

CHAPTER 2

REGISTRATION OF ELECTORS AND VOTING SYSTEM

PART I : GENERAL

2.1 Only electors whose names appear on the register of electors for District Committees constituencies or final register of electors for geographical constituencies (“FR”) may vote at an election. Electors may visit the Voter Registration website (www.vr.gov.hk) at any time to check their registration status and particulars. For electors of GCs, applications for new registration or report on change of registration particulars submitted on or before the statutory deadline (i.e. 2 June) of the year will be reflected in the final register of GCs subsequently published in the same year. For DCCs, electors do not need to register separately. The Electoral Registration Officer (“ERO”) will compile the register not later than seven days before the beginning of the nomination period. *[Added in September 2019 and amended in September 2023]*

2.2 True and accurate information must be provided to apply for registration as an elector by members of the public. Giving false or incorrect information knowingly or recklessly (commonly known as “vote rigging”) is an offence, no matter whether the elector has subsequently become an elector or cast a vote. *[Added in September 2019 and amended in September 2023]*

2.3 The REO will assign a DCGC to each elector according to the residential address provided by him/her. Under the law, members of the public must provide his/her true and only or principal residential address at the time of submitting his/her application for voter registration; if there is more than one residential address, the principal residence must be furnished.

Electors are not required under the law to update the principal residential addresses with the REO after they have moved. It does not constitute an act of providing false information or an offence even if an elector does not update his/her principal residential address after moving, provided that the principal residential address supplied was true and correct at the time of application for voter registration. As long as his/her entry remains on the final register of GCs, an elector may still vote at the DCGC corresponding to his/her registered residential address after moving residence. *[Added in September 2019 and amended in September 2023]*

2.4 Nevertheless, electors should exercise civic responsibilities to provide their updated residential addresses to the REO as soon as possible after moving residence in order to ensure the accuracy of the particulars in the register. Address proof is required when submitting an application for change of address. With effect from 1 May 2022, the same requirement is also applicable to applications for new voter registration. *[Added in September 2019 and amended in September 2023]*

2.5 According to the checking mechanism of the REO, if an elector is suspected to have moved and has not updated his/her new residential address he/she will be included in the statutory inquiry procedure. If the elector responds to the inquiry in time and to the satisfaction of the ERO, his/her name may continue to appear on the register, otherwise, will be included in the omissions list (“OL”). *[Added in September 2019]*

2.6 Before the final register of GCs is published, the REO will publish the provisional register of electors for geographical constituencies (“PR of GCs”) and OL for inspection by specified persons (see **Appendix 3** for details). The procedure for objections and claims in respect of eligibility for voter registration will also commence. Any person who has suspicion on the

eligibility of an elector may make an objection and the Revising Officer² will make a determination on the case. Moreover, electors whose names have been included in the OL may make a claim and the eligibility of the elector can be maintained if the claim is accepted by the Revising Officer. A person who makes an objection or a claim must provide sufficient information. A person who makes an objection or claim shall attend the hearing (except for incontrovertible cases); otherwise the Revising Officer may dismiss the objection or claim. *[Added in September 2019 and amended in September 2023]*

PART II : REGISTRATION OF ELECTORS FOR DISTRICT COMMITTEES CONSTITUENCIES

Eligibility to Vote

2.7 Only a person whose name is included in the register of electors for District Committees constituencies (“DCC register”) that is in force during the election is eligible to vote at an election for the respective DCC (unless he/she has become disqualified by law due to individual situation, see para. 2.18 below). *[Added in September 2023]*

2.8 Besides, an elector of a DCC is also disqualified from voting at an election for the respective DCC election if he/she has ceased to be a member of a District Committee [s 30(2) of the DCO]. *[Added in September 2023]*

² The Revising Officer, appointed by the Chief Justice, may be any magistrate, former magistrate, retired magistrate or any legal officer as defined by the Legal Officers Ordinance (Cap 87) [s 77(1) and (5) of the LCO].

Register of Electors for District Committees Constituencies

2.9 Electors for the DCC do not need to register separately. The ERO will request information from the DHA and compile the DCC register not later than seven days before the beginning of the nomination period for the election. [S 1 of Schedule 4A to the DCO]. *[Added in September 2023]*

2.10 The DCC register is available for inspection by specified persons (see **Appendix 3** for details). The time and place(s) for inspection will be published in a notice in the Gazette and newspapers. Publication of the notice is to be regarded as the publication of the register. The register takes effect on the date of publication of the notice until the conclusion of the election. [S 4 of Schedule 4A to the DCO] *[Added in September 2023]*

2.11 Only the first Chinese character or the first word of the name (depending on whether the person's name recorded in Chinese or English) of an elector and his/her principal residential address will be shown on the DCC register for inspection. [Ss 2(5) and 5(5) of Schedule 4A to the DCO] *[Added in September 2023]*

2.12 The ERO may, during the period in which a DCC register takes effect, amend the register in response to any change of the eligibility of the DCC electors in respect of the DCGC or any change in the membership of a District Committee as informed by the DHA. [S 8(1) of Schedule 4A to the DCO] *[Added in September 2023]*

**PART III : REGISTRATION OF ELECTORS FOR DISTRICT
COUNCIL GEOGRAPHICAL CONSTITUENCIES**

2.13 The existing major statutory deadlines for voter registration arrangements of GCs are as follows:

Voter Registration Arrangements of GCs	Statutory Deadline
ERO to make inquiries regarding electors	16 May
Submission of applications for new registration, change of particulars or de-registration	2 June
Electors to respond to inquiry letters	2 June
Applicants for new voter registration or change of particulars to submit further particulars (if applicable)	11 July
Publication of the PR of GCs and OL	1 August
Claims and objections	1 to 25 August
Publication of the final register of GCs	25 September

[Added in September 2023]

Eligibility to Vote

2.14 Under the existing voter registration arrangements, a self-declaration system is adopted to facilitate the registration of eligible persons as electors. Applicants must provide true and accurate information. Any person who makes a false statement in his/her application for new registration or change of particulars contravenes s 22 of the EAC (ROE) (GC) Reg, and is liable to a fine at level 3 (\$10,000) and to imprisonment for 2 years, no matter whether he/she subsequently votes at an election or not. If the person does vote at an election, he/she contravenes s 16 of the ECICO and may be liable to a more serious penalty. *[Added in September 2019 and amended in September 2023]*

2.15 Only a person whose name is included in the final register of GCs that is in force during the election is eligible to vote at an election for the DCGC. [S 29 of the DCO] *[Amended in September 2007, January 2010 and September 2023]*

Qualifications for Registration as an Elector of a Geographical Constituency

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

- (a) he/she has to be aged 18 years on or before 25 September next following his/her application for registration [s 29 of the LCO];
- (b) he/she is a permanent resident of Hong Kong [s 27 of the LCO];
- (c) (i) he/she ordinarily resides in Hong Kong (for the definition of “ordinarily residing in Hong Kong”, see paras. 2.28 to

2.31 below) and the residential address in his/her application for registration is his/her only or principal residence in Hong Kong [s 28(1) of the LCO]; or

- (ii) if he/she 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 penal institution, the following prescribed address is deemed to be the person's only or principal residence in Hong Kong for the purpose of voter registration:
 - (1) the last dwelling-place in Hong Kong at which the person resided and which constituted his/her 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/her last dwelling-place in Hong Kong [s 28(1A) and (1B) of the LCO]. *[Amended in January 2010]*
- (d) he/she holds an identity document or has applied for a new identity document or a replacement identity document [s 30 of the LCO]; and
- (e) he/she is not disqualified from being registered as an elector by virtue of s 31 of the LCO.

[Amended in September 2012 and September 2023]

2.17 A person who is **already registered** in the existing final register of GCs **need not re-apply** for registration. However, his/her name is not eligible to be included in the next register of electors for GCs if he/she:

- (a) has ceased to ordinarily reside in Hong Kong (for the definition of “ordinarily residing in Hong Kong”, see paras. 2.28 to 2.31 below) [s 24(2)(a) of the LCO];
- (b) no longer resides at the residential address recorded in the existing register and the ERO does not know his/her new principal residential address in Hong Kong [s 24(2)(b) of the LCO and s 9(2) of the EAC (ROE) (GC) Reg] (see para. 2.32 below);
- (c) is no longer a permanent resident of Hong Kong [s 27 of the LCO];
- (d) was an imprisoned person who used his/her last dwelling-place in Hong Kong at which he/she resided or the address last recorded under the Registration of Persons Regulations as the address for registration as an elector, and he/she has left the penal institution after the end of the imprisonment without reporting his/her new residential address to the ERO [s 9(2A) of the EAC (ROE) (GC) Reg] [*Amended in January 2010*]; or
- (e) is disqualified from being registered as an elector by virtue of s 31 of the LCO.

[Amended in September 2012]

Disqualifications from Voting

2.18 An elector is disqualified from voting at the DC election if he/she:

- (a) has ceased to be eligible to be registered as an elector under the LCO (see paras. 2.16 and 2.17 above) [s 30(1)(a) of the DCO];
- (b) is found to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap 136) [s 30(1)(e) of the DCO]³; or
- (c) is a member of the armed forces of the Central People's Government or any other country or territory [s 30(1)(f) of the DCO].

[Amended in September 2007, January 2010, September 2012 and September 2023]

Application for Registration and De-registration

2.19 The registration of GC electors is undertaken in accordance with the provisions of the EAC (ROE) (GC) Reg.

2.20 A person may submit his/her application for voter registration⁴ to the ERO at any time of the year. A person who has been de-registered (e.g.

³ Regarding persons incapable to vote due to other health problems, except for the condition stipulated in this paragraph, the law imposes no restriction on such person's right to vote, provided that each must cast the vote on his/her own. If an elector is unable to mark the ballot paper on his/her own, the elector may request the Presiding Officer ("PRO") or the PRO's deputy to mark the ballot paper on his/her behalf according to his/her voting preference in the presence of one polling staff as a witness (see s 59 of EAC (EP) (DC) Reg and para. 4.53 of Chapter 4 for details).

⁴ The form of "Application for New Registration/Report on Change of Particulars by an Elector in a Geographical Constituency" (REO-GC) can be downloaded at the Voter Registration website (www.vr.gov.hk).

due to failure to respond to the inquiry letter from the REO after moving residence) but still eligible for voter registration may re-submit an application for registration. Starting from 1 May 2022, when an applicant submits an application for new voter registration, the address proof which complies with specific requirements (e.g. it must be issued within the last three months⁵) is required to be provided together [s 4(1A) of the EAC (ROE) (GC) Reg]. *[Amended in September 2019 and September 2023]*

2.21 If an elector wishes to apply for de-registration, he/she may make an application in person at the REO. If such application is made to the REO in writing, the letter must contain the personal particulars and be signed by the elector. After receipt of an application in writing, the REO will contact the elector concerned for verification. All application for de-registration will not take immediate effect. Only after verification will the elector's name be included in the OL. The elector whose name is included in the OL may inspect his/her particulars starting from the day of publication of the PR of GCs and OL till the end of the inspection period. Where necessary, the elector can lodge a claim with supporting proof to request reinstatement of the elector status. If the whole verification process of the application for de-registration is yet to be completed by the statutory deadline of the year, the relevant elector will continue to have his/her name included in the final register of GCs in that year. Given that the elector has not been de-registered, he/she may choose to vote or not on the polling day. *[Amended in September 2019 and September 2023]*

2.22 If any person wishes his/her name to be included in or excluded from the final register of GCs published in that year, his/her application must reach the ERO **on or before** 2 June in that year. Applications received after the deadline will be reflected on the register of electors for GCs of the next year

⁵ For documents acceptable as address proof, see the guidance notes on the form of "Application for New Registration/Report on Change of Particulars by an Elector in a Geographical Constituency" (REO-GC).

after processing. [Ss 4 and 9 of the EAC (ROE) (GC) Reg] *[Amended in September 2012, September 2015, September 2019 and September 2023]*

2.23 In case of incomplete or incorrect information provided for an application, the ERO will require in writing the applicant to supplement required particulars or proof [s 5(2) of the EAC (ROE) (GC) Reg]. An applicant who qualifies for registration as an elector will be allocated to a respective GC based on his/her residential address, and receive a written notification of the result [s 5(8) of the EAC (ROE) (GC) Reg]. Applicants not qualified for registration will be informed of the result accordingly by post [s 5(9) of the EAC (ROE) (GC) Reg]. *[Amended in January 2010 and September 2019]*

2.24 Once all the applications for new voter registration for GCs have been processed and the applicants are confirmed eligible, the names and principal residential addresses of the relevant electors will be entered in the register of electors of GCs. *[Added in January 2010 and amended in September 2019 and September 2023]*

Change of Residential Address and Other Registered Particulars

2.25 Although a GC elector is not required to re-apply for registration every year, if his/her principal residential address has been changed, he/she should submit an application for change of particulars to the ERO in order to update the next register of electors for GCs. *[Amended in January 2010, September 2012, September 2019 and September 2023]*

2.26 Apart from his/her principal residential address, a GC elector should also notify the ERO if there is any change of his/her other particulars (e.g. name, telephone numbers or email address). *[Amended in January 2010]*

2.27 A GC elector should submit an application for change of particulars⁶ to the ERO if there is any change of his/her registration particulars. To apply for change of principal residential address, the elector must provide the address proof which complies with specific requirements, for example, it must be issued within the last three months⁷ (exemption may be granted under certain circumstances⁸) [s 10A(3) of the EAC (ROE) (GC) Reg]. After processing the application, the ERO will notify the elector of the result by post [s 10A(10) of the EAC (ROE) (GC) Reg]. An elector who has yet to submit his/her application for change of registration particulars to the ERO by the statutory deadline may still vote at the GC corresponding to his/her original registered residential address if his/her name remains on the final register of GCs. *[Amended in January 2010, September 2012, September 2015, September 2019 and September 2023]*

“Ordinarily Residing in Hong Kong”

2.28 “Ordinarily reside in Hong Kong” is one of the criteria for registration as an elector of a GC [s 28 of the LCO]. The definition of “ordinarily residing in Hong Kong” is not set out in the subsisting electoral law. In assessing whether a person “ordinarily resides in Hong Kong”, one needs to take into account a host of factors and the specific situation of each case, and determine according to the relevant court judgments. The conclusion cannot be generalised and one cannot say someone does not “ordinarily reside in Hong Kong” simply because he/she has a place of

⁶ The form of “Application for New Registration/Report on Change of Particulars by an Elector in a Geographical Constituency” (REO-GC) can be downloaded at the Voter Registration website (www.vr.gov.hk).

⁷ For documents acceptable as address proof, see the guidance notes on the form of “Application for New Registration/Report on Change of Particulars by an Elector in a Geographical Constituency” (REO-GC).

⁸ For electors who are the 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, their applications for change of registered residential addresses may be exempted from the address proof requirement provided that the reported new residential addresses match the addresses in the tenancy records of the authorities concerned.

residence abroad. According to a court precedent⁹, a person is considered ordinarily residing in a place if he/she remains in that place legally, voluntarily and for a settlement purpose (e.g. for education, employment or residence), regardless of the duration, and even if he/she is temporarily absent from that place for some reasons. The precedent also pointed out that a person may ordinarily reside in two places at the same time. *[Added in September 2023]*

2.29 Generally speaking, for a Hong Kong permanent resident who used to reside in Hong Kong all along, if he/she has now set up for personal reasons another residence elsewhere but still returns to live in Hong Kong from time to time (e.g. for handling personal matters, social gatherings or family reunion), then he/she can still be regarded as maintaining a reasonable connection with Hong Kong. A condition which must be considered in parallel is that in accordance with the electoral law, that person must provide, for the purpose of registration as an elector, a residential address which is his/her only or principal residence in Hong Kong (i.e. not a correspondence address but a residential address where he/she habitually resides when he/she is in Hong Kong). Under such circumstances, whether the person still satisfies the statutory requirement of “ordinarily residing in Hong Kong” must be determined according to the actual circumstances of individual case. *[Added in September 2023]*

2.30 On the other hand, if a Hong Kong permanent resident has left Hong Kong to reside in another place without maintaining connections with Hong Kong or any intention to reside in Hong Kong again, or no longer having an only or principal residence in Hong Kong, then he/she no longer meets the statutory eligibility requirements for registration. *[Added in September 2023]*

⁹ *Lau San Ching v Liu, Apollonia* [1995] 5 HKPLR 23 citing *R. v. Barnet London Borough Council, ex parte Shah* [1983] 2 AC 309

2.31 To sum up, the individual circumstances of the person must be considered when determining whether that person is “ordinarily residing in Hong Kong”, and it is not a matter which could be summarily determined. If it encounters relevant cases in the course of voter registration work, the REO will examine the details and actual circumstances surrounding the cases carefully, and seek legal advice where necessary. *[Added in September 2023]*

Inquiry Procedures

2.32 While it is not a mandatory requirement under the law, the REO has been appealing to electors to fulfil their civic duty by notifying the ERO as soon as possible after moving residence and submitting an application for the change of address. To enhance the accuracy of the register, the REO has put in place suitable checking measures. **If it comes to the knowledge of the ERO that an elector’s registered address may no longer be his/her 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 [s 7(1) of the EAC (ROE) (GC) Reg]. If the elector fails to respond to the inquiry; or fails to provide the information regarding the inquiry as requested by the ERO; or if 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, then **the elector’s name and other registration particulars will be entered on the OL and may be removed from the next register** [s 9 of the EAC (ROE) (GC) Reg]. A person whose name is recorded in the existing register is still an elector of the GC (and the designated DCGC) at any election held before the publication of the next register [s 33 of the LCO]. *[Added in January 2010, amended in September 2015, September 2019 and September 2023]*

The Provisional Register and the Omissions List for Geographical Constituencies

2.33 The PR of GCs shall be published **on or before 1 August every year**, with content includes:

- (a) the names and principal residential addresses of electors recorded in the final register of GCs in force at the time, with appropriate updates and correction by the ERO based on information reported or otherwise received (if applicable); and
- (b) the names and principal residential addresses of eligible persons who have submitted applications for new registration on or before the statutory deadline.

A copy of the PR of GCs is **available for inspection by specified persons** during ordinary business hours at specified offices of the REO (see **Appendix 3** for details). [S 13 of the EAC (ROE) (GC) Reg] *[Amended in September 2019 and September 2023]*

2.34 At the same time when the PR of GCs is published, the ERO will also publish the OL for inspection by specified persons (see **Appendix 3** for details). The OL contains the names and principal residential addresses of persons who were formerly registered as GC electors, but are struck out of the PR of GCs and proposed to be omitted from the next final register of GCs, because the ERO, based on the information obtained, is satisfied on reasonable grounds that they are disqualified from or no longer qualified for registration [s 32(4)(a) and (b) of the LCO and s 9(1) and (2) of the EAC (ROE) (GC) Reg]. *[Amended in September 2023]*

2.35 For an elector who was an imprisoned person using the address of his/her last dwelling-place in Hong Kong or the address last recorded under the Registration of Persons Regulations as the address for registration as an elector, if the ERO is satisfied on reasonable grounds that he/she has served the sentence of imprisonment and left the penal institution without informing the ERO of his/her new residential address, the ERO shall enter the name and principal residential address of the elector on the OL according to the procedures prescribed in the relevant legislation. [S 9(2A) of the EAC (ROE) (GC) Reg]

2.36 The names and principal residential addresses of the persons included in the OL will be excluded from the PR of GCs [s 32(4)(a) and (b) of the LCO and s 9 of the EAC (ROE) (GC) Reg]. 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, which is accepted by the Revising Officer, the elector status will be retained (see paras. 2.41 to 2.43 below). *[Amended in January 2010, September 2015 and September 2019]*

2.37 The time and place(s) for inspection of the PR of GCs and OL will be published in the Gazette and newspapers. Publication of the notice is to be regarded as the publication of the PR of GCs. Only specified persons (see **Appendix 3** for details) are allowed to inspect the PR of GCs and OL. Only the first Chinese character of the name (if the person's name is recorded in Chinese) or only the first word of the name (if the person's name is recorded in English) of an individual elector and his/her registered residential address will be shown on the PR of GCs for inspection. [Ss 10 and 13 of the EAC (ROE) (GC) Reg] *[Amended in September 2019 and September 2023]*

2.38 Upon request by a person imprisoned or held in custody by a law enforcement agency and if the ERO considers it appropriate to do so, the ERO

may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of a part of the PR of GCs and OL for that person's inspection. *[Amended in September 2019 and September 2023]*

2.39 The ERO may require persons who wish to inspect the PR of GCs and/or OL to produce an identity document and complete a form furnished by the ERO. [Ss 10(4) and 13(5) of the EAC (ROE) (GC) Reg] *[Amended in September 2019]*

Voter Registration Website

2.40 GC electors may visit the Voter Registration website (www.vr.gov.hk) at any time to check their latest registration status and particulars including registered residential addresses and respective constituencies, and find out whether being included in the statutory inquiry procedure. *[Added in September 2019 and amended in September 2023]*

Appeals – Objections and Claims

2.41 Members of the public may submit in person to the REO a notice of objection in the specified form as regards any entries in the relevant PR of GCs within the period for making objections or claims [s 14(2) of the EAC (ROE) (GC) Reg]. The procedures for making claims or objections are provided in the REO website (www.reo.gov.hk) during the inspection period. A person who claims that he/she is entitled to be registered as an elector and has submitted application, yet his/her name has not been recorded in the PR of GCs or has been included in the OL, or an elector whose particulars have not been correctly recorded in the PR of GCs, may submit in person a notice of claim to the REO in the specified form within a specified period in respect of the entry or any omission concerning himself/herself [s 15(1), (2), (6) and (7) of the EAC (ROE) (GC) Reg]. To facilitate a person imprisoned or held in

custody by a law enforcement agency to make such an objection or claim, he/she may deliver a notice of objection or claim to the ERO by post [s 15(7A) of the EAC (ROE) (GC) Reg]. *[Amended in September 2019 and September 2023]*

2.42 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 draw the electors’ attention that they should submit a notice of claim or send back the reply slip by the specified deadline to confirm the validity of the registered residential addresses or to update their registered residential addresses (submission of address proof is required for the update of residential address). If an elector is listed on the OL due to the statutory inquiry procedure, when he/she inspects his/her registration particulars through the Voter Registration website, a system-generated reminder will prompt the elector to respond to the reminding letter from the REO as soon as possible to confirm his/her current residential address or to update the residential address. *[Added in September 2019]*

2.43 All cases of objections and claims will be referred to the Revising Officer for consideration. The Revising Officer will deliberate on each case and make a ruling on the inclusion, exclusion, or revision of the entry concerned in the relevant final register of GCs. [Ss 34 and 77 of the LCO and Part 3 of the EAC (ROE) (GC) Reg] The appellant must provide sufficient information so as to inform the Revising Officer of the grounds of the objection or claim, and attend the hearing (except for incontrovertible cases¹⁰), otherwise the Revising Officer may dismiss the objection or claim. [Ss 2(5A), 2A and 2B of the Registration of Electors (Appeals) Regulation (Cap 542B)]

¹⁰ In accordance with s 2A of the Registration of Electors (Appeals) Regulation, for an incontrovertible objection or claim, including the person who lodges the objection or claim has not provided any ground in his/her notice, the ground(s) submitted by the person are irrelevant to registration eligibilities or the case involves only a clerical error made in compiling or printing a PR of GCs, the Revising Officer must direct that the objection or claim be determined without a hearing on the basis of written submissions only.

[Amended in January 2010, September 2012, September 2015 and September 2019]

Final Register of Geographical Constituencies

2.44 The final register of GCs shall be published **on or before 25 September every year** [s 32(1)(b) of the LCO]. It consists of entries shown in the PR of GCs, and incorporates, for that year, all revised names and principal residential addresses of electors based on applications for new registration and applications for change of particulars, as well as those updated and corrected in accordance with the ruling by the Revising Officer on claims and objections [s 19(1) of the EAC (ROE) (GC) Reg]. The ERO will also delete those entries of electors who are known to have passed away and to revise any incorrect information in the PR of GCs. This final register of GCs shall remain in force until the publication of the next final register of GCs in the following year. *[Amended in September 2019 and September 2023]*

2.45 The time and place(s) for inspection of the final register of GCs will be published in the Gazette and newspapers. Publication of the notice is to be regarded as the publication of the final register of GCs. Only the first Chinese character of the name (if the person's name is recorded in Chinese) or only the first word of the name (if the person's name is recorded in English) of an individual elector and his/her registered residential address will be shown on the copy of the final register of GCs for inspection by specified persons (see **Appendix 3** for details). [S 20 of the EAC (ROE) (GC) Reg] *[Amended in September 2019 and September 2023]*

2.46 Upon request by a person imprisoned or held in custody by a law enforcement agency and if the ERO considers it appropriate to do so, the ERO may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of a part of the final register of GCs for that

person's inspection. The ERO may require persons who wish to inspect the final register of GCs to produce an identity document and complete a form furnished by the ERO. [S 20 of the EAC (ROE) (GC) Reg] *[Amended in January 2010, September 2012, September 2015, September 2019 and September 2023]*

IMPORTANT :

Information relating to a person contained in any register or in any extract of any register **can only be used for election-related purposes** prescribed by the electoral law. Any **abuse** or **misuse** of such information is an **offence** and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 22(3) of the EAC (ROE) (GC) Reg].

In accordance with Data Protection Principle 3 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap 486) ("PD(P)O"), personal data relating to a person (as a data subject) contained in any register or in any extract of any register shall not, without the prescribed consent of the data subject¹¹, or if the exemption under Part 8 of the PD(P)O is not applicable, be used for a "new purpose"¹². Moreover, according to s 64(3A) and (3B) of the PD(P)O, if a person (as a discloser) discloses any personal data relating to a person (as a data subject) contained in any register or in any extract of any register without the relevant consent of the

¹¹ In accordance with s 2(3) of the PD(P)O, "prescribed consent" (a) means the express consent of the person given voluntarily; (b) does not include any consent which has been withdrawn by notice in writing served on the person to whom the consent has been given (but without prejudice to so much of that act that has been done pursuant to the consent at any time before the notice is so served).

¹² In accordance with Data Protection Principle 3(4) of Schedule 1 to the PD(P)O, "new purpose", in relation to the use of personal data, means any purpose other than the purpose for which the data was to be used at the time of the collection of the data or a purpose directly related to that purpose.

data subject with an intent to cause any specified harm¹³ to or being reckless as to whether any specified harm would be, or would likely be, caused to the data subject or any family member of the data subject, the discloser commits an offence and will be liable to a fine of \$100,000 and to imprisonment for 2 years. According to s 64(3C) and (3D) of the PD(P)O, if the disclosure causes any specified harm to the data subject or any family member of the data subject, the discloser will be liable on conviction to a fine of \$1,000,000 and to imprisonment for 5 years.

[Amended in September 2023]

PART IV : THE VOTING SYSTEM FOR THE DISTRICT COMMITTEES CONSTITUENCIES

2.47 When the number of validly nominated candidates at a DCC election is more than the number of members to be returned for that DCC, a poll will be held for that DCC. Where no more candidates have been validly nominated than the number of members to be returned for the DCC, the validly nominated candidate or candidates will be declared elected by the RO [s 39(1) and (2) of the DCO]. In such a case, the poll will not be necessary and the electors for the DCC concerned need not go to the relevant polling stations to vote. If no candidates are validly nominated or the number of candidates validly nominated is less than the number of members to be returned for the DCC, the RO must declare the election to have failed or, as the case may be, to have failed to the extent that the number of candidates validly nominated is less

¹³ In accordance with s 64(6) of the PD(P)O, “specified harm”, in relation to a person, means (a) harassment, molestation, pestering, threat or intimidation to the person; (b) bodily harm or psychological harm to the person; (c) harm causing the person reasonably to be concerned for the person’s safety or well-being; or (d) damage to the property of the person.

than the number of members to be returned [s 39(2) and (3) of the DCO]. A by-election will then be held for that DCC. *[Added in September 2023]*

2.48 The “first past the post” voting system is adopted at DCC elections. The number of candidates to be voted for by each elector of a DCC shall be the same as the number of vacancies for that DCC (i.e. “block vote”), otherwise the ballot paper will be deemed as invalid. If the number of members to be returned at a DCC election is N, then the N candidates who obtain the greatest numbers of votes shall be deemed elected. If, after the counting of votes is finished at a DCC election, a member or members are still to be returned for that DCC and the most successful candidates remaining have an equal number of votes, the RO must determine the result of the election by drawing lots, and the candidate or candidates on whom the lot falls is or are to be returned. [S 41A(1), (2), (4) and (5) of the DCO] *[Added in September 2023]*

2.49 When the election result has to be determined by the drawing of lots, ten table-tennis balls each marked with a number from 1 to 10 will be put into an empty opaque bag to be provided by the RO. Firstly, one of the candidates is to draw one ball from the bag, and pass it to the RO who will write down the number marked on it and then put the ball back into the bag. The same procedures are repeated for the other candidates until all candidates have drawn the table-tennis ball. The RO will draw the lot on behalf of the candidate if he/she is absent at the time of the draw. The candidate on whom the lot falls, as specified below, is to be returned at the election as follows:

- (a) Where there is only one vacancy to be filled and there are two candidates, the candidate who draws the larger number from 1 to 10 is to be returned. If both candidates have drawn the same number, further round(s) of draw will be held until a candidate is to be returned. 1 is the smallest number and 10 is the largest

number;

- (b) Where there is only one vacancy to be filled and there are more than two candidates, if in the first draw, the numbers drawn by the candidates are different, then the candidate who draws the largest number is to be returned. If, on the other hand, two or more candidates have drawn the same larger number and the remaining candidate(s) has/have drawn a smaller number, a second round of draw will be held. Only those candidates who have drawn the same larger number in the first round will participate in the second round of draw, and the candidate who draws the largest number is to be returned; and
- (c) Where there are only two vacancies to be filled and there are three candidates having the equal number of votes, if the three candidates have drawn respectively the largest, the second largest and the smallest numbers, the two candidates who have drawn the largest and the second largest numbers are to be returned. If the three candidates have drawn two larger equal numbers and one smaller number, then the two candidates who have drawn the larger equal numbers are to be returned. If the three candidates have drawn respectively a larger number and two equal smaller numbers, the candidate who has drawn the larger number is to be returned, and the remaining two candidates will participate in a second round of draw until one of them is to be returned. The same principle also applies to the situation where there are N candidates having an equal number of votes and the number of vacancies to be filled is less than N.

[Added in September 2023]

2.50 As soon as practicable after the election result has been determined, the RO must publicly declare the successful candidates as elected. *[Added in September 2023]*

PART V : THE VOTING SYSTEM FOR THE DISTRICT COUNCIL GEOGRAPHICAL CONSTITUENCIES

2.51 The “double seats and single vote” voting system is adopted at DCGC elections. Each DCGC will return two members, and each elector may vote for one candidate for the respective DCGC. The two candidates who obtain the greatest and the next greatest numbers of votes shall be returned as members for that DCGC. [S 41B of the DCO] *[Added in September 2023]*

2.52 When the number of validly nominated candidates at a DCGC election is more than the number of members to be returned for that DCGC, a poll will be held for that DCGC. Where no more candidates have been validly nominated than the number of members to be returned for the DCGC, the validly nominated candidate or candidates will be declared elected by the RO [s 39(1) and (2) of the DCO]. In such a case, the poll will not be necessary and electors for the DCGC concerned need not go to the relevant polling stations to vote. If no candidates are validly nominated or the number of candidates validly nominated is less than the number of members to be returned for the DCGC, the RO must declare the election to have failed or, as the case may be, to have failed to the extent that the number of candidates validly nominated is less than the number of members to be returned [s 39(2) and (3) of the DCO]. A by-election will then be held for that DCGC. *[Amended in September 2011, September 2019 and September 2023]*

2.53 If, after the counting of vote is finished at a DCGC election, the number of most successful candidates having an equal number of votes exceeds

the number of members to be returned, the RO must determine the result of the election by drawing lots and the candidate or candidates on whom the lot falls is or are to be returned [s 41B of the DCO]. *[Amended in September 2023]*

2.54 When the election result has to be determined by the drawing of lots, ten table-tennis balls each marked with a number from 1 to 10 will be put into an empty opaque bag to be provided by the RO. Firstly, one of the candidates is to draw one ball from the bag, and pass it to the RO who will write down the number marked on it and then put the ball back into the bag. The same procedures are repeated for the other candidates until all candidates have drawn the table-tennis ball. The RO will draw the lot on behalf of the candidate if he/she is absent at the time of the draw. The candidate on whom the lot falls, as specified below, is to be returned at the election as follows:

- (a) Where there are two candidates, the candidate who draws the larger number from 1 to 10 is to be returned. If both candidates have drawn the same number, further round(s) of draw will be held until a candidate is to be returned. 1 is the smallest number and 10 is the largest number; and
- (b) Where there are more than two candidates, if in the first draw, the numbers drawn by the candidates are different, then the candidate who draws the largest number is to be returned. If, on the other hand, two or more of the candidates have drawn the same larger number and the remaining candidate(s) has/have drawn a smaller number, a second round of draw will be held. Only those candidates who have drawn the same larger number in the first round will participate in the second round of draw, and the candidate who draws the largest number is to be returned.

[Amended in September 2012, September 2019 and September 2023]

2.55 As soon as practicable after the election result has been determined, the RO must publicly declare the successful candidate as elected. *[Amended in September 2015 and September 2019]*

PART VI : DEATH OR DISQUALIFICATION OF A CANDIDATE FOR A CONSTITUENCY

2.56 If, after the DCERC has decided that a candidate is validly nominated but before the polling day, proof is given to the satisfaction of the RO that the candidate has died, the RO must give notice of the death of the candidate. Where the notice of validly nominated candidates has already been published by the DCERC, the RO must publicly declare that the candidate has died and further declare which candidate(s) is/are validly nominated for election for the relevant constituency. Besides, if proof is given to the satisfaction of the DCERC that a validly nominated candidate is disqualified from being nominated, the DCERC must vary its decision to the effect that the candidate is not validly nominated, and the RO should issue such a notice to the CEO and each of the candidates who are validly nominated for election for the relevant constituency. Where the notice of validly nominated candidates has already been published by the DCERC, the DCERC must publicly declare that the decision has been varied and further declare which candidate(s) is/are validly nominated for election for the relevant constituency. [S 36 of the DCO and ss 24 and 25 of the EAC (EP) (DC) Reg] *[Added in September 2015 and amended in September 2023]*

2.57 If, on the polling day but before the election result is declared, proof is given to the satisfaction of the RO that a validly nominated candidate for a constituency has died or proof is given to the satisfaction of the DCERC that a validly nominated candidate for a constituency is disqualified from being elected, the proceedings for the election for the constituency shall continue as if

the death or disqualification had not occurred. After the counting of votes is finished, if the candidate concerned is successful at the election, the RO must not declare that candidate to be 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 the constituency is less than the number of members to be returned for the constituency. [Ss 40, 41A(7) and 41B(6) of the DCO and ss 81(2) and 96 of the EAC (EP) (DC) Reg] *[Added in September 2015 and amended in September 2023]*