

CHAPTER 2

COMPOSITION, REGISTRATION OF ELECTORS AND VOTING SYSTEM FOR GEOGRAPHICAL CONSTITUENCIES

PART I : COMPOSITION OF GEOGRAPHICAL CONSTITUENCIES

2.1 There are 10 GCs in Hong Kong, namely Hong Kong Island East, Hong Kong Island West, Kowloon East, Kowloon West, Kowloon Central, New Territories South East, New Territories North, New Territories North West, New Territories South West, and New Territories North East. Each GC shall return two members. In a LegCo general election, the GCs shall return a total of 20 LegCo members.

PART II : REGISTRATION OF ELECTORS

2.2 Any person who is eligible to be registered as an elector may submit an application to the REO. The REO will assign a GC to each elector according to the residential address provided by him. A registered elector¹ may only vote for the GC for which he is registered as an elector. [S 48(1) of the LCO]

¹ A registered elector is a person whose name appears on the final register ("FR") of GCs that is in force at the time of election as compiled and published by the Electoral Registration Officer ("ERO") under the LCO.

Qualifications for Registration

2.3 To qualify for registration as an elector for a GC, a person has to satisfy all of the following requirements:

- (a) he is a permanent resident of Hong Kong;
- (b) (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;

(ii) if he is a person serving a sentence of imprisonment, his only and principal residence will be handled in accordance with ss 28(1A) and (1B) of the LCO;
- (c) he has reached 18 years of age or will reach 18 years of age by 25 September next following his application for registration;
- (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 s 31 of the LCO.

[Ss 27, 28(1), (1A) and (1B), 29, 30 and 31 of the LCO]

2.4 Applicants must provide true and accurate information in his application for new registration or change of registration particulars. Any person making any statement which he 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 from such an application commits an offence and is liable to a fine at level 3 (\$10,000) and to imprisonment for 2 years. If that person does vote at an election, he may also contravene s 16 of the ECICO and shall be liable to a more serious penalty. [Ss 4, 10A, and 22 of the EAC (ROE) (GC) Reg]

2.5 For application for new voter registration, application for change of registration particulars, inspection of voter registration particulars and other matters relating to voter registration, please visit the Voter Registration website (www.voterregistration.gov.hk).

Key Dates in Voter Registration

2.6 The law sets out clear registration procedures and deadlines for the publication of the final register (“FR”) every year, with key dates as follows:

Voter Registration Procedures	Statutory Deadline
Submission of application for change of registration particulars	2 June
Application for de-registration	2 June
Submission of application for new registration	
Electors to respond to inquiry letters to retain their voter registration	
Publication of provisional register (“PR”) of electors for GC and omissions list (“OL”)	1 August
Claims and objections period	1 to 25 August
Publication of the FR for electors of GCs	25 September

Although eligible persons may submit applications for voter registration at any time of the year, applications submitted after the statutory deadline of 2 June and accepted by the Electoral Registration Officer (“ERO”) will only be included in the register of electors for the following year.

2.7 A person may, by completing the specified form², submit his application for voter registration to the ERO at any time of the year. A person who was previously de-registered (e.g. due to failure to respond to the inquiry letter from the REO after relocation) but is presently eligible for voter registration may submit an application for new registration again as an elector. When submitting an application for voter registration, the applicant is required to provide address proof at the same time to prove that the address stated in the application is the applicant's principal residential address. The address proof must comply with specified requirements, as detailed in the specified form³. If the information in an application form is incomplete and the applicant fails to submit the required supplementary information, the REO will reject the application. If an applicant knowingly provides incorrect information in an application, the REO will take appropriate action against him. [S 4(1A) of the EAC (ROE) (GC) Reg]

Disqualifications

2.8 A person is disqualified from being registered as an elector and voting at an election for a GC if he:

- (a) has ceased to be eligible to be registered as an elector for that GC (see para. 2.3 of this chapter);

² The form of "Application for New Registration/Report on Change of Particulars by an Elector in a Geographical Constituency" (REO-GC) may be downloaded from the website of the REO (www.reo.gov.hk).

³ For applicants who are authorised occupants of public rental housing under the Housing Department or registered residents in the tenancy of subsidised housing under the Hong Kong Housing Society, and that the address in the tenancy records match the residential address provided by the applicants, the address proof requirement for such applicants may be exempted.

(b) is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs⁴ under the Mental Health Ordinance (Cap. 136); or

(c) is a member of any armed forces.

[Ss 31(1)(d) and (e), 53(1)(a), 53(5)(d) and (e) of the LCO]

De-registration

2.9 An elector who wishes to de-register as an elector may visit the REO in person or submit a written request for de-registration as an elector. The REO has not prescribed a specified form for de-registration. If the elector chooses to request for de-registration in writing, he must submit a signed written notice containing his personal particulars (including name, Hong Kong Identity Card (“HKID”) number, contact phone number, and address). The elector’s name will be included in the OL only after the REO receives and verifies the request for de-registration. The elector so included in the OL may inspect his voter registration particulars during the period from the day of publication of the PR and OL to the end of the inspection period. If necessary, the elector may lodge a claim with supporting proof to request for reinstatement of his elector status.

⁴ Except for the condition stipulated in this para., the law does not impose restrictions on the voting rights of persons who are incapacitated from voting due to other physical conditions, provided that each elector must cast the vote on his own. If an elector is unable to mark the ballot paper on his own, the elector may request the Presiding Officer (“PRO”) or the PRO’s deputy to mark the ballot paper on his behalf according to his voting preference in the presence of one polling staff as a witness (see Part X of Chapter 6).

If the REO is unable to complete the verification process for the de-registration request, the name of the elector will remain on the FR in that year, and the elector may choose to vote or not on the polling day in that year. The REO will continue to process the requests concerned in the next voter registration cycle.

Change of Residential Address and Other Registered Particulars

2.10 Registered electors are not required to re-apply for registration every year. However, if a registered elector would like to change his principal address as contained in the FR, he should notify the ERO of his **new principal residential address** in Hong Kong and provide address proof⁵ that complies with specified requirements, in order to update his registration particulars in the register for the next year. If the change of an elector's principal residential address has not been completed by the statutory deadline specified in para. 2.6 of this chapter and his name remains on the register of electors, he may still vote at the GC according to his original registered address in that year. [S 10A(3) of the EAC (ROE) (GC) Reg]

⁵ For electors who are authorised occupants of public rental housing under the Housing Department or registered residents in the tenancy of subsidised housing under the Hong Kong Housing Society, and that the address in the tenancy records match the residential address provided by the electors, the address proof requirement for such electors may be exempted.

Inquiry Procedure

2.11 If it comes to the knowledge of the ERO that an elector's registered address may no longer be his principal residential address, the ERO will initiate the statutory inquiry procedure to ascertain whether the address recorded in the existing register is still the elector's only or principal residential address in Hong Kong. In the event that:

- (a) the elector fails to respond to the inquiry; or
- (b) the elector fails to provide the ERO with the information requested in respect of the inquiry; or
- (c) the ERO, based on the information so received or otherwise obtained, is satisfied on reasonable grounds that the elector is no longer eligible to be registered;

the elector's name and other registration particulars will be entered on the OL and may be removed from the next register of electors. A person whose name is recorded in the existing register of electors is still a registered elector for the relevant GC at any election held before the publication of the next register.

[Ss 7(1) and 9 of the EAC (ROE) (GC) Reg and s 33 of the LCO]

Provisional Register and Omissions List

2.12 The content of the PR for GCs includes:

- (a) the names and principal residential addresses of those eligible electors in the FR for GCs in force at the time. Such information will be updated or corrected by the ERO based on information reported or obtained from other sources (if applicable); and
- (b) the names and principal residential addresses of the eligible persons who have applied for new registration in the constituency concerned on or before the statutory deadline for new registration.

A copy of the PR is **available for inspection by specified persons** during ordinary business hours at specified offices of the REO (see **Appendix 2**). Only the first character/word of the elector's name (whether in Chinese or English) and his registered residential address will be shown on the register for inspection.
[Ss 12 and 13 of the EAC (ROE) (GC) Reg]

2.13 When publishing the PR for GCs, the ERO will also publish a copy of the OL for inspection by specified persons (see **Appendix 2**). The list includes persons who are disqualified from or no longer eligible for registration as GC electors (such as persons who have died, persons who have requested for de-registration as electors, discharged prisoners who have not informed the ERO of their new residential addresses, and persons who have failed to respond to statutory inquiry or failed to provide a valid reply to such inquiries). However,

the inclusion of an elector in the OL does not mean that the elector status is invalidated with immediate effect. If the elector lodges a claim to the ERO and the Revising Officer accepts the grounds submitted by him and approves his claim, his elector status will be retained. [Ss 9(1) and (2) of the EAC (ROE) (GC) Reg and ss 32(4)(a) and (b) of the LCO]

2.14 The REO will issue reminding letters to electors on the OL. A message in red that reads “Immediate action required – Your voting right is at stake” will be printed on the envelope, so as to remind the electors that they must, by the specified deadline, submit a notice of claim or send back the reply slip to confirm the validity of the existing registered addresses or to update their registered addresses (submission of address proof is required for the update of registered address). Additionally, when an elector logs on to the Online Voter Information Enquiry System (“OVIES”) (www.voterinfo.gov.hk) to inspect his registration particulars, the system will remind him to respond to the reminding letter from the REO as soon as possible.

2.15 The time and place(s) for inspection of the copy of the PR and the OL will be published in the Gazette and newspapers. Publication of the Gazette will be deemed as the publication of the PR. [Ss 10 and 13 of the EAC (ROE) (GC) Reg]

Inquiry of Voter Information

2.16 Registered electors may check their latest registration particulars including their registered addresses and respective constituencies, and find out

whether they are included in the statutory inquiry procedure via “iAM Smart”, the OVIES (www.voterinfo.gov.hk), or by calling the REO hotline (2891 1001).

Appeals – Claims and Objections

2.17 Within the period for making claims or objections, electors may make a claim in respect of his own entry or an objection in respect of another elector’s entry in the PR for the matters specified below by submitting in person⁶ at the office of the ERO a notice of claim or objection in the specified form. Detailed procedures for making claims or objections are available on the REO website (www.reo.gov.hk) during the inspection period. Claimable matters include:

- (a) an applicant who claims that he is eligible to be registered as an elector and has applied for registration but his name has not been listed in the PR; or
- (b) an applicant’s name has been included in the OL; or
- (c) an elector whose particulars have not been correctly recorded in the PR;

and any person may make an objection on the following matter if he:

⁶ To facilitate a person who is imprisoned or held in custody by a law enforcement agency and wishes to make such a claim, he may deliver a notice of objection or claim to the ERO by post. [Ss 14(2A) and 15(7A) of the EAC (ROE) (GC) Reg]

- (d) opines that a registered elector is ineligible to be registered as an elector.

[Ss 14(1) and (2) and 15(1), (2), and (7) of the EAC (ROE) (GC) Reg]

2.18 Cases of claims and objections will be referred to the Revising Officer for consideration. The Revising Officer will deliberate on each case of claim or objection and make a ruling on the addition, deletion or correction of the entry concerned in the relevant FR. The appellant must provide sufficient information so as to inform the Revising Officer of the grounds of the claim or objection. The appellant should attend the hearing⁷, otherwise the Revising Officer may dismiss the claim or objection. [Part 3 of the EAC (ROE) (GC) Reg, ss 34 and 77 of the LCO, and s 2 of the Registration of Electors (Appeals) Regulation (Cap. 542B)]

Final Register

2.19 The FR for GCs consists of entries shown in the PR and incorporates, for the relevant year, all revised names and principal residential addresses of electors based on new registration applications and reports on change of registration particulars, as well as those updated or corrected in accordance with the Revising Officer's decisions on claims and objections. The ERO will also take the opportunity to delete entries of electors who are known to have died and

⁷ The Revising Officer has the authority to determine the claim or objection on the basis of written submissions only without a hearing. [S 34 of the LCO and s 2A of the Registration of Electors (Appeals) Regulation (Cap. 542B)]

to amend any incorrect information in the PR. The FR shall remain in force until the publication of the next FR in the following year. [S 19(1) of the EAC (ROE) (GC) Reg]

2.20 The time and place(s) for inspection of the copy of the FR will be published in the Gazette and newspapers. Publication of the Gazette will be deemed as the publication of the FR. [S 20 of the EAC (ROE) (GC) Reg]

PART III : THE VOTING AND COUNTING SYSTEM FOR GEOGRAPHICAL CONSTITUENCIES

2.21 The “double seats and single vote” voting system is adopted in GC elections. Each GC will return two members, and each elector of a GC may vote for one candidate. The two candidates who obtain the greatest and the next greatest numbers of votes shall be returned as members for the respective GC. [Ss 49(1) and (2) of the LCO]

2.22 The LCO stipulates corresponding arrangements for the following situations in GC elections:

Number of Validly Nominated Candidates	Corresponding Arrangement(s)
Exceeds the number of members to be returned for a GC	• A poll will be held for that GC.
Equals the number of members to be returned for a GC	• The RO declares the candidates elected and a poll will no longer be necessary for that GC.
Less than the number of members to be returned for a GC	• The RO declares the candidate elected and further declares the election for that GC has failed to the extent that the number of candidates validly nominated was less than the number of members to be returned; and • A by-election will be held for that GC.
No validly nominated candidates for a GC	• The RO declares that the election for that GC has failed; and • A by-election will be held for that GC.

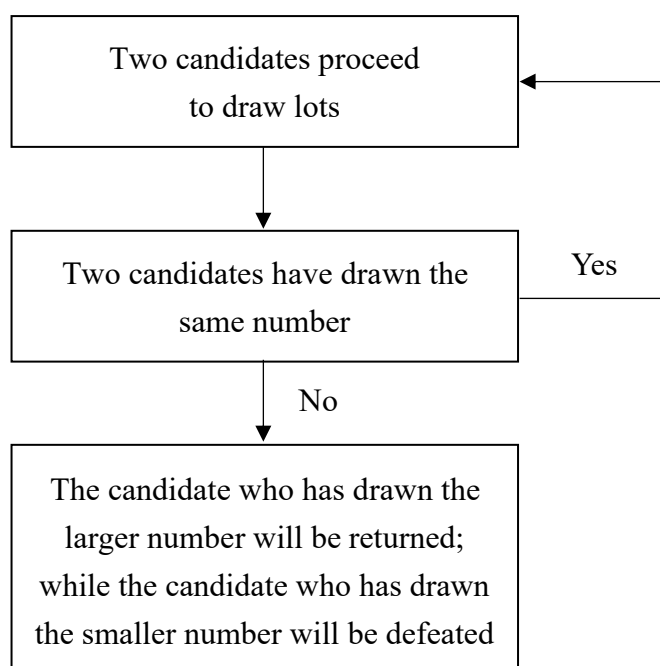
[Ss 36 and 46 of the LCO]

2.23 After the counting of votes is finished at an election for a GC, if the number of candidates having an equal greatest number of votes exceeds the number of members to be returned for the constituency, the RO must determine

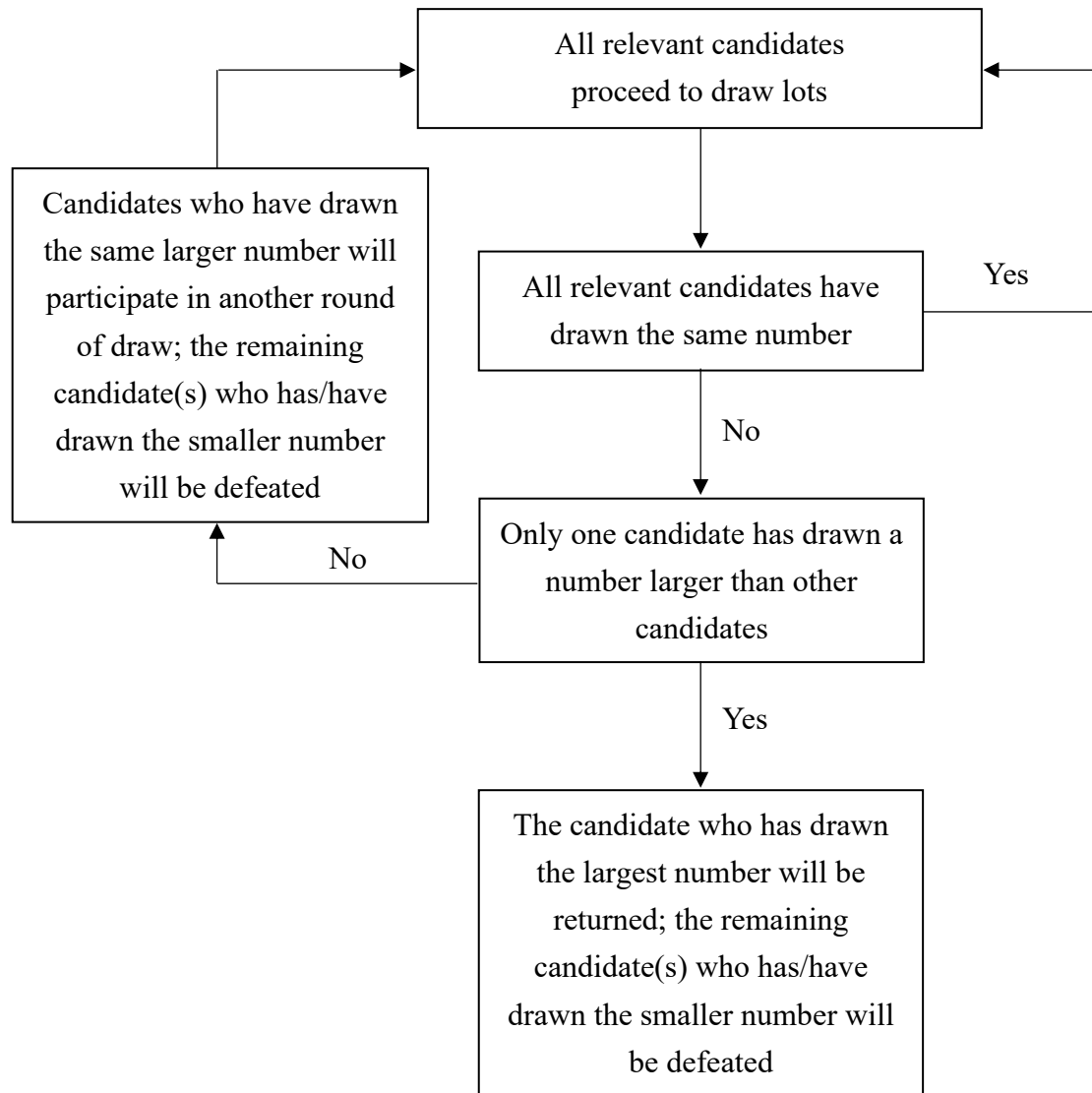
the result of the election by drawing lots and the candidate(s) on whom the lot falls is/are to be returned. [S 49(4) of the LCO]

2.24 When the election result has to be determined by the drawing of lots, the RO will provide 10 table-tennis balls each marked with a number from 1 to 10 (1 being the smallest and 10 the largest), and then put all table-tennis balls into an empty opaque bag. One of the candidates will first draw one ball from the bag, and then give the ball to the RO to note the relevant number. The ball should be put back into the bag. The procedures are repeated for the other candidates with an equal number of votes until all candidates have drawn the table-tennis ball. The RO will draw the lot on behalf of the candidate if the candidate is absent at the time of the draw. The arrangements for the result of the draw are as follows:

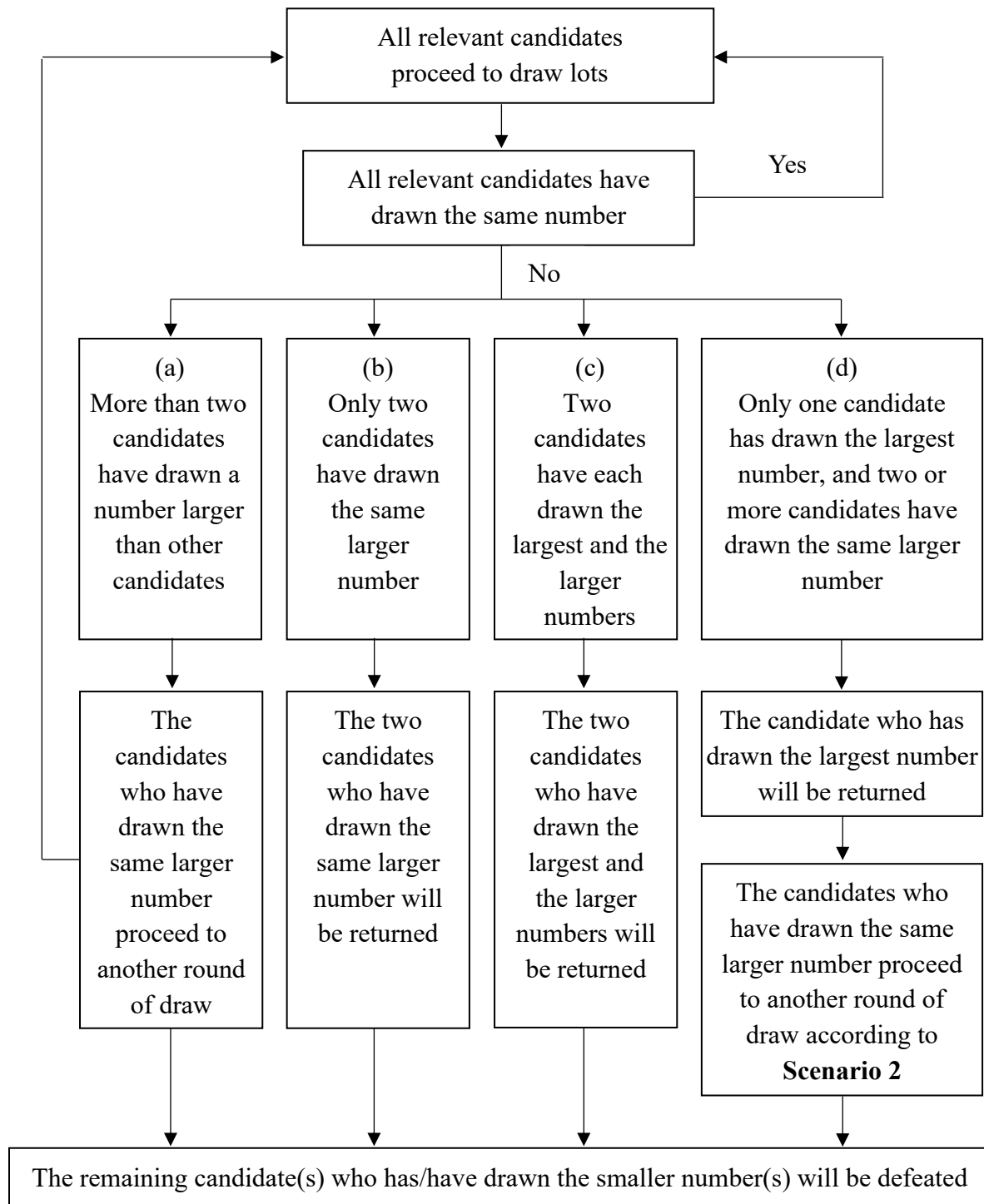
Scenario 1: Where there is only one vacancy to be filled but there are two candidates with equal number of votes



Scenario 2: Where there is only one vacancy to be filled but there are more than two candidates with equal number of votes



Scenario 3: Where there are two vacancies to be filled but there are three or more candidates have the equal number of votes



Note: The same drawing principle applies to scenarios where “N” number of candidates have the same largest number of votes, and the number of vacancies to be filled is less than N.

2.25 After the result of the elections has been determined, the RO must, as soon as practicable, publicly declare the successful candidates as elected.

Death or Disqualification of a Candidate for Geographical Constituency

2.26 The subsisting electoral legislation stipulates corresponding arrangements for the following situations:

	Death of a Candidate	Disqualification of a validly nominated candidate from being nominated
After the CERC has decided that a candidate is validly nominated and the polling day not yet arrived	- The RO must give notice of the death of the candidate. Where the notice of validly nominated candidates has already been published by the CERC: - the RO must publicly declare that the candidate has died and further declare which candidate(s) is/are	- The CERC must vary its decision to the effect that the candidate is not validly nominated; and - The RO should issue a notice to the CEO and each candidate who remains validly nominated for the relevant GC election. Where the notice of validly nominated candidates has

	Death of a Candidate	Disqualification of a validly nominated candidate from being nominated
	validly nominated for the relevant GC election.	already been published by the CERC: the CERC must publicly declare to vary the notice and further declare a list of validly nominated candidates.
On the polling day but before the election result is declared	- The proceedings for the GC election shall continue; and - After the counting of votes is finished, if the candidate concerned is found to be successful at the election, the RO should not declare that candidate as elected and must publicly declare that the election for that constituency has failed or has failed to the extent that the number of candidates returned at the election for that GC is less than the number of members to be returned for that GC.	

[Ss 42B, 46A, 49(6) and (7) of the LCO, and ss 22A, 22B, 83(2), 83(3), and 97A of the EAC (EP) (LC) Reg]