

**Legislative Council Panel on Constitutional Affairs**

**Loss of Register of Electors of the Registration and Electoral Office  
and follow-up measures**

This paper serves to provide Members with details about the incident that the Registration and Electoral Office (“REO”) has lost a Register of Electors relating to the 2016 Legislative Council (“LegCo”) General Election, and the relevant follow-up measures.

**Background**

2. The incident involves the Register of Electors of the polling station located at SKH Tsing Yi Estate Ho Chak Wan Primary School in Kwai Tsing District in the 2016 LegCo General Election. The Register concerned contains the personal data (name, sex, address and Hong Kong identity card number, etc.) of 8,136 registered electors who were assigned to that polling station. The Register also shows whether an individual elector collected ballot papers at the polling station, and the number of ballot papers he/she may be issued with, but it does not show the choices made by electors.

3. In accordance with the Electoral Affairs Commission (Electoral Procedure)(LegCo) Regulation (Cap. 541D), election documents must be retained for at least six months before destruction, unless directed by an order of court in proceedings relating to an election petition or criminal proceedings. Registers of Electors for the 2016 LegCo General Election are kept for the on-going investigation by law enforcement agency.

4. Based on information currently available, law enforcement agency requested the REO to make available the majority of Registers of Electors for inspection by phases after the completion of the LegCo general election in September 2016. Among others, law enforcement agency requested in October 2016 to inspect the Register of Electors of the polling station located at SKH Tsing Yi Estate Ho Chak Wan Primary School in Kwai Tsing District. Given that a large number of polling stations as well as related materials and documents are involved in the general election, the REO took some time for the search, but had been unable to find the said Register in the process.

5. After the Chief Electoral Officer of the REO came to know about the possible loss of the Register in early April, he immediately ordered relevant personnel to further conduct a thorough search and inspect about 13 000 ballot boxes and 3 400 suitcases that were provided to the Presiding Officers for transporting materials, and filed the case to the Office of the Privacy Commissioner for Personal Data (“PCPD”) in the evening of 4 April. Apart from trying its utmost to locate the said Register, the REO had gone through numerous records on the handling of electoral materials, and contacted the persons-in-charge at that time to enquire about the incidents. However, the REO has been unable to ascertain under what circumstances the Register was lost at this stage. The REO issued a press statement on 5 April to inform members of the public that it had been conducting a comprehensive search for the Register. In the morning of 9 April, the REO issued another press statement confirming that the Register could not be found.

### **Immediate Handling and Follow-up Actions Taken**

6. The REO reported this incident to the Police and the PCPD in the morning of 9 April, and is given to understand that the PCPD will commence a compliance investigation on the incident. The REO will duly follow up on the improvement measures and recommendations to be made by the PCPD. The REO already issued letters to notify all affected electors on 9 April to mitigate any possible damage brought about by the incident. Affected electors are also advised to log into the Online Voter Information Enquiry System ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) to check their registration status and the latest registration information. If electors have any queries or come across any irregularities after checking the information via the aforesaid system, they may contact the REO. REO’s staff will endeavor to provide assistance to electors. In case of suspected identity theft, electors should report to the Police immediately. The said letter has been uploaded to REO’s website ([www.reo.gov.hk](http://www.reo.gov.hk)).

7. At the same time, the REO has written to various government departments and organisations in different sectors, including finance, insurance, telecommunications, retail, estate agents, information technology, etc. in relation to this incident since 9 April to appeal to their assistance in adopting appropriate measures to prevent criminals from using the relevant information as a mean of identity theft in criminal activities, so as to protect their own interest and also the interest of the data subjects.

8. The REO has also completed reviewing the voter registration information of all the electors on that Register, including new registrations since 2016, and voters' move-in and move-out records in the constituency concerned. No abnormality has been detected. The REO has been contacting electors who had changed their registered residential address to verify their registration information since 11 April.

### **Next Step**

9. Public elections in Hong Kong have all along been held in an open, fair and honest manner. In this regard, the Constitutional and Mainland Affairs Bureau ("CMAB") has requested the REO to follow up on the matter in a serious manner, including (1) fully co-operating with the Police and the PCPD in their investigations; and (2) submitting a detailed report on the incident to the CMAB and the Electoral Affairs Commission ("EAC"). If it is found that human errors or deliberate cover-up are involved, we will handle the matter in accordance with the established disciplinary mechanism.

10. Besides, the EAC will conduct a comprehensive review of the incident to identify problems or loopholes relating to the electoral arrangements as well as overall management of the REO with a view to recommending improvement measures. The CMAB will provide independent administrative support to the EAC in conducting the review. We expect that the EAC will complete the report within eight weeks after commencement of work. The REO will fully assist in the investigation by the EAC, and make improvements to the electoral procedures and its internal management based on the recommendations by the EAC.

11. The CMAB and REO extend sincere apology to registered electors concerned for all the inconvenience and distress caused by this incident and for failure to meet public expectation.

**Constitutional and Mainland Affairs Bureau  
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