Hong Kong permanent residents residing on the Mainland on a long-term basis and do not have any local residential address are eligible to be registered as electors; and

(f) whether it has conducted a review on and considered improvements to the existing voter registration system, so as to ensure that the registered particulars of members of the public are correct; if it has, of the details; if not, the reasons for that?

Reply:

President,

(a) For the 2007 District Council (DC) Election, the 2008 Legislative Council (LegCo) Election and the 2011 DC Election, the number and percentage of the poll cards and notices of uncontested election mailed to registered electors, which were returned to the Registration and Electoral Office (REO) are at Annex.

(b) For poll cards or notices of uncontested election which

cannot be delivered to electors through their residential addresses recorded in the register of electors, the Hongkong Post will return them to the REO for follow-up. REO will call the electors concerned to enquire whether they still reside in the residential addresses recorded in the register. If the electors concerned have moved, REO will remind them that they have to update their residential addresses on or before the statutory deadline on updating registration particulars for the following year (August 29 for a DC election year or June 29 for a non-DC election year), or else their names will be omitted from the final register of electors to be compiled in that following year. If the electors concerned do not update their residential addresses or REO cannot contact them through telephone calls, REO will conduct the inquiry process according to section 7 of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541A). REO will send letters by registered mail to the electors concerned to ascertain whether they have moved from the residential addresses recorded in the current final register of electors. If no reply or application to update registered residential address is received by the deadline specified in the letters of inquiry, REO will put the registration particulars of these electors into the Omissions List for that following year for public inspection. If, before the statutory deadline on change of particulars, the electors concerned do not submit any claim or application for updating their residential address according to the law, their names will not be recorded in the final register of electors to be compiled for that following year.

(c) For poll cards and notices of uncontested election returned after the 2007 DC Election and the 2008 LegCo Election, REO has followed up according to the procedures mentioned in (b), including calling the electors concerned to enquire whether they still reside in the residential addresses recorded in the register, reminding them to update with REO their residential addresses and sending letters of inquiry to those electors who had not updated their residential addresses and to those electors who could not be contacted through telephone calls. For those electors who did not update their residential addresses on or before the statutory deadline on change of particulars, REO has already omitted their names from the relevant final register of electors.

(d) According to Section 16 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), a person engages in corrupt conduct at an election if the person votes at the election after having given to the Electoral Registration Officer (ERO) information that the person knew to be materially false or misleading. According to the information provided by the Independent Commission Against Corruption (ICAC), from 2007 to the present, no members of public were prosecuted or convicted for engaging in the corrupt conduct mentioned above in respect of the DC Election, the LegCo Election, the Election Committee Subsector Elections or the Chief Executive Election.

(e) The Administration recognises the importance of maintaining the integrity of the elections to ensure that the elections are conducted fairly, openly and honestly. An eligible person has to sign on the application form to confirm that the residential address he provides is his only or principal residence in Hong Kong when he is filling in the form for Application for Voter Registration (Geographical Constituencies)/Report on Change of Residential Address. A reminder to the applicant is also printed on the first page of the form stating that a person who knowingly or recklessly makes any false or incorrect statement or gives information which is materially false or misleading commits an offence under the law. According to Section 22(1)(a) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541A), he is liable to a Level 2 fine and imprisonment of six months.

When processing voter registration applications, REO will

request the applicant to submit further information in case of doubt (e.g. incomplete address or an address suspected to be a commercial address). If the applicant cannot provide the information required, ERO can decide that he will not process the application further. If ERO suspects that the applicant may be providing a false residential address, ERO will refer the case to relevant law enforcement agencies for investigation. REO will issue a Confirmation Notice to the elector after processing his application. If there is any mistake in the registration particulars, an elector should inform REO as soon as possible for rectification.

According to existing legislation, ERO should publish a provisional and a final register of electors for public inspection. The public may lodge claim or objection to ERO against the entries in the register. Any person should report to REO on cases where an elector provides false registration particulars (including the address provided not being his only or principal residence in Hong Kong). REO will follow up the cases and, where necessary, refer the cases to the relevant law enforcement agencies for investigation and follow-up.


Furthermore, REO will conduct regular checks on addresses with seven or more registered electors. REO will ascertain whether the electors concerned reside in the residential addresses by making telephone enquiries and conducting the inquiry process.

According to section 28 of the LegCo Ordinance (Cap 542), a person is eligible to be registered as an elector in the register of geographical constituencies if, at the time of applying for registration, he ordinarily resides in Hong Kong; and that the residential address notified in the person's application for registration is the person's only or principal residence in Hong Kong. Whether a person is eligible for registration will depend on the merits of each case. ERO may omit from the final register of geographical constituencies the name of an elector if he is satisfied on reasonable grounds that the elector no longer ordinarily resides in Hong Kong or that the residential address last notified to ERO is no longer the elector's only or principal residence in Hong Kong.

(f) The Administration recognises the importance of maintaining an honest and fair voter registration system. At the same time, the voter registration system should facilitate the public to register, and to exercise the voting right they enjoy. There are currently appropriate arrangements for registered electors to update their registration particulars. The internal measures mentioned above are also in place to inquire and check the registration particulars. The Administration will review the existing arrangements, consider improvement measures, and deal with any illegal conduct seriously.

Ends/Wednesday, November 30, 2011  
Issued at HKT 16:56

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Annex to LCQ10

Election	Number of poll cards and notices of uncontested election mailed to registered electors	Number of poll cards and notices of uncontested election returned to REO (as percentage of the total number mailed)
2007 DC Election	around 3.29 million	around 117 000 (around 3.6%)
2008 LegCo Election	around 3.37 million	around 56 000 (around 1.7%)
2011 DC Election	around 3.56 million	around 74 000 (around 2.1%) (as at today)

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## ATTACHMENTS

LCQ10: Proposed improvement measures for voter registration system

■ Annex

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Following is a question by the Hon Audrey Eu Yuet-mee and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Raymond Tam, in the Legislative Council today (December 14):

Question:

In the Report No. 47 of the Director of Audit (the Report) published in October 2006, the Audit Commission recommended the Registration and Electoral Office (REO) to explore the feasibility of requiring the applicants for voter registration or registered electors in doubtful cases to provide supporting evidence for verifying their residential addresses, and to consider verifying the residential addresses of registered electors recorded in the geographical constituencies final registers on a sampling basis. In response to the recommendations of the Report, the Chief Electoral Officer (CEO) stated that as an established practice, REO will clarify with the applicants by phone or in writing if the addresses in their application forms for voter registration are incomplete or doubtful. Furthermore, regarding those cases of more than 10 electors registered under the same address which were passed to REO for further investigation as pointed out in the Report, CEO indicated that based on the information collected through checking the 2006 final register, making telephone enquiries, paying household visits and sending enquiry letters, REO did not detect any suspected illegal conduct, and the staff of REO had been vigilant in detecting any irregularities which appeared in voter registration forms. However, after the 2011 District Council Election, there have been extensive media reports on many suspected vote-rigging cases, including those cases involving several electors with different surnames registered under one particular address, incomplete or unspecific registered addresses, or electors who had used the addresses of residential buildings or floor levels in a building which do not exist, or of locations not for residential purposes (eg schools, warehouses and general post office boxes, etc) to register as their principal residence. In this connection, will the Government inform this Council:

(a) of the respective numbers of cases where the registered addresses of electors were found to be incomplete or doubtful by REO through checking the final register, making telephone enquiries, paying household visits and sending enquiry letters in each year since 2007 (with a breakdown set out in table form); whether the Government has conducted in-depth investigations into such cases; if it has, of the results (with a breakdown of the number of cases investigated in each year by investigation result and set out in table form); and

(b) whether REO will undertake to review afresh the particulars of all registered electors before publishing the 2012 provisional register to identify doubtful cases including those cases involving incomplete or unspecific registered addresses, several electors with different surnames registered under one particular address, and electors who had used the addresses of residential buildings or floor levels in a building which do not exist, or of locations not for residential purposes (eg schools, warehouses and general post office boxes) to register as their principal residence, etc, and to proactively investigate and follow up such cases to verify the identities of suspicious electors and applicants?

Reply:

President,



(a) At present, the Electoral Registration Officer (ERO) examines the final register (FR) every year and identifies all the registered addresses with seven or more electors. Except for justified and verified cases such as elderly homes, the ERO will make telephone or written enquiries to the electors concerned requesting them to confirm their address records. If an elector confirms that he has already moved out of the address or the letter issued to him cannot be delivered, the ERO will include the elector in the inquiry process in the voter registration (VR) cycle. If the elector fails to provide such written confirmation or update his residential address before the deadline specified in the inquiry letter, his name will be put on the omissions list (OL) to be published in the VR cycle.

The number of addresses checked under the above measure since 2006-07 is at Annex.

According to the checking result of the above measure, the ERO did not identify any false declaration of the address, hence did not refer any case to the relevant law enforcement agencies for investigation.

(b) In the light of the recent public concerns that some electors may have made false declaration of their residential addresses, the Administration has conducted a review of the existing VR system, and has identified a number of possible measures to improve the existing VR system.

Firstly, we propose to introduce a requirement that address proofs 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 in his residential address.

The Administration will need to lay down a standard as to what kind of address proofs would be accepted by the ERO, such as utility bills, and Government and bank correspondence issued within a certain period of time (say, the last three months).

Secondly, we will enhance the checking on voter registration. The ERO will improve the follow-up checks on undelivered poll cards by sending inquiry letters to the electors concerned by registered post to request for address proof after the electors have been contacted through telephone enquiries. If the inquiry letters cannot be delivered to the electors or the electors fails to provide the address proof before the deadline specified in the inquiry letter, their names will be included in the OL to be published in the VR cycle for public inspection.

On top of checking addresses with seven or more electors under the existing arrangements, the ERO will step up the checking based on additional parameters, such as when the number of surnames of electors in an address exceeds a certain figure. Random sampling checks on voter registration will also be performed and the ERO will require the electors in an address under checking to provide address proofs. Should there be any cases arising from these checking measures that the ERO considers to be suspicious, he will refer these cases to the law enforcement agencies without delay.

Under the existing arrangements, the checking mentioned in the previous paragraph is undertaken after the publication of the FR. To tighten control, there are merits in advancing these checks so that they can be completed before the publication of the FR. As a result, electors who have to be removed from the register could not vote at the elections following the publication of the FR. However, the statutory deadline for new registration and reporting change of addresses will need to be advanced to allow sufficient time for the ERO to complete the checking and the verification processes.

Thirdly, we will consider relevant legislative amendments. To keep the addresses in the FR up to date, we may consider

legislative amendments to require registered electors to report change of registered addresses. However, since VR is voluntary and some registered electors may not report such changes if they do not plan to vote at elections, it may not be appropriate to impose sanction on them if they do not report change in registered addresses.

Another option is to introduce sanction under the electoral law for registered electors who fail to report change of addresses before the statutory deadline for reporting change of registered particulars and who vote in an election afterwards. This option can also help motivate electors to report change of addresses if they wish to vote in the election.

To complement the option mentioned in the previous paragraph and to allow time for the ERO to verify reports on change of registered addresses based on the address proofs, we will consider advancing the deadline for reporting change of addresses so that this exercise will precede that for new registrations.

Fourthly, we will enhance publicity. During election years, there will be territory-wide publicity campaigns promoting VR. With the assistance of the Independent Commission Against Corruption, the campaigns also feature messages relating to corrupt conducts in elections, which include voting at an election after having furnished the ERO with false information. The Administration will consider allocating more resources in disseminating such messages.

We also plan to send a letter to all electors in the FR early next year to appeal to them to update their residential addresses if there is any change and explain to them the new requirement on address proof. It will be complemented by other publicity measures such as Announcements in the Public Interests (APIs) and newspaper advertisements.


Furthermore, subject to the implementation of the suggestions mentioned above, the Administration will step up publicity measures as appropriate to promote public awareness of the new arrangements.

Fifthly, we will launch an additional measure, that the Registration and Electoral Office (REO) will liaise with the Buildings Department and the Rating and Valuation Department to conduct checking in the coming months on the list of buildings which have been demolished recently and buildings which will be demolished soon. This will help identify electors who may not have reported change in their addresses.

We will consult the Panel on Constitutional Affairs on December 19, 2011 on the details of the proposed improvement measures.

Ends/Wednesday, December 14, 2011  
Issued at HKT 16:49

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Annex to LCQ10

Year	The number of addresses checked under the above measure
2006-07	287
2008	127
2009	577
2010	466
2011 (up to December 9, 2011)	793

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LCQ17: Maintaining the accuracy of electors' information  
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Following is a question by the Hon Albert Chan and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Raymond Tam, in the Legislative Council today (October 31):

Question:

Over the past few months, quite a number of members of public relayed to me that they had been deregistered from the register of electors without their knowledge, and that during the past few months, they had not received any letter from the Registration and Electoral Office requesting them to verify electors' information. In this connection, will the Government inform this Council:

(a) of the number of complaints received by the authorities from electors in the past 12 months about deregistration from the register of electors without their knowledge;

(b) of the reasons for the electors being deregistered in the cases in (a); whether it has conducted any investigation to ascertain if the deregistration process involves any negligence or administrative errors on the part of government departments; if it has, of the details; if not, the reasons for that; and

(c) whether the authorities will improve the existing policies and arrangements in order to avoid deregistration of electors without their knowledge; if they will, of the details; if not, the reasons for that?

Reply:

Mr President,

Our consolidated reply to the member's questions is as follows:

In response to the concerns of the general public and the Members of the Legislative Council (LegCo) that some electors were suspected to have made false declaration of their residential addresses during the 2011 District Council (DC) Election, the Administration conducted a review of the existing voter registration system in late 2011 and proposed a number of improvement measures. Subsequently, the Registration and Electoral Office (REO) implemented a series of checking measures and increased the extent of checking with effect from January this year with a view to improving the accuracy of the voter registers. These measures included strengthening the random sample check, checking cases of any registered address with more than a certain number of electors or the number of surnames of electors exceeding a certain figure, cross data matching with the Housing Department and the Housing Society to confirm the registration details of households, taking follow-up actions in respect of returned election mails and complaint cases involving suspected false addresses in the 2011 DC Election. The above measures were reported to the LegCo before implementation and were supported by a large number of LegCo Members.

Section 24(2) of the Legislative Council Ordinance (Cap. 542) provides that a person is not, by virtue of being registered as an elector in an existing final register of geographical constituencies, entitled to be included as an elector in any subsequent register of geographical constituencies if the Electoral Registration Officer (ERO) is satisfied on reasonable grounds that the person no longer resides at the residential address recorded against the person's name in that existing register and that Officer does not know the person's new principal residential address (if any) in Hong Kong. Section 28

(2) of the Ordinance also provides that the ERO may omit from the final register of geographical constituencies the name of an elector if he is satisfied on reasonable grounds that the residential address last notified to that Officer is no longer the elector's only or principal residence in Hong Kong.

Following the implementation of the above checking measures, if the REO had reason to suspect that certain registered addresses might not be the only or principal residence of some electors in accordance with the information obtained, the REO would, in compiling the 2012 provisional register, make inquiries into suspected cases in accordance with the relevant Electoral Affairs Commission Regulation, and such inquiry letters were sent by registered post to the persons from whom the inquiries were made.

The REO sent out about 296,000 inquiry letters in batches before April 30 this year. As at the end of May, the REO received responses from about 41,000 electors and about 25,000 electors requested the REO to update their addresses. The remaining 230,000 electors did not respond to the REO before the statutory deadline to confirm or update their registered addresses. For the electors who did not respond to the inquiries before the statutory deadline, the REO was satisfied on reasonable grounds that their registered addresses were no longer their only or principal residential addresses. Hence, the REO put their names and principal residential addresses on the omissions list published on June 15, 2012 in accordance with the statutory requirements.

To appeal to the electors to update their addresses in time, the REO enhanced its publicity campaign through various channels in May and June 2012. The specific measures included press releases, Announcements in the Public Interests on radio and television, newspaper advertisements, posters, LED displays in MTR compartments and messages on government websites. These enhanced measures aimed at reminding the public to check the provisional register and to note the arrangement for introducing an omissions list. The registered electors were also reminded to report any changes of residential addresses or other particulars to the REO on or before June 29, 2012. At the same time, the REO published a notice in accordance with the relevant regulation on June 15, 2012 that the provisional register and the omissions list would be available for public inspection between June 15 and 29, 2012 at the ERO's Office and the District Offices. Those who felt aggrieved that their names were shown on the omissions list could make a claim to the ERO before June 29, 2012 that he or she was entitled to be registered in the final register. The ERO then delivered the notices of claim made in accordance with the relevant regulation to the Revising Officer for consideration and ruling. With the approval of the Revising Officer, the claimants' names would be included in the final register published in July 2012. Such arrangements were covered by the major newspapers and media.

Other than the above publicity and public notice, the REO on June 14, 2012 sent reminders to the 230,000 electors who had been included in the omissions list to remind them to make a claim or update/confirm their addresses on or before June 29, 2012. Some 13,000 electors made a claim or updated/confirmed their registered addresses on or before June 29, 2012 and their names and addresses were included in the 2012 final register with the approval of the Revising Officer. The remaining 217,000 electors who did not respond to the REO before the statutory deadline were struck off from the final register in accordance with the relevant electoral legislation.


All in all, the REO made written inquiries to electors to confirm whether they lived at the registered addresses and struck off the electors from the final register in accordance with relevant electoral legislation. Apart from issuing public notice and arranging for public inspection of the provisional register and omissions list in accordance with the relevant electoral legislation, the REO also made repeated and extensive appeals

through various channels to remind the electors concerned to respond or make a claim.

To maintain the accuracy of the electors' registered addresses in the voter registers, the REO will continue to implement checking measures in 2013 to confirm whether the registered addresses recorded are the electors' only or principal residential address in Hong Kong. Apart from issuing inquiry letters to the electors concerned in accordance with the checking results and electoral legislation, the REO will continue to enhance publicity measures to remind electors to whom the ERO has made inquiries to update/confirm their registered address so that they will not lose their eligibility for registration and voting rights. Besides, electors may call the hotline of the REO at 2891 1001 during office hours to enquire about their eligibility or to update their registered particulars.

Ends/Wednesday, October 31, 2012  
Issued at HKT 13:35

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**選舉事務處**

香港灣仔港灣道 25 號  
海港中心 10 樓

**REGISTRATION AND ELECTORAL OFFICE**

10/F Harbour Centre  
25 Harbour Road  
Wan Chai Hong Kong

本函檔號 OUR REF : REO10-4/3(Con)XVIII  
來函檔號 YOUR REF :

圖文傳真 Fax : 2507 5810  
電話 Tel : 2827 7047  
網址 Web Site: <http://www.reo.gov.hk>

Ms. Joanne MAK  
Clerk to Panel on Constitutional Affairs,  
Legislative Council Complex,  
1 Legislative Council Road,  
Central,  
Hong Kong.

18 January 2013

Dear Ms. MAK,

**Legislative Council Panel on Constitutional Affairs**  
**Electoral Affairs Commission**  
**Report on the 2012 Legislative Council Election**  
**Supplementary Information**

During the discussions on the Report on the 2012 Legislative Council Election at the meeting of the Panel on Constitutional Affairs held on 17 December 2012, Members enquired about the number of reminder letters issued to Functional Constituency electors concerning their eligibility to vote immediately prior to the past two rounds of Legislative Council Elections and Election Committee Subsector Elections. The following supplementary information is provided for Members' reference.

Before a Legislative Council election or an Election Committee Subsector election is held, the Registration and Electoral Office (REO) will compile a Functional Constituencies Final Register. The REO will request the specified bodies/institutions to provide updated information of their members/employees to the REO pursuant to the Legislative Council Ordinance (Cap. 542) and Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B). Based on the information received, the REO will check the electors' information in the existing Register and process the voter registration applications. Electors who are no longer eligible for registration will

如欲收取候選人的電子選舉廣告，可致電 2891 1001 或登入 [www.reo.gov.hk](http://www.reo.gov.hk)，以提供或更新您的電郵地址。

For receiving electronic election advertisements from candidates, please provide/update your email address

Call Tel: 2891 1001 or access [www.reo.gov.hk](http://www.reo.gov.hk)

have their names omitted from the new Register and newly registered electors will be added to the new Register.

According to Section 53(1)(b) of the Legislative Council Ordinance, a person registered as an elector is disqualified from voting at an election if the person, in the case of a functional constituency, has ceased to be a person eligible to be registered as an elector for that constituency. Under the existing arrangement, if after the Final Register is published, the REO receives new information from a specified body/institution to the effect that, owing to a change in the membership/employment status of a registered elector, the elector may have ceased to be eligible to vote in a functional constituency election, the REO will issue a letter to the relevant elector reminding him that if he has ceased to be eligible to vote in a functional constituency election, he should not vote on the polling day. Otherwise, he may be committing an offence under the Election (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

In the 2008 and 2012 Legislative Council Elections, the REO issued the aforementioned reminder letters to 465 and 1,120 functional constituency electors before the polling day respectively reminding them that they should not vote on the polling day if they had ceased to be persons eligible to vote in the relevant functional constituency election. The number of electors by functional constituency is given at Appendix 1. Also, in the 2006 and 2011 Election Committee Subsector Elections, the REO issued reminder letters to 233 and 318 voters of the Election Committee Subsectors respectively reminding them that they should not vote on the polling day if they had ceased to be persons eligible to vote in the relevant subsector election. The number of these voters by subsectors is given at Appendix 2.

Members are invited to note the above.



( Shum Nam-lung )  
for Chief Electoral Officer

c.c. Constitutional and Mainland Affairs Bureau



Number of letters issued to electors who might have been disqualified from voting in functional constituencies in 2008 and 2012 Legislative Council Elections

Functional Constituencies	2012 Legislative Council Election	2008 Legislative Council Election
Education	502	234
Information Technology	448	-
Social Welfare	61	167
Engineering	59	-
Legal	13	26
Tourism	13	24
Health Services	11	1
Architectural, Surveying and Planning	4	-
Sports, Performing Arts, Culture and Publication	4	-
Financial Services	3	-
Accountancy	2	1
Wholesale and Retail	-	10
Insurance	-	2
	<u>1120</u>	<u>465</u>

Number of letters issued to voters who might have been disqualified from voting  
in 2006 and 2011 Election Committee Subsector Elections

Subsectors	2011 Election Committee Subsector Elections	2006 Election Committee Subsector Elections
Higher Education	166	75
Education	54	4
Legal	51	18
Information Technology	24	5
Accountancy	8	89
Wholesale and Retail	6	1
Insurance	4	3
Tourism	3	19
Labour	1	-
Social Welfare	1	-
Financial Services	-	14
Medical	-	2
Real Estate and Construction	-	2
Hong Kong and Kowloon District Councils	-	1
	<b>318</b>	<b>233</b>

(Translation)

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

**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.

## Appendix VIII

### Relevant documents on review of the voter registration system

Committee	Date of meeting	Paper
Panel on Constitutional Affairs ("CA Panel")	20 December 1999 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	1 March 2000	<a href="#">Official Record of Proceedings</a> <a href="#">Pages 73 - 74 (Written question raised by Hon LEE Wing-tat)</a>
CA Panel	17 April 2000 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	17 March 2003 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	19 May 2003 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	15 March 2004 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	--	<a href="#">IN12/03-04</a>
	16 April 2007 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	17 March 2008 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	14 May 2008	<a href="#">Official Record of Proceedings</a> <a href="#">Pages 71 - 73 (Written question raised by Hon LAU Chin-shek)</a>
CA Panel	19 May 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 May 2010	<a href="#">Agenda</a> <a href="#">Minutes</a>
	18 May 2010	<a href="#">Agenda</a> <a href="#">Minutes</a>
	3 June 2010	<a href="#">Agenda</a> <a href="#">Minutes</a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
House Committee	11 June 2010	<a href="#"><u>Report of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012</u></a>
Bills Committee on Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010	18 January 2011	<a href="#"><u>Agenda</u></a> <a href="#"><u>Minutes</u></a>
	25 January 2011	<a href="#"><u>Agenda</u></a> <a href="#"><u>Minutes</u></a>
House Committee	18 February 2011	<a href="#"><u>Report of the Bills Committee on Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010</u></a>
CA Panel	18 March 2011 (Item III)	<a href="#"><u>Agenda</u></a> <a href="#"><u>Minutes</u></a>
Legislative Council	30 November 2011	<a href="#"><u>Official Record of Proceedings Pages 78 - 83 (Written question raised by Hon Albert HO)</u></a>
	14 December 2011	<a href="#"><u>Official Record of Proceedings Pages 100 - 111 (Oral question raised by Hon Albert HO)</u></a>
		<a href="#"><u>Official Record of Proceedings Pages 136 - 140 (Written question raised by Hon Audrey EU)</u></a>
CA Panel	19 December 2011 (Item III)	<a href="#"><u>Agenda</u></a> <a href="#"><u>Minutes</u></a>
Legislative Council	21 December 2011	<a href="#"><u>Official Record of Proceedings Pages 262 - 345 (Motion moved by Hon KAM Nai-wai)</u></a>
CA Panel	17 February 2012 (Item I)	<a href="#"><u>Agenda</u></a> <a href="#"><u>Minutes</u></a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
	19 March 2012 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	30 May 2012	<a href="#">Official Record of Proceedings Pages 93 - 96 (Written question raised by Hon WONG Kwok-kin)</a>
	6 June 2012	<a href="#">Official Record of Proceedings Pages 23 - 35 (Oral question raised by Hon Ronny TONG)</a>
		<a href="#">Official Record of Proceedings Pages 85 - 88 (Written question raised by Hon Alan LEONG)</a>
CA Panel	16 October 2012 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	17 October 2012	<a href="#">Official Record of Proceedings Pages 110 - 115 (Written question raised by Hon Albert CHAN)</a>
	31 October 2012	<a href="#">Official Record of Proceedings Pages 116 - 119 (Written question raised by Hon Albert CHAN)</a>
CA Panel	19 November 2012 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	17 December 2012 (Item IV)	<a href="#">Agenda</a>
	21 January 2013 (Item III)	<a href="#">Agenda</a>