

# REO's response to media enquiries on arrangements for inspection of provisional registers of electors

In response to media enquiries on the arrangements for inspection of provisional register (PR) of electors, the Registration and Electoral Office (REO) today (July 19) responded as follows:

Judicial review from the Junior Police Officers' Association on inspection of final registers of electors

The Junior Police Officers' Association (JPOA) applied to the Court of First Instance (CFI) of the High Court for leave for judicial review in 2019 (Case No.: HCAL 3042/2019), prohibiting the Electoral Registration Officer (ERO) to release the extract of the final registers of electors which shows the electors' names and respective principle residential address (linked information) to members of the public and candidates. The JPOA also sought an urgent interim injunction to restrain the ERO from making the final register of electors which shows the linked information available for public inspection and providing relevant particulars to any other persons. Upon resolution of the case in the CFI, an appeal was made to the Court of Appeal (CA) for review.

In consideration of the relevant circumstances, the CA handed down the judgment on May 21, 2020 and made the order on May 27, 2020 (Case no.: CACV 73/2020), that the registered particulars with the linked information of individual electors and the omissions list (OL) are available for inspection by validly nominated candidates, members of the press (the REO adopts the list of subscribers of the Government News and Media Information System) and political parties (i.e. political bodies/organisations which have nominated a candidate at an election or has publicly declared an intention to nominate a candidate at the election). The parts of the registers which contain only corporate electors' registered particulars and do not show the linked information of individual electors, are available for public inspection. Provision of extract of the register is only available to specified persons (including political parties and validly nominated candidates).

Legislative requirements and REO's established arrangements for inspection of registers

The REO has been all along implementing stringent measures on inspection of registers, prohibiting audio recording, photo- and video-taking and copying information during inspection so as to protect electors' particulars in the registers. As stipulated by section 42(3) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) (the Regulation), any person who

reproduces or permits another person to reproduce in any form, uses or permits another person to use, or imparts to any other person any information contained in the registers for a purpose other than a purpose related to an election, commits an offence. The above-mentioned measures are in compliance with the law, and in line with the long-established practice.

In fact, in the documents/affirmations submitted to the court in the above-mentioned judicial review case, the concerned party also pointed out that the REO has been adopting stringent measures on inspection of registers including prohibiting audio recording, photo- and video-taking and copying information so as to protect electors' particulars in the registers, and journalists would have to rely solely on memory to retain information.

Under the Improving Electoral System, regarding the inspection of 2021 PR and OL for voters of Election Committee subsectors (ECSS), sections 25 and 29 of the Regulation stipulate that the ECSS PR and OL are available for inspection by specified persons from July 18 (Sunday) to July 22 (Thursday) (both days inclusive).

When making arrangements for inspection of registers of electors, the REO must strictly follow the judgement and order of the court and, at the same time, consider actual operational needs such as anti-epidemic measures (for example cleaning and disinfection after each time slot of inspection) and crowd management, to facilitate and ensure each person/organisation who wishes to inspect the registers has an opportunity. Therefore, the REO can only provide eight time slots on each day (45 minutes for each time slot) for appointments by eligible organisation/persons/member of the public starting from July 17 (Saturday) on a first-come-first-served basis. Each eligible organisation/person/member of the public may reserve one time slot per day. The REO has also adopted a flexible approach to allow persons inspecting the register to continue the inspection if the following time slot has not been reserved.