

選舉事務處

REGISTRATION AND ELECTORAL OFFICE

香港灣仔港灣道 25 號
海港中心 10 樓

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

12 April 2013

Dear Ms MAK,

**Legislative Council Panel on Constitutional Affairs
Supplementary information on Voter Registration in 2013**

During the discussions on the 2013 Voter Registration (VR) exercise and the related publicity campaign at the meeting of the Panel on Constitutional Affairs held on 18 March 2013, Members enquired about the investigation results regarding complaints about suspected false registered addresses of electors received after the 2011 District Council Election, the progress of the checking measures implemented by the Registration and Electoral Office (REO) in the 2013 VR cycle and the arrangement to encourage eligible persons who have lost their registration status in the 2012 VR cycle to register as electors again. The following supplementary information is provided for Members' reference.

Complaints related to voter registration and investigation results

After the 2011 District Council Election, the REO received complaints and media reports about suspected false registered addresses involving 9 940 electors. After checking, the REO found that cases involving 3 466 electors were not suspicious. Inquiry letters were issued to the remaining 6 474 electors in accordance with the statutory process requiring them to confirm whether they were still living at the registered addresses and to provide address proofs. Complaints with prima facie evidence of providing false address for registration were referred to the law enforcement agencies (the Police and the Independent Commission Against Corruption (ICAC)) for investigation. Cases involving 1 580 electors were referred to the Police and cases involving 583 electors to the ICAC.

According to the latest information provided by the two law enforcement agencies, the Police and the ICAC have conducted investigation in complaint cases of 3 020 electors and 8 287 electors respectively. These figures include referrals from the REO and cases received from other sources by the two law enforcement agencies. The investigation results reveal that there is no evidence of so-called "vote-rigging" in more than 90% of the cases,

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and most of the registered addresses were in fact the old residential addresses of the electors who had moved away without updating the particulars with the REO. As at 10 April 2013, following investigation by the law enforcement agencies, a total of 52 persons have been prosecuted resulting in convictions under section 22 of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) and section 16 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). Please refer to the Annex on the respective figures.

Checking measures in the 2013 VR cycle

To maintain the integrity of the VR system and to enhance the accuracy of entries recorded in the voter registers, from January 2012 onwards, the REO has implemented a series of enhanced checking measures to increase the number of electors checked and to extend the scope of checking. As reported at the meeting of the Panel on Constitutional Affairs on 18 March 2013 (LC Paper No. CB(2)768/12-13(02)), a new round of enhanced checking has been implemented in the 2013 VR cycle as follows:

- (a) follow-up inquiries on undelivered poll cards arising from the 2012 Legislative Council Election;
- (b) cross-matching of data with the Housing Department, the Housing Society and the Home Affairs Department for verification of electors' registered addresses;
- (c) checks on multiple electors or multiple surnames of electors registered with the same residential address;
- (d) random sample checks on existing electors;
- (e) checks on addresses with incomplete information, commercial addresses or suspected non-residential addresses;
- (f) checks on addresses in buildings already demolished or to be demolished; and
- (g) checks on new VR applications with multiple applicants using the same address for registration.

About 130 000 electors' registered particulars are covered in the above checking exercise, including around 29 900 cases of undelivered poll cards arising from the 2012 Legislative Council Election. As different checking measures are being carried out, the number of electors covered by the measures may be adjusted depending on the actual situation and hence a breakdown is not available. In accordance with the statutory provisions, the REO is issuing inquiry letters by registered mail to electors who could not be

contacted to request them to confirm whether the addresses contained in the existing Final Register are still their principal residential addresses.

The inquiry letters state clearly that if the concerned electors do not reply on or before the specified deadline (16 May 2013) to confirm their current principal residential addresses, their names will be included in the Omissions List to be published on 15 June 2013. Unless the electors included in the Omissions List lodge claims or update or confirm their registered addresses by 29 June 2013 and such applications are subsequently approved by the Revising Officer, their names will not be included in the Final Register to be published in late July 2013 and they will not be eligible to cast votes in the subsequent elections.

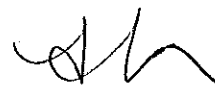
In addition, the REO has started to issue letters to applicants for voter registration with multiple applicants using the same address for registration since April 2013 asking for written confirmation of the address stated in the application form before further processing.

Mechanism for lodging claims in VR and encouraging eligible persons who have lost registration status to apply for registration again

Currently, a statutory mechanism is in place to handle claims lodged by electors. According to the relevant Electoral Affairs Commission regulations, any person whose name is included in an Omissions List may make a claim, update or confirm his registered address before the statutory deadline to the REO in order to retain his registration status. His claim will be considered by the Revising Officer. Any person whose entries have been removed from the Final Register may apply to the REO for voter registration again. Up to now, about 5 000 electors struck off from the register in 2012 have applied to the REO for registration again. In addition, the REO continues to enhance publicity to appeal to persons who are not sure about their registration status to call the REO hotline at 2891 1001, or approach the REO or the local District Office in person to inspect the existing voter registers to ascertain whether they are still registered electors. If they confirm they are no longer electors, they may complete and submit a VR application form to the REO before the statutory deadline for new registration falling on 16 May 2013. Persons who meet the eligibility requirements under the relevant laws may apply for registration as electors again.

Members are invited to note the above.

Yours sincerely,



(SHUM Nam-lung)
for Chief Electoral Officer

c.c. Constitutional and Mainland Affairs Bureau

**Statistics of investigation and prosecution by the
law enforcement agencies on complaints relating to voter registration
following the 2011 District Council Election
(As at 10 April 2013)**

Investigation by the Hong Kong Police Force	Persons involved
<ul style="list-style-type: none"> • Conviction after investigation and prosecution • Pending trial after investigation and prosecution • Unsubstantiated after investigation • Under investigation • Referral to the ICAC 	7 persons * 3 persons 2 465 persons 391 persons 154 persons
Total	3 020 persons
Investigation by the Independent Commission Against Corruption	Persons involved
<ul style="list-style-type: none"> • Conviction after investigation and prosecution • Pending trial after investigation and prosecution • Not convicted after investigation, prosecution and trial • Unsubstantiated after investigation • Under investigation 	45 persons # 3 persons 3 persons 8 218 persons 18 persons
Total	8 287 persons

* Sentenced to imprisonment for 2 months to 4 months (suspended)

Penalties ranging from 160 hours of community service order to imprisonment for 4 months