

立法會
Legislative Council

LC Paper No. CB(2)2508/03-04(01)

Ref : CB2/SS/4/03

**Subcommittee on subsidiary legislation
relating to 2004 Legislative Council elections**

Background Brief prepared by Legislative Council Secretariat

Polling and counting arrangements for the 2004 Legislative Council election

Purpose

This paper gives a summary of the issues and concerns raised by Members when the proposed polling and counting arrangements for the 2004 Legislative Council (LegCo) election was discussed by the Panel on Constitutional Affairs at its meetings of on 16 February 2004, 15 March 2004 and 19 April 2004.

Polling and counting arrangements for the 2004 LegCo election

2. Decentralized counting arrangements were implemented for the first time in 2003 District Council (DC) election. Having reviewed the experience of the 2003 DC election and in view of the operational problems associated with the transportation of the new ballot papers which are larger in size, the Electoral Affairs Commission (EAC) has proposed that vote counting for geographical constituencies (GCs) in the 2004 LegCo election should be decentralized to individual polling stations. It is estimated that over 500 polling stations would be designated for the GC elections.

3. The Panel on Constitutional Affairs discussed the proposal at its meetings on 16 February and 15 March 2004. Some Members have expressed support for the proposal as it would speed up the counting process and minimize any risks which might be associated with the need to transport ballot papers from polling stations to a central counting station. Some other Members do not support the proposal on the following grounds -

- (a) in view of the large number of counting stations, candidates with relatively less resources might find it difficult to identify and deploy a sufficient number of agents to monitor the counting process at each and every station within a GC;

- (b) it would be difficult to ensure a consistent standard in handling questionable ballot papers among the 500 Presiding Officers (PROs) stationed at individual counting stations;
- (c) if candidates or their agents could not be present at the counting stations, they would not be able to raise objection in person as to the admission or rejection of questionable ballot papers;
- (d) in the light of the experience of the 2003 DC election, there are concerns about the effectiveness of the decentralized counting arrangements, the openness and transparency of the counting process; and
- (e) the principle of mixing ballot papers from polling stations within a GC before counting is important in safeguarding the integrity of the electoral process and should be upheld.

4. The Administration's responses are summarized below -

- (a) EAC submitted its Report on the 2003 District Council Election to the Chief Executive on 21 February 2004. The Report was made public and issued to Members. On the whole, EAC considers that the new counting arrangement was generally smoothly conducted;
- (b) EAC considers that on the whole, the performance of PROs in the handling of questionable ballot papers in the 2003 DC election was satisfactory. In addition, a Government Counsel would be stationed at each District Office to provide advice for PROs in the district, and could visit the counting station to provide advice on the spot, if necessary. A team of Government Counsel would also be stationed at the central counting station to provide overall support;
- (c) as in previous elections, the counting process will be conducted in an open and transparent manner. Apart from the candidates themselves, their agents, members of the public and the media can also observe the entire counting process;
- (d) candidates may consider appointing their polling agents to be counting agents to monitor the counting process as well; and
- (e) in the case of vote counting arrangement for GC votes in small polling stations, EAC has maintained the arrangement that the votes from these stations should be mixed with those from the main counting station before counting to preserve secrecy of voting.

5. Some Members remain concerned about the consistency in standard adopted by PrOs in handling questionable ballot papers. They have proposed that EAC should explore the feasibility of using web cameras to transmit the images of questionable ballot papers at counting stations to computer screens at the central counting station to allow Returning Officers to determine the validity of these questionable ballot papers. EAC has considered the proposal and takes the view that a number of concerns would need to be addressed if the proposal was to be further pursued. First, in the context of discussions on the use of optical mark reader machines to determine questionable ballot papers in functional constituency elections, some members do not have confidence in making a determination based on electronic images. Second, the time taken to complete the process of determining questionable ballot papers would be lengthened. Third, considerable resources would be incurred for the provision of the necessary technical infrastructure and backup support at all counting stations and the central counting station.

6. Some Members have proposed that CCTVs be used to record the vote counting process to enhance its transparency. EAC has decided not to pursue the proposal which would require considerable resources for the provision of CCTVs and backup system at all counting stations and the central coordination centre.

Proposed Guidelines on Election-related Activities in respect of the Legislative Council Elections (Proposed Guidelines)

7. The Proposed Guidelines was issued by EAC for public consultation from 22 March to 20 April 2004. The Administration briefed the Panel on the major proposed changes, including the polling and counting arrangements for the 2004 LegCo election, at its meeting on 19 April 2004.

8. EAC plans to publish the finalized guidelines in July 2004, after the conclusion of the negative vetting period of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation.

Relevant papers

9. A list of the relevant papers and documents is in the **Appendix** for members' easy reference. These papers and documents are available on the Research and Library Information System and the LegCo website at <http://www.legco.gov.hk>.

**Subcommittee on subsidiary legislation
relating to 2004 Legislative Council elections**

Polling and counting arrangements for the 2004 Legislative Council election

Relevant Papers/Documents

LC Paper No.

Papers/Documents

Papers provided by the Administration

- | | | |
|--|----|--|
| CB(2)1309/03-04(03)
<i>(issued on 13 February 2004)</i> | -- | Paper on "Polling and counting arrangements for the 2004 Legislative Council election" |
| CB(2)1686/03-04(05)
<i>(issued on 12 March 2004)</i> | -- | Paper on "Polling and counting arrangements for the 2004 Legislative Council election" |
| CB(2)1817/03-04
<i>(issued on 22 March 2004)</i> | -- | Proposed Guidelines on Election-related Activities in respect of the Legislative Council Elections |
| CB(2)2010/03-04
<i>(issued on 14 April 2004)</i> | -- | Electoral Affairs Commission Report on the 2003 District Council Election submitted to the Chief Executive on 21 February 2004 |
| CB(2)2041/03-04(02)
<i>(issued on 16 April 2004)</i> | -- | Paper on "Electoral Affairs Commission Report on the 2003 District Council Election" |
| CB(2)2041/03-04(03)
<i>(issued on 16 April 2004)</i> | -- | Paper on "Proposed Guidelines on Election-related Activities in respect of the Legislative Council Elections" |

Minutes of meetings

- | | | |
|---|----|---|
| CB(2)2027/03-04
<i>(issued vide LC Paper No. CB(2)2028/03-04 on 16 April 2004)</i> | -- | Minutes of meeting of Panel on Constitutional Affairs on 16 February 2004 |
| CB(2)2329/03-04
<i>(issued vide LC Paper No. CB(2)2332/03-04 on 14 May 2004)</i> | -- | Minutes of meeting of Panel on Constitutional Affairs on 15 March 2004 |