

選舉事務處

REGISTRATION AND ELECTORAL OFFICE

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8 March 2018

Hon CHU Hoi-dick
Room 903
Legislative Council Complex
1 Legislative Council
Central, Hong Kong

Dear Hon CHU,

Re: Permanent Post in the Registration and Electoral Office

I refer to your email of 7 February 2018 to the Constitutional and Mainland Affairs Bureau (“CMAB”), the Electoral Affairs Commission (“EAC”), the Registration and Electoral Office (“REO”) and the Home Affairs Department (“HAD”). Further to the interim reply dated 8 February, after having consulted the HAD, we would like to provide a reply as follows:

(I) Rural representative election

- (1) Whether serious consideration has been given to include all Heung Yee Kuk elections, in particular the Rural Representative Elections, into the ambit of the REO in future (i.e., putting these elections under the duties and responsibilities of the newly created permanent post) so as to improve the fairness, openness and honesty of these elections in the public perception?**
- (2) What are the pros and cons of the existing arrangement for the HAD to assist in the conduct of Heung Yee Kuk elections? Is there any review document that can be provided for the reference of this Subcommittee?**

According to the Rural Representative Election Ordinance (Cap. 576), the functions of the EAC in respect of the elections of Resident Representatives, Indigenous Inhabitant Representatives and Kaifong Representatives should be performed through the Director of Home Affairs. Insofar as the Heung Yee Kuk is concerned, its establishment and functions as

well as any other purposes connected therewith are stipulated in the Heung Yee Kuk Ordinance (Cap. 1097). The Ordinance stipulates, inter alia, the powers of the Secretary for Home Affairs in approving any person as a candidate for election as a special councillor, confirming any person as a co-opted councillor/adviser, specifying the form in which accounts are kept as well as in making amendments to the Schedules to the Ordinance. Heung Yee Kuk elections are conducted in accordance with the relevant provisions of the Heung Yee Kuk Ordinance (Cap. 1097) and governed by the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

Given that Rural Representative elections are closely related to the Indigenous Inhabitants and the rural community, the arrangement for the HAD to undertake the electoral work of the Rural Representative elections can ensure the smooth and efficient conduct of these elections, as HAD staff are familiar with rural issues, profoundly knowledgeable about the rural community and well-experienced in handling matters relating to the conduct of Rural Representative elections. The decision for the HAD to take up the electoral work concerned was made after full consideration of the uniqueness of the Rural Representative elections by the Government and the Legislative Council (“LegCo”) when formulating the Rural Representative Election Ordinance^{Note}. The electoral work of the Rural Representative elections and Heung Yee Kuk elections is handled by the HAD in accordance with the provisions of the relevant legislation. The arrangements are lawful and reasonable.

Since the enactment of the Rural Representative Election Ordinance, the HAD has conducted a total of four Rural Ordinary Elections in 2003, 2007, 2011 and 2015 respectively in accordance with the provisions of the ordinance. The election processes were largely smooth and well appreciated by the EAC.

(II) Elections Division 4

Under the new establishment, what are the role and specific duties of the newly created Elections Division 4? Will it have any bearing on the original Elections Divisions 1, 2 and 3?

Elections Division 4 is not a newly created sub-division. During the 2011-2012 and 2015-2017 election cycles, four sub-divisions (i.e., Elections

^{Note} When the relevant legislation was enacted in February 2003, it was named as “Village Representative Election Ordinance”. The Ordinance was renamed as “Rural Representative Election Ordinance” in April 2014.

Divisions 1 to 4) were set up under the Elections Division of the REO, each headed by a civil servant at the rank of Chief Executive Officer.

Under the proposed establishment, an Elections Division 4 will be set up under the REO with effect from 1 April 2018 to assist in the preparation of the various elections to be held within the 2019-2022 election cycle. The main duties and responsibilities of the proposed sub-division are as follows:

- (a) formulating the central counting procedures applicable to elections;
- (b) procuring materials necessary for the Central Counting Station (“CCS”);
- (c) providing training for electoral staff deployed to the CCS;
- (d) designing, developing, testing and implementing various computer systems, including the Ballot Box Tracking System, the Counting Staff Registration System, etc.;
- (e) coordinating the transport arrangements for the delivery of functional constituency ballot papers to the CCS as well as the transport services for the various emergency depots on the polling day of elections; and
- (f) coordinating the conduct of review on the effectiveness of electoral arrangements among the various sub-divisions under the Elections Division, with a view to introducing improvement measures for future elections.

(III) Updating of voter registration particulars

(1) In view of the sharp increase in private property rentals as well as the gradual completion of a large number of new urban planning projects, are there any plans for the new permanent post/the REO to organise a large-scale publicity campaign on the “updating of residential addresses of electors” before every election? What are the current publicity efforts?

In light of public concern over the accuracy of residential addresses recorded in the voter register in recent years, the REO has stepped up publicity since the 2012 voter registration (“VR”) cycle to remind the public about the importance of providing true and accurate information for registration and updating their registration particulars, especially the principal residential addresses. Apart from encouraging eligible persons to register as electors,

the Government adopts diversified means of publicity to remind electors to update their registration particulars, in particular their residential addresses, with the REO in a timely manner. There is sustained extensive publicity throughout the VR campaign held every year to arouse public awareness of the relevant messages. The 2018 VR Campaign was launched in January this year. Details of the publicity measures are as follows:

- (a) broadcasting Announcements of Public Interest on television, radio and internet platforms reminding electors to notify the REO of any change of residential addresses and to provide address proofs;
- (b) placing advertisements or disseminating messages on newspapers, popular websites and mobile applications, including GovHK and GovHK Notifications to remind electors to timely update their registration particulars;
- (c) issuing appeal letters and leaflets to households which have moved into newly developed private residential buildings and public housing estates to remind them to update their addresses and provide address proofs; and
- (d) displaying posters at advertising light boxes of bus stops and in MTR stations over the territory, posting advertisements in MTR train compartments, as well as displaying posters and distributing application forms for change of registration particulars at district offices, public housing estate management offices, government departments and social services institutions.

In addition to traditional publicity channels, we have been increasing the use of new media channels (including online platforms and social media such as Facebook, YouTube and Yahoo) in recent years for more extensive and efficient dissemination of information to the public, so as to enhance the publicity efforts and the effectiveness of the publicity measures.

- (2) Please provide details and elaborate on the data with respect to the “updating of residential addresses of electors” in each of the past ten years.**
- (3) In the 2016 Population By-census, it is mentioned under “Internal Migration and Home Moving Characteristics of Hong Kong Population” that “in 2016, 1.31 million persons aged 5 and over had changed their residence in the past 5 years, accounting for 18.6% of**

Hong Kong population aged 5 and over.” Do the above-mentioned data generally tally with these statistical figures published in the By-census?

The number of cases handled by the REO involving updating of electoral records by geographical constituency (“GC”) electors between the 2008 and 2017 VR cycles is as follows:

VR cycle	Number of cases involving updating of electoral records
2008	267 211
2009	107 972
2010	98 818
2011	293 743
2012	300 044
2013	116 146
2014	120 961
2015	414 934
2016	254 711
2017	161 437

The scope of updating of electoral records by electors includes such personal particulars as residential address, contact number, email address and name. The REO does not have statistics solely on the “updating of residential addresses of electors”, nor has any comparison been made with regard to the data on home-moving population.

(IV) Checking of particulars of electors

**(1) What are the specific procedures for checking electors’ addresses?
Please elaborate.**

The REO has implemented in recent years a number of checking measures, including the conduct of cross-matching exercises with other government departments on the registered particulars of electors, and statutory inquiry process to improve the accuracy and completeness of VR records.

The checking measures include follow-up inquiries on undelivered poll cards arising from elections; cross-matching of the residential addresses of electors with the Housing Department (“HD”), the Hong Kong Housing Society (“HKHS”) and the HAD; checks on residential addresses with multiple electors or multiple surnames of electors; random sample checks on registered and newly registered electors; checks on addresses with incomplete information or suspected non-residential addresses; and checks on addresses situated at buildings already demolished or vacant buildings to be demolished. After implementing or following up on the checking measures, if the REO has reasonable grounds to suspect that the registered residential addresses might not be the only or principal residence of certain electors, it will issue inquiry letters to the electors concerned to request confirmation or updating of their registered address. Upon the completion of the statutory inquiry process, electors failing to respond will be removed from the final register.

(2) Does the REO cross-match electors’ addresses with the information held by the Inland Revenue Department (“IRD”) before each election? If not, what are the reasons?

The REO does not conduct cross-matching exercise with the IRD to check the registered addresses of electors. According to the Inland Revenue Ordinance (Cap. 112), the address provided by a member of the public to the IRD is mainly used for correspondence purpose. It can either be a correspondence or residential address, but may not necessarily be a residential address. On the other hand, according to prevailing electoral legislation, the registered address of an elector must be his/her only or principal residence in Hong Kong. As such, the information held by the IRD is not suitable for the purpose of checking electors’ addresses.

(3) Does the REO cross-match the addresses of electors who reside in public housing with the household records held by the HD before each election? If not, what are the reasons?

To assist electors to update their address, the REO has all along conducted regular information checks with the HD/HKHS on a quarterly basis to identify tenants who have newly moved in a public housing unit and tenants who have transferred from a public housing unit to another. If checking results indicate that certain electors have newly moved in a public housing unit or have transferred from a public housing unit to another, the REO will

take the initiative to issue to them the Report on Change of Particulars by an Elector to facilitate the updating of their registered address at the public housing unit.

As regards checking measures, the REO has since the 2012 VR cycle been conducting full-scale data matching in election year with the HD and HKHS in respect of electors who have registered a public housing unit as residential address, and initiated the statutory inquiry process for electors who are not on the household records of the relevant departments. The REO has also since the 2014 VR cycle been working with the HD to conduct cross-checking of particulars of tenants who have terminated their tenancy, so as to follow up on cases of electors who have vacated their units, and to initiate the inquiry process for those who have not updated their registered address with the REO.

(V) Recommendation to shorten the polling hours

The CMAB published the Consultation Paper on Review of Electoral Arrangements at the end of last year to invite views from the public on three issues related to electoral arrangements, which include, inter alia, the polling hours for District Council (“DC”) and LegCo elections. The public consultation ended on 29 December 2017. The CMAB is now considering the views collected during the consultation period and will decide the next step in the light of the views received.

(1) Has consideration been given to recruiting additional part-time staff so that the working hours of the staff involved will not be too long?

During the 2016 LegCo General Election, about 600 polling stations were set up throughout Hong Kong involving about 20 000 electoral posts for polling staff. At the time, about 22 000 serving civil servants applied for these posts and about 20 000 civil servants (i.e. approximately 90% of the applicants) were appointed by the REO to fill these posts. In light of the experience gained from previous LegCo elections, it is already not an easy task for the REO to recruit more than 20 000 polling staff. There will be practical difficulties if more staff are to be recruited to trim the working hours of polling staff. Furthermore, to ensure the quality of the polling staff and in view of the fact that the public has more confidence in the appointment of civil servants as polling staff, the REO will not consider appointing non-civil

service contract staff as polling staff at this stage.

(2) Are there any technical difficulties in the recruitment of additional staff?

During the 2016 LegCo General Election, the REO appointed 90% of the applicants as polling staff. The REO will strive to encourage more serving civil servants to apply for electoral posts by, for example, increasing the honorarium for polling staff.

(3) How many staff were working overtime on the polling day of 2015 DC Ordinary Election and the 2016 LegCo General Election respectively?

During the 2015 DC Ordinary Election, of about 15 000 civil servants appointed as polling staff, about 10 000 were required to work overtime. As for the 2016 LegCo General Election, of about 20 000 civil servants appointed as polling staff, about 19 000 were required to work overtime.

(4) What are the ratios respectively of the number of outsourced staff and temporary staff to the total number of staff working on the polling day?

The REO did not employ any outsourced staff and temporary staff as polling staff for the 2015 DC Ordinary Election and the 2016 LegCo General Election.

(5) What are the total number and average number of overtime hours?

In the 2015 DC Ordinary Election, about 10 000 polling staff were required to work overtime. The total number of overtime hours was about 16 000 while the average number of overtime hours was about 1.6 per staff. As regards the 2016 LegCo General Election, about 19 000 polling staff were required to work overtime. The total number of overtime hours was about 130 000 while the average number of overtime hours was about 7 per staff.

(6) What is the ratio of overtime pay to normal pay for such staff?

In the 2015 DC Ordinary Election, the total amount of basic pay for polling staff required to work overtime was about \$33 million, whereas the total amount of overtime pay was about \$3 million. The ratio of total overtime pay to total basic pay is 1:11. As regards the 2016 LegCo General Election, the total amount of basic pay for polling staff required to work

overtime was about \$64 million, whereas the total amount of overtime pay was about \$26 million. The ratio of total overtime pay to total basic pay is 1: 2.5.

Thank you very much for your concern about electoral affairs.

Yours sincerely,

(signed)
(Ms Bertha LEE)
for Chief Electoral Officer

c.c. Hon Mrs Regina IP LAU Suk-yee, Chairman of the Establishment
Subcommittee of the Legislative Council
Hon CHAN Kin-por, Chairman of the Finance Committee of the
Legislative Council
Secretary for Constitutional and Mainland Affairs
Chairman of the Electoral Affairs Commission
Director of Home Affairs