

立法會 *Legislative Council*

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Panel on Constitutional Affairs

**Updated background brief prepared by the Legislative Council Secretariat
for meeting on 17 December 2018**

2019 Voter registration campaign

Purpose

This paper provides background information on the voter registration ("VR") system and summarizes the discussion of the Panel on Constitutional Affairs ("the Panel") on issues relating to VR campaigns.

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 ("FR") of geographical constituencies ("GCs") 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. Also, only a registered elector is eligible to vote at a Legislative Council ("LegCo") election. A registered elector is a person whose name appears on FR which is in force at the time of the election. The qualifications for registration as electors for GCs and functional constituencies ("FCs") (paragraphs 4 and 7 refer) 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 apply to the VR for GCs and FCs are set out in section 31 of LCO.

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. An individual who is already registered in FR 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 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 from being registered as an elector by virtue of section 31 of LCO.

7. 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 FCs¹ may choose to be registered for their own FCs or for the DC (second) FC.

Offence

8. Under section 22 of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A), it is an offence for a person to make a false or incorrect statement knowingly for VR purposes in respect of GCs, or to cause another person to make such false or incorrect statement. A similar provision exists under section 42 of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) in respect of VR for FCs. The offences are summary offences and the maximum penalty is a fine of \$5,000 and imprisonment for six months. The Police is the enforcement agency of the offences under Caps. 541A and 541B.

9. Under section 16 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554),

- (a) it is an offence if a person -
 - (i) votes at the election knowing that he is not entitled to do so; or

¹ 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.

- (ii) votes at the election after having knowingly or recklessly given to an electoral officer information that was materially false or misleading, or knowingly omitted to give material information to an electoral officer;
- (b) it is also an offence if a person invites or induces another person -
- (i) to vote at the election knowing that the other person is not entitled to do so; or
 - (ii) to vote at the election knowing that the other person has given to an electoral officer information that was materially false or misleading, or knowingly omitted to give material information to an electoral officer.

The maximum penalty for the above offences is a fine of \$500,000 and imprisonment for seven years. The Independent Commission Against Corruption is the enforcement agency of the offences under Cap. 554.

Measures to improve the voter registration system

10. 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 Registration and Electoral Office ("REO") has implemented a number of measures to improve the VR system starting from 1 January 2012.² From 16 January to 3 March 2012, the Administration also conducted public consultation on other proposed further improvement measures. In light of the views received, the Administration decided to implement the proposal of setting out electors in the registers according to their principal residential addresses in 2012.

11. The Online Voter Information Enquiry System, which is an electronic platform to facilitate the public to check their VR particulars, was launched on 1 September 2014. An elector can log in the system anytime anywhere to view his own VR particulars and, if required, take timely action to update their particulars by submitting relevant application forms.

² The enhancement measures for VR include:

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

12. The Electoral Legislation (Miscellaneous Amendments) Bill 2014 was passed by LegCo on 10 July 2014. With the passage of the Bill, the deadline for VR application for GCs, FCs and Election Committee Subsectors has been advanced by 14 calendar days, in order to provide 10 more calendar days to the public for inspecting the provisional registers ("PRs") and the omission lists ("OLs") and making claims and objections, and four more calendar days to the Revising Officer for arranging hearings for claims and objections. The new deadlines have already taken effect in the 2015 VR cycle.

13. After passage of the Bill, the six-month time bar applicable to the relevant provisions on making false or incorrect statement knowingly or recklessly or making material omissions knowingly in relation to VR under Cap. 541A, Cap. 541B and the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) has been removed by making these offences indictable. According to the Administration, this would allow prosecution to be initiated irrespective of the time at which the matter arose. This would enhance enforcement effectiveness and the deterrent effect.

14. To address the public concerns on matters relating to the VR system in the 2015 VR cycle, the Administration conducted a public consultation exercise on enhancement of the VR system in late 2015. Having considered the views received, the Administration issued the Consultation Report on Enhancement of Voter Registration System on 21 January 2016, proposing measures to improve the VR system.³ Some of the proposed measures have already been implemented by amending the relevant subsidiary legislation and introducing administrative measures, which include:

- (a) aligning the deadline for change of registration particulars with the deadline for new registrations;
- (b) changing to use surface mail instead of registered post for sending all inquiry letters and notifications to electors;
- (c) strengthening the verification of address information with other Government departments and sources, etc.; and

³ The proposed measures to enhance the VR system were:

- (a) VR and checking arrangements (including to advance the statutory deadline for change of registration particulars, and to change to use ordinary surface mail for all inquiries and notifications);
- (b) raising penalties on VR offences;
- (c) review of the objection mechanism;
- (d) time limit for processing objection cases; and
- (e) requiring applicants to submit address proofs when submitting applications for new registrations or change of registration particulars.

- (d) requiring electors to submit address proof when submitting applications for change of registration particulars involving change of registered address, and further advancing the statutory deadlines for change of registration particulars to 2 April (for non-DC election year) and 2 June (for DC election year) (taken effect from 1 February 2018 onwards).

As for the remaining proposed measures, they are included in the Electoral Legislation (Miscellaneous Amendments) Bill 2018 which was introduced into LegCo on 11 July 2018 for scrutiny.⁴

Panel's discussion on issues relating to voter registration

Checking measures implemented by the Registration and Electoral Office

15. During discussion of the 2018 VR, some members raised concern that some 46 000 electors had been included in OL in the 2018 VR cycle due to failure to respond to the inquiry process. They enquired about the relevant checking measures and what remedial actions could be taken by these electors in order to retain their right to vote in the coming election. Members were concerned whether some electors (especially the elderly) might have lost their voting rights simply because they were not aware of REO's inquiry letters or the need to respond to such letters. They considered that REO should step up publicity on the need to respond to the inquiry letters before the statutory deadline.

16. The Administration explained that REO continued to implement checking measures and carry out statutory inquiry process in the 2018 VR cycle.⁵ After implementing the checking measures, REO initiated the inquiry process in accordance with the relevant electoral law for about 57 300 electors because it had reasonable grounds to suspect that their registered addresses might no longer be their only or principal residence. From January to April 2018, inquiry letters were issued to these electors requesting them to update or confirm their registered address. About 46 000 electors who did not respond to the inquiry process had been included in OL.

⁴ The Electoral Legislation (Miscellaneous Amendments) Bill 2018 seeks to, among other things, improve the objection mechanism and to raise the penalties for making false statements in VR. A bills committee has been formed to scrutinize the Bill.

⁵ According to the Administration, the checking measures included follow-up inquiries on undelivered poll cards of the 2018 LegCo By-election and other electoral documents; checks with the Housing Department on the data of tenants whose tenancies had been terminated; checks on residential addresses with multiple electors or multiple surnames of electors; random sample checks on existing electors; checks on addresses with incomplete information, commercial or suspected non-residential addresses; and checks on addresses situated at buildings already demolished or vacant buildings to be demolished.

17. The Administration further explained that in carrying out the checking process, REO had contacted the electors concerned by telephone, mobile phone short message service, electronic mail or fax based on the contact information (if any) they provided, and reminded them to update or confirm their registered addresses. In addition to the inquiry letters issued by REO during the inquiry process, REO issued reminding letters⁶ on 31 May 2018 to those electors included in OL to remind them to reinstate their registration status by taking appropriate remedial action by 25 June 2018, including lodging a claim or confirming/updating their registered addresses. Upon approval by the Revising Officer, their names and residential addresses would be included in the 2018 FRs. Besides, REO had changed to use surface mail, instead of registered post, for sending all inquiries and VR notifications to electors to address the concern that some electors had difficulties in acknowledging receipt of REO's letters.

18. At the request of the Panel, the Administration has provided supplementary information on the electors removed from the register in the 2018 VR cycle and the random sample checks conducted by REO (in **Appendix I**).

Voter registration for young people

19. Some members expressed concern that in the 2018 PR, the registration rate among eligible young people aged 18-30 (70.8%) was low when compared with that of other age groups which was on average above 80%. These members suggested that more innovative ways should be explored to target young people for new registration and consideration should be given to creating accounts on social media platforms such as Facebook, Instagram and Youtube. The Administration was also suggested to provide resources to bodies such as student associations to set up VR counters at their respective tertiary education institutions to help young people register as electors. There was another view that the Administration should step up promotional efforts in the 2018 VR campaign targeting at different age groups, instead of targeting only at the young people.

20. The Administration advised that every possible means would be considered in order to enhance VR publicity. Efforts had been made to reach out to young people through social media platforms and the registration counters at the five Registration of Persons Offices⁷ under the Immigration Department, sending VR forms and posters to tertiary education institutions and secondary schools, deploying VR assistants to tertiary education institutions and appealing to senior

⁶ According to the Administration, the envelope of the reminding letters issued by REO was beige in colour and stamped with a red reminding message, "Immediate action required. Your voting right is at stake".

⁷ VR can be arranged at the registration counters when members of the public visit the Registration of Persons Offices to apply for or collect their adult identity cards.

secondary school students to register as electors (when they turned 18) through the annual school visiting programme. At the request of the Panel, the Administration has provided supplementary information on the age profile of the newly registered electors in the 2018 FR (also in Appendix I).

21. With a view to boosting the registration rate of eligible persons aged between 18 and 30, some members suggested that the Administration might consider lowering the age requirement for VR to 16 or 17 (while the age requirement for voting remained at 18 or above) with reference to the practices in certain overseas jurisdictions. The Administration advised that the existing electoral law in Hong Kong already allowed young people who would soon reach 18 years of age to register as electors. At the request of the Panel, the Administration has provided supplementary information in this regard (LC Paper No. CB(2)995/16-17(01)).

Voter registration in functional constituencies

22. Some members considered it necessary for the Administration to take measures to promote VR in FCs also. The Administration advised that various measures would be adopted to encourage VR in FCs, such as by sending appeal letters and notification letters to encourage and facilitate eligible persons to register as electors/voters in FCs/Election Committee ("EC") subsectors; appealing to umbrella organizations to encourage their members who were eligible for registration in FCs/EC subsectors; and placing advertisements on websites/journals of umbrella organizations in FCs.

23. During discussion of the 2018 VR, members enquired what actions would be taken to remind the 75 300 or so GC electors who were not registered in traditional FCs or the DC (second) FC to get re-registered in relevant FCs. The Administration advised that REO would send notification letters to appeal to these electors who had not yet registered under the DC (second) FC to be so registered in order to vote in the 2020 LegCo election.

Voter registration support measures

24. Some members enquired about the availability of VR publicity materials in languages used by the ethnic minorities ("EMs"). They suggested that the Administration should contact various EM groups and organizations to seek their assistance in disseminating VR message, and the same should be done for new arrivals from the Mainland. The Administration advised that while the publicity documents were generally available in Chinese and English, promotional materials targeting EM were available in seven EM languages for distribution through non-governmental organizations. Moreover, EM eligible persons could obtain assistance in completing the application forms at the Centre for Harmony

and Enhancement of EM Residents under Hong Kong Christian Service where interpretation service was provided.

25. Some members expressed concern that there was inadequate support for elderly people to apply for VR or changes in their registered VR particulars. They pointed out that many elderly electors lived in remote areas and had mobility problems. Besides, the small prints on the relevant VR forms were illegible for some elderly people, and they often lacked the computer proficiency to handle the applications online. The Administration was suggested to set up VR counters at major railway/bus termini, deploying mobile VR vehicles, and using large prints in the VR forms to facilitate the elderly people. The Administration undertook to consider these suggestions.

Recent development

26. The Administration will brief the Panel on the 2019 VR campaign at the next meeting on 17 December 2018.

Relevant papers

27. A list of relevant papers is in **Appendix II**.

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)XIX
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.

1 August 2018

Dear Ms MAK,

**Legislative Council Panel on Constitutional Affairs
Supplementary Information on Voter Registration**

During the discussion on the “2018 Voter Registration” at the meeting of the Panel on Constitutional Affairs held on 22 June 2018, Hon CHU Hoi-dick enquired about the age profile of newly registered electors and geographical constituency (“GC”) electors who were no longer eligible for registration and removed in the 2018 voter registration cycle, as well as the situation of replies by electors included in the random sample checks. We now provide the following information.

Age profile of newly registered electors

According to the 2018 final register published on 25 July this year, there are 81 363 newly registered GC electors and the the age profile of these electors is as follows:

Age	Number of newly registered electors
18-20	36 074
21-25	4 895
26-30	3 824

31-35	4 640
36-40	5 482
41-45	5 237
46-50	4 832
51-55	4 086
56-60	3 252
61-65	3 209
66-70	2 737
71 or above	3 095
Total	81 363

Electors removed

The Registration and Electoral Office (“REO”) does not have the statistical breakdown by age group of electors who have been removed from the register. The number of GC electors who have been removed from the register in the 2018 voter registration cycle by reason for removal is as follows:

Reason for removal	Number of electors
Failure to respond to statutory inquiry process	41 794
Death	29 797
Other reasons (such as voluntary de-registration and loss of Hong Kong permanent resident status)	531
Total	72 122

Random sample checks

In the 2018 voter registration cycle, the REO continues to implement checking measures and inquiry process to improve the accuracy and completeness of registration particulars. Regarding the random sample checks, the REO first issued enquiry letters¹ to 28 661 electors contained in the 2017 final register in December 2017 requesting them to confirm or update their registered addresses by

¹ According to the REO’s established arrangement, the number of electors covered by the random sample checks in the election years and non-election years represents 3% and 1% of the electors contained in the final register respectively. After deducting electors who are the authorised occupants of public rental housing (already undergone cross-matching of data with the Housing Department or Hong Kong Housing Society), the REO issues enquiry letters to the remaining electors.

the end of January 2018. After implementing and following up with the checking measure, the REO included 11 539 electors who did not reply the above-mentioned enquiry letters in the statutory inquiry process in March 2018, and issued statutory inquiry letters to these electors requesting them to reply on or before the statutory deadline of 2 May. Subsequently, 6 458 electors failed to respond to the statutory inquiry letters and were included in the omissions list published on 1 June this year. The REO sent letters to the relevant electors on 31 May to remind them to submit claims or confirm/update their registered addresses on or before 25 June so that they would not lose their registration status and voting rights inadvertently. By the deadline of 25 June, a total of 1 008 electors replied and reinstated their registration status after obtaining the Revising Officer's approval. The remaining 5 450 electors failing to reply were removed and they were not included in the 2018 final register. In the end, 5 450 electors were removed out of 28 661 electors included in the random sample checks, i.e. representing 19% of the total number of electors included in this checking measure, which is similar to the figures in the past voter registration cycles and no anomaly is found in the checking process.

Members are invited to note the above.

Yours sincerely,



(SHUM Nam-lung)
for Chief Electoral Officer

c.c. Secretary for Constitutional and Mainland Affairs (Attn: Mr Ryan Chiu)

Relevant documents on 2019 voter registration campaign

Committee	Date of meeting	Paper
Panel on Constitutional Affairs	18 May 2015 (Item III)	Agenda Minutes
	30 September 2015 (Item I)	Agenda Minutes
	21 December 2015 (Items III & IV)	Agenda Minutes
	--	Consultation Report on Enhancement of Voter Registration System
	23 February 2017 (Items III & IV)	Agenda Minutes
	19 April 2017 (Item IV)	Agenda Minutes
	16 October 2017 (Item IV)	Agenda Minutes
	21 May 2018 (Item IV)	Agenda Minutes
	22 June 2018 (Item IV)	Agenda Minutes