

**Legislative Council
Panel on Constitutional Affairs**

**Manpower arrangement for the preparation
and conduct of general elections in 2011 and 2012**

Purpose

This paper seeks Members' views on our proposal to create a supernumerary post of Principal Executive Officer (PEO) in the Registration and Electoral Office (REO) from 14 January 2011 to 31 March 2013 to assist the Electoral Affairs Commission (EAC) and the Chief Electoral Officer (CEO) in the preparation and conduct of the 2011 District Council (DC) election, the 2011 Election Committee (EC) subsector election, the 2012 Chief Executive (CE) election and the 2012 Legislative Council (LegCo) election.

Background

2. The REO is responsible for providing administrative support to the EAC in discharging its statutory functions under the EAC Ordinance (Cap. 541) which include, inter alia, review and delineation of constituency boundaries, registration of electors, and conduct and supervision of elections. It is headed by the CEO ranked at Senior Principal Executive Officer (D2) level, who is currently underpinned by six deputies pitched at Chief Executive Officer level (two posts are created on a permanent basis and four are time-limited posts created during the election years). Since its establishment as a government department on 1 April 1994, the REO has no directorate post apart from the CEO in spite of a significant increase both in the volume of work and in the complexity regarding electoral matters.

3. Experience from the 2007 DC election and 2008 LegCo election has revealed that there is higher public expectation in the arrangements for the conduct of general elections. There is a need for continuous improvement in light of past experience. The CEO is already fully stretched in providing executive support to the EAC, handling necessary amendments to the relevant legislation and election guidelines, answering enquiries from the LegCo and the media, and performing her role as the Head of Department in overseeing the administration and operation of the REO. To ensure the successful conduct of the 2008 LegCo election, a supernumerary PEO post was created for six months to oversee the detailed operational arrangements and to deputise the CEO.

4. Since 1997, the EC subsector and the CE elections were held in financial years different from the DC ordinary elections and the LegCo general elections. However, owing to the differences between the terms of office of the CE and the EC (five years) and those of the DC and the LegCo (four years), the coming elections of the EC subsector and the CE will be held in the same year of the DC ordinary election

and the LegCo general election respectively. This increases significantly the workload for the REO in 2011 and 2012.

General elections in 2011 and 2012

5. As explained in paragraph 4 above, the Administration needs to hold the elections for the DC, EC subsector, CE and LegCo in a span of ten months from November 2011 to September 2012. To ensure the smooth conduct of the four major elections, the REO is required to undertake a full range of planning and preparatory work which includes –

- (a) making amendments to the existing subsidiary legislation governing registration and electoral arrangement of the respective general elections;
- (b) reviewing and updating the constituency boundaries of DC constituency areas (DCCAs) and the Geographical Constituencies (GCs) of LegCo, conducting the public consultation exercises and informing the affected registered voters;
- (c) launching large scale voter registration drives, conducting vetting exercises and updating particulars of registered electors to ensure accuracy of the Final Registers;
- (d) planning and launching publicity programmes for the four elections;
- (e) reviewing and updating the EAC electoral guidelines for the four elections and conducting the public consultation exercises;
- (f) planning and implementing recruitment exercises for polling and counting staff, planning and organizing comprehensive training programmes for these staff to ensure that they can effectively discharge the polling and counting duties;
- (g) planning and making detailed logistical arrangements for the four elections, including the identification and acquisition of suitable venues for use as polling cum counting stations and the central counting stations, acquisition of electoral equipment and services and drawing up delivery arrangements of electoral equipment to polling and counting stations;
- (h) printing and drawing up dispatch arrangements of election-related publicity materials and poll cards to electors, designing and printing of ballot papers;
- (i) appointing Returning Officers and Nomination Advisory Committees, making arrangement and publicity on candidate nominations for the four elections;

- (j) organising briefings for candidates, and preparing updated electoral documents for candidates and their agents;
- (k) planning and setting up the Central Command Centre and Regional/District Command Centres on the polling day of each election;
- (l) putting in place means for collection and compilation of electoral statistical reports for each major election;
- (m) handling election complaints and preparing election reports according to the statutory schedule; and
- (n) devising comprehensive contingency plans for each major election.

New electoral arrangements and additional tasks

6. Based on the amendments to Annexes I and II of the Basic Law approved or recorded respectively by the National People's Congress Standing Committee on 28 August 2010, preparation of the local legislation regarding the methods for selecting the CE and forming the LegCo in 2012 is underway. The REO is tasked with incorporating new electoral arrangements into the current electoral arrangements for the respective elections in 2011 and 2012.

7. The EC will expand from 800 seats to 1,200 seats, with an additional 100 seats to each of the four sectors. Following the legislative amendments made to the primary legislation (i.e. CE Election Ordinance (Cap. 569)), the REO has to –

- (a) make consequential amendments to the existing subsidiary legislation of the EAC concerning the voter registration process and electoral process of electing members of the new EC;
- (b) conduct a voter updating exercise in preparation for conducting EC subsector election in late 2011;
- (c) review and revise existing EAC guidelines on the conduct of EC subsector and CE elections to reflect the latest development; and
- (d) make the full range of preparatory work (including recruitment and training of polling and counting staff, identification and acquisition of suitable venues for use as polling and counting stations, preparation of user guides and manuals for use by polling and counting staff, preparation of updated and relevant electoral documents for candidates and their agents, setting up of a computerized voter counting system, namely the Voting Validation and Counting Automation System (VVCAS) for EC subsector election).

All these electoral operations and activities must be carried out on time and completed within a tight timeframe in accordance with the statutory provisions. Having critically examined the tasks ahead, it is anticipated that the REO would be facing an extremely hectic timetable for making the necessary legislative amendments and other logistical arrangements for 2011 EC subsector election. Thorough preparation and careful planning would be necessary to forestall any mistakes in the electoral process as any irregularities or mistakes would likely undermine the credibility of the election system and affect the integrity of the elections. An officer with necessary experience, calibre and appropriate seniority is required to oversee the overall planning of the various aspects of the entire electoral process for the EC subsector election within a tight timeframe.

8. For the 2012 LegCo election, the number of members returned by GCs and functional constituencies (FCs) will each be increased from 30 to 35. The Government has accepted the “one-person-two-votes” proposal for returning the five new FC seats in 2012. Based on an estimated electorate base of about 3.2 million electors for the new DC FC, there will be a very significant increase of votes in the upcoming LegCo election. As a result, the REO would need to put in place appropriate arrangements for voter registration and production of registers of electors in the new DC FC as well as the electoral arrangement for conducting the poll for the new DC FC.

9. In addition, the electoral arrangements for the upcoming DC ordinary election would be more complex than previous elections. The REO has to formulate a new polling arrangement to cater for eligible voters who are imprisoned, remanded and detained in legal custody coming from various DCCAs to vote at the dedicated polling stations.

10. Therefore, the electoral arrangements for the coming elections would become more complex and the volume of work would be significantly expanded. In particular, the 2012 LegCo election is by far the largest and the most complicated operation since the establishment of the REO as a government department. The REO can no longer rely solely on the existing polling and counting arrangements to cope with the change. A dedicated directorate officer spearheading the formulation of detailed logistical arrangements is essential to ensure the smooth conduct of the elections, which, include, inter alia –

- (a) developing detailed work plans which include setting milestone dates at various preparatory stages and conducting full testing of new features or improved measures pertaining to logistics and technical arrangements to ensure its feasibility before adoption;
- (b) steering the incorporation of the new electoral arrangements into the existing ones and take them through implementation;

- (c) planning and facilitating the supervision of elections by the EAC, monitoring the election processes for fair and proper election and monitoring the announcement of election results;
- (d) reviewing the entire electoral process including the number of issuing desks in a polling station and the number of polling stations to cope with the increased voter turnaround time for a voter to collect and cast two votes, the introduction of new polling procedures and the use of dedicated ballot boxes for the new DC FC votes;
- (e) formulating a new counting arrangement to handle a large number of the new DC FC votes on top of the votes for the GCs and the traditional FCs. This includes the conduct of feasibility studies on different counting methods to deal with the new DC FC vote counting and the conduct of pilot testing to determine the most efficient and effective counting arrangements;
- (f) mapping out recruitment strategies including the reviews on honoraria and working hours of the electoral staff and formulating new staff training programmes to cope with the new electoral arrangements; and
- (g) drawing up various internal and inter-departmental contingency plans of different scales to cope with a wide spectrum of polling activities for unforeseeable reasons.

11. Many of the above tasks require cooperation, input and support of other government departments, including the Government Logistics Department (GLD) in providing efficient support in the procurement of election materials and printing of candidates' introductory leaflets and ballot papers, the Office of the Government Chief Information Officer and its contractors in the printing of address labels and poll registers, the Hong Kong Post in respect of the provision of free mailing service to candidates and timely delivery of poll cards, the Home Affairs Department and the Information Services Department in providing direct liaison support during the voter registration drive and throughout the election periods, the Correctional Services Department (CSD) in the arrangement of dedicated polling stations and the Hong Kong Police Force in traffic and security arrangements pertaining to election-related matters especially on the polling days. An officer pitched at the directorate level is thus required to deputise the CEO in attending various inter-departmental working groups or meetings and in negotiating with representatives of these departments on allocation of budget and finalising operational arrangements.

12. The officer is also needed to handle the increasing workload as elections are becoming more competitive. For instance, a total of 53 lists of candidates competed for the votes of over 3.37 million electors for the 30 GC seats in 2008, a huge increase of 51% over the 35 lists in the 2004 LegCo election. The rising competition gave rise to a host of issues to be addressed including a large number of election-related complaints before and during nomination period as the candidates

would need to start their election campaign early. Around 3,500 complaints were received in 2008 LegCo election.

Need for a supernumerary PEO post

13. The aforesaid tasks have to be carried out concurrently to cope with the election cycle and require the personal attention of the CEO. Although in the last election cycle only one large-scale general election was held annually, the CEO was overloaded with too wide a spectrum of duties at the same time whilst she had to attend to the overall planning, management and conduct of the elections.

14. The level and complexity of the responsibilities mentioned above involves complex and sensitive issues cutting across political, policy and other areas which demand dedicated efforts and require coordination and input at a senior level. The level of responsibility, experience and sensitivity required for the job exceeds the level normally expected from non-directorate officers. The proposed supernumerary PEO post, to be designated as Senior Deputy Chief Electoral Officer, will underpin the CEO and oversee the three Election Divisions. The post-holder will focus on the preparation and conduct of the elections in 2011 and 2012.

15. We propose that the post will be created for 26 months from 14 January 2011 to 31 March 2013 so that the REO will have the necessary directorate complement to provide dedicated directorate input to oversee the detailed operational arrangements relating to the planning, management and conduct for the four elections in 2011 and 2012. After the conduct of the 2012 LegCo election in September 2012, the PEO post is required for overseeing the processing of applications for the Financial Assistance Scheme and handling election-related enquiries. Experience from the previous elections indicates that it takes several months to complete these tasks. The PEO would also be tasked to steer comprehensive reviews on the preparation and conduct of the four elections in 2011 and 2012 so that the REO could draw on such experience to conduct the next round of elections. It would take another few months for the PEO to spearhead the review exercises. The proposed job description of the PEO post and the proposed organization chart of the REO are in Annexes A and B.

Alternatives considered

16. The CEO is the only directorate officer in the REO and staff redeployment is not feasible. We have critically examined the possibility for the CEO to manage all the above tasks without strengthening the directorate support of the REO. It is considered operationally infeasible for the CEO to personally oversee all the operational aspects directly. It would hinder the smooth preparation and conduct of the general elections. The alternatives of engaging Non-civil Service Contract Staff has been explored but is considered not feasible given the time lag for conducting a recruitment exercise and the difficulty for an outsider to be conversant with the government rules and regulations within a short span of time.

Financial implications

17. The proposed creation of a supernumerary PEO post will bring about an additional notional annual salary cost at mid-point of \$1,265,400. The additional full annual average staff cost, including salaries and staff on-cost, is \$1,609,080. The REO will absorb the additional provision in 2010-11 from its existing resources and will include sufficient provision in the 2011-12 and 2012-13 draft Estimates to meet the cost of the proposal.

Advice sought

18. Members are invited to note and comment on this proposal. Subject to Members' views, we would submit the proposal to the Establishment Subcommittee for recommendation to the Finance Committee for approval.

**Constitutional and Mainland Affairs Bureau
November 2010**

**Proposed Job Description
Senior Deputy Chief Electoral Office**

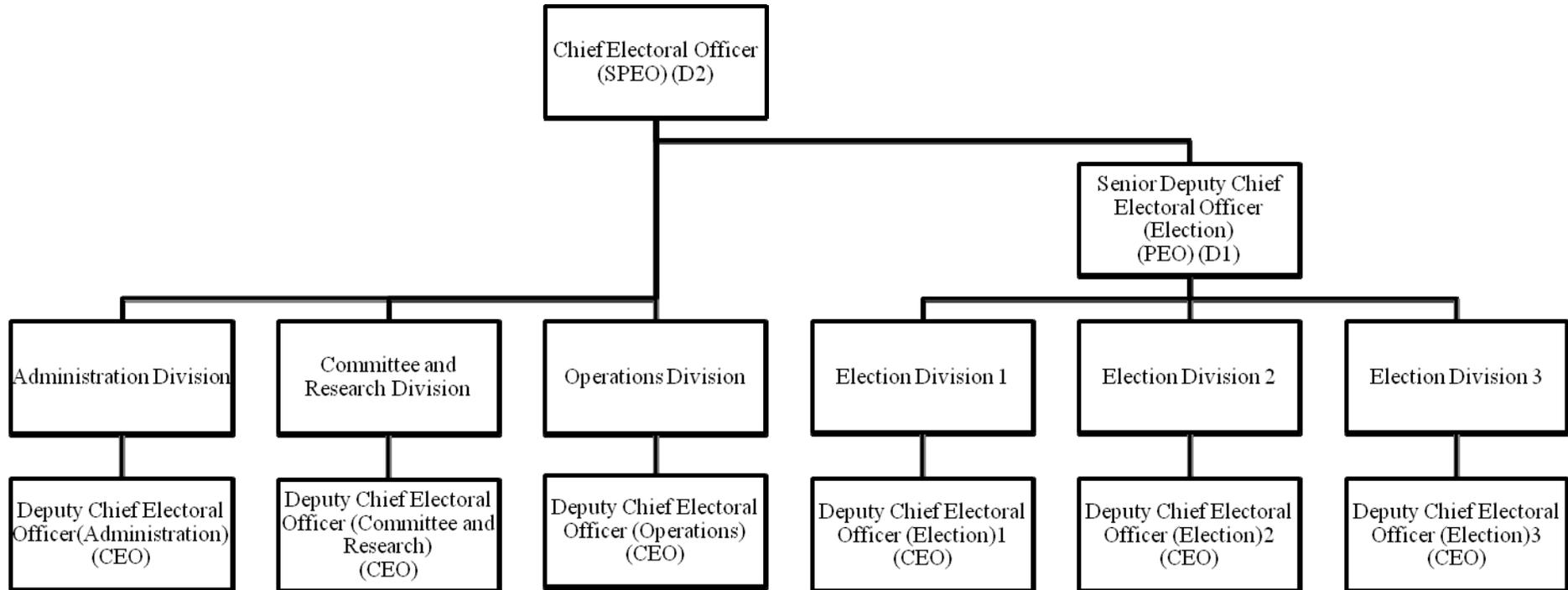
Rank : Principal Executive Officer (D1)

Responsible to : Chief Electoral Officer

Main Duties and Responsibilities –

1. To oversee the three Election Divisions for preparation and conduct of the 2011 District Council (DC) election, the 2011 Election Committee (EC) subsector election, the 2012 Chief Executive (CE) election and the 2012 Legislative Council (LegCo) general election.
2. To supervise three Deputy Chief Electoral Officers at Chief Executive Officer rank being the heads of three Election Divisions to ensure the overall coordination of the work of the three Election Divisions for efficient resource and operational management.
3. To represent the Chief Electoral Officer (CEO) and the Registration and Electoral Office (REO) in the inter-departmental meetings and negotiate with various bureaux and departments for smooth planning and conducting of the 2011 DC election, the 2011 EC subsector election, the 2012 CE election and the 2012 LegCo election.
4. To deputise the CEO in heading the REO in providing executive support to the Electoral Affairs Commission to implement a wide range of electoral activities.
5. To provide policy and strategic support to the CEO on the implementation of new electoral arrangements including those for electing the CE and for forming the LegCo.
6. To consolidate, review and revise contingency plans for the major elections.

Proposed Organization Chart of Registration and Electoral Office



Legend: SPEO Senior Principal Executive Officer
 PEO Principal Executive Officer
 CEO Chief Executive Officer