



**CONSULTATION ON
ENHANCEMENT OF VOTER REGISTRATION SYSTEM
SUBMISSIONS**

The Law Society has reviewed a Consultation Document on Enhancement of Voter Registration published by the Constitutional and Mainland Affairs Bureau in November 2015.

In the Consultation Document, we note the Administration proposes to, among other things, introduce a requirement for voters to produce address proof when submitting applications for new voter registrations or change of voter registration particulars (§4.28 of the Consultation Document). The basis underlining this proposal is said to

- (a) “prevent criminals from impersonating others to submit application forms for new registration or change of registration particulars” (§4.28) and
- (b) “improve the accuracy of the information in the registers and bring positive effect to the credibility of the VR system as a whole” (§4.29).

The Consultation Document does not explain what would happen if a voter could not produce valid or sufficient address proof; it also does not define what a valid address proof under the proposal is. However, it seems that a failure to produce an address proof would mean the voter under the specified circumstances would not be able to register himself or herself with the Registration and Electoral Office, and thus he or she would not be able to vote.

Administratively the reason proffered by the Administration might be acceptable as its justification. Yet, if the requirement for address proof in those specified circumstances is a pre-requisite for the right to vote, then this proposal could not lightly be accepted, in particular when a voting right is a fundamental right safeguarded by the Basic Law, and voter registration is voluntary (§2.01). As correctly pointed out in the Consultation Document, “the proposed measures

should not deprive the permanent residents of Hong Kong of the voting right enjoyed under the Basic Law and the Hong Kong Bill of Rights or seriously undermine the exercising of such a right” (§3.02).

We envision various situations where provision of bona fide address by an eligible voter would be difficult or impossible. Examples are eligible voters who are not property owners, persons still at college or seeking employment, and those who reside with their parents. Usually, these persons do not need to pay rates, water or electricity bills. It would be burdensome or even difficult for these persons to produce address proof.

Likewise, people living in subdivided units or homeless people would also find it difficult to easily produce address proof.

However and in any event, the above persons should not be disenfranchised.

Leaving aside the difficulties with the practical arrangements, conceptually, the equating of provision of address proof to entitlement to vote is confusing. The former is a mere administrative (verification) requirement, the implementation of which should not disturb the latter, which is a constitutional right.

We acknowledge the genuine need to tackle the problem of vote rigging and fraud in voting and voter registration. However, the Administration should give the address proof proposal more thorough consideration, as this proposal potentially could affect or remove the voting rights of Hong Kong people. We are not convinced that this is a proportionate measure.

We also note and repeat our previous submissions of 28 February 2012 on address proof, in that the requirement of address proof could discourage new voter registration or existing voters from reporting changes of address. The aforesaid in our view applies *mutatis mutandis* to the current proposal on address proof suggested in the Consultation Document.

In conclusion, we ask the Administration to reconsider this proposal on address proof, and reiterate that any measures to be introduced should not impede voting rights, in particular, when the general public these days are more conscious of their constitutional right to vote, and are also keen to exercise such right.

**The Law Society of Hong Kong
5 January 2016**