

**Legislative Council Panel on Constitutional Affairs**

**Practical Arrangements for the  
2012 Legislative Council Election**

**PURPOSE**

This paper sets out the key electoral arrangements for the 2012 Legislative Council (“LegCo”) election to be held on 9 September 2012.

**BACKGROUND**

2. The Electoral Affairs Commission (“EAC”) is a statutory and independent body responsible for the conduct and supervision of elections. The EAC, supported by the Registration and Electoral Office (“REO”), is now making preparations for various electoral arrangements for the 2012 LegCo election. Some of the key practical arrangements are set out in the following paragraphs.

**PROPOSED ARRANGEMENTS**

**Polling Date and Nomination Period**

3. In accordance with section 6(1) of the Legislative Council Ordinance (“LCO”)(Cap. 542), the Chief Executive has specified 9 September 2012 as the date for holding the general election to elect Members for the fifth term LegCo. The relevant notice was published in the Gazette on 16 March 2012.

4. Section 7 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (“EAC(EP)(LegCo) Regulation”) (Cap. 541D) provides that the nomination period is to be determined by the Chief Electoral Officer (“CEO”). The same section provides that the nomination period must not be less than 14 days or more than 21 days, and that it must end not less than 28 days and not more than 42 days before the date on which the election is to be held. It is an established practice to set a 14-day nomination period and to allow roughly five weeks for candidates’ canvassing activities between close of nomination and the polling day. In this regard, the nomination period for the coming election has tentatively been set to commence on 18 July and

end on 31 July 2012. The nomination period will be gazetted in June 2012.

### **Number and Allocation of Polling Stations**

5. To cater for casting of votes, the REO will set up around 560 ordinary polling stations (“OPSs”) for the 2012 LegCo election. We aim to have at least 90% of the polling stations set up at venues which are accessible to electors with disabilities. Assuming that there would be about 3.56 million registered electors (i.e. the number of Geographical Constituency (“GC”) electors in the 2011 Final Register), on average about 6 360 electors will be assigned to each OPS.

6. Apart from OPSs, 22 dedicated polling stations (“DPSs”) will be set up at the penal institutions of the Correctional Services Department (“CSD”) for registered electors imprisoned or remanded under the custody of the CSD to cast votes in the election. We also plan to set up three DPSs at police stations across the territory (one on Hong Kong Island, one in Kowloon and one in the New Territories) for registered electors who are remanded or detained on the polling day by law enforcement agencies other than CSD, such as the Police, Independent Commission Against Corruption, and the Customs and Excise Department, to cast their votes.

### **Polling Arrangements**

7. As in past elections, the well-established combined polling arrangement will continue to be adopted to facilitate electors to cast votes. Under this arrangement, an eligible elector can cast one GC vote and, if eligible, one Functional Constituency (“FC”) vote, including the District Council (second) functional constituency (“DC (second) FC”) vote, at the same polling station. Ballot boxes of different colours will be provided at polling stations for receiving the GC, traditional FC and the DC (second) FC ballot papers separately. The ballot papers for GCs, traditional FCs and the DC (second) FC will be of different size, colour, colour pattern and code for easy differentiation and sorting during the count. The polling procedures will be streamlined to ensure that the poll is conducted in a smooth and efficient manner.

## **Vote Counting Arrangements**

### *Vote counting arrangements for GCs*

8. Following the poll-cum-count practice of the 2008 LegCo election, the vote counting for GCs will be conducted at individual polling stations. Under this arrangement, a polling station (other than a small polling station and a DPS) will be converted into a counting station immediately after the close of poll. Candidates and their agents, the media and members of the public are allowed to be present inside the counting station to observe the count. The count will be conducted manually and, during the count, questionable ballot papers will first be separated for determination of validity by the Presiding Officers (“PROs”). Candidates and their election or counting agents may make representations during the determination process. According to established procedures, for reason of secrecy of vote, ballot papers cast at small polling stations and DPSs are required to be mixed with the ballot papers cast at the main polling stations before the count can start. To speed up the counting process, legislative amendments will be made to introduce flexibility to the procedures so as to allow the count at the main polling stations to commence without waiting for the arrival of the ballot papers from the small polling stations and ballot paper sorting stations for mixing as long as the principle of secrecy of vote is not compromised. The amended legislation will only require that, before counting the ballot papers delivered from the small polling stations and ballot paper sorting stations, they must be mixed with the ballot papers from at least one of the ballot boxes of the main polling station.

9. Upon completion of the count at a counting station, the PRO will make known the counting results to the candidates or their agents present, who will then have the opportunity to request a re-count of votes. When there is no request or further request for a re-count<sup>1</sup>, the PRO will report the counting result to the Statistical Information Centre (“SIC”) for consolidation. The SIC will report the aggregate counting result to the Returning Officer (“RO”) of the GC concerned at the Media Centre, who will make known the aggregate counting result to the candidates concerned or their agents present. When there is no request or further

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<sup>1</sup> Or when such request is rejected by the PRO as being unreasonable in accordance with section 79A(2) of EAC(EP)(LegCo) Regulation (Cap 541D).

request for a re-count<sup>2</sup>, the RO will formally announce the election result on stage at the Media Centre in the Central Counting Station (“CCS”).

*Vote counting arrangements for traditional FCs and the DC (second) FC*

10. The counting of votes for all FCs including the DC (second) FC will be conducted centrally at the CCS and the operational arrangements would largely follow those adopted in the 2008 LegCo election for counting FC votes.

11. We have carefully examined the option of counting the votes of DC (second) FC in individual polling stations as for GC votes but do not consider it operationally viable. This is because of operational problems associated with the number of additional staff required if both GC and DC (second) FC votes were to be counted in the polling stations. More importantly, there is a need to return most polling stations (mostly schools) to the venue management for normal business in the early morning the following day.

12. The size of the venue is a key consideration when identifying a suitable venue for setting up the CCS for the 2012 LegCo election. There must be enough space for the counting operation and accommodating the Media Centre and other ancillary facilities such as the central command centre, statistical information centre and on-site offices of various government departments. Besides, there should be a sufficient number of unloading bays as well as ample circulation and marshalling area for the smooth and orderly reception of more than 4 000 ballot boxes delivered from the polling stations. Taking into account the large-scale counting operation for an estimate of more than 1 million votes of the DC (second) FC, we estimate that about 40 000 m<sup>2</sup> indoor area would be required for setting up the CCS for the 2012 LegCo election.

13. Apart from size, to allow sufficient time for on-site preparatory/ decoration work prior to the polling date and packing-up afterwards, the venue to be used as the CCS must be available for at least five consecutive days starting from at least three days before the polling date. After a lengthy search for suitable venues, the REO has now secured an area of 39 000 m<sup>2</sup> at the AsiaWorld-Expo (“AWE”) for setting up the CCS.

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<sup>2</sup> Or when such request is rejected by the RO as being unreasonable in accordance with section 79A(6) of EAC(EP)(LegCo) Regulation (Cap 541D).

14. Under the supervision of a Chief Returning Officer (“CRO”), separate counting zones will be set up inside the CCS for the counting of the votes of individual traditional FCs and the DC (second) FC. Designated RO/ARO will be assigned to take charge of each counting zone. During the counting process, candidates and their agents, the media and members of the public are allowed to be present within designated areas of the counting station to observe the count.

15. For the DC (second) FC, the count will be conducted manually as in the case for the GCs. Counting of votes will start after screening out any misplaced GC and traditional FC ballot papers and delivering them to the ROs of the respective GCs and FCs for further processing. Since a large number of votes are involved, the REO will draw up practical measures to speed up the counting processes for DC (second) FC votes as far as possible.

16. The procedure on the determination of questionable ballot papers for all FCs including the DC (second) FC is essentially the same. Questionable ballot papers will be separated during the counting process for determination by the ROs. For the DC (second) FC, in view of the large quantity of votes involved, AROs (including AROs(Legal)) will be authorised to determine the validity of votes and legislative amendments have been proposed to cater for this. Same as before, candidates and their election or counting agents may make representations during the determination process.

17. Upon completion of the count, the RO will make known the counting results to the candidates or their agents present in the CCS, and the candidates or their election agents will have the opportunity to request a re-count. If there is such a request which is accepted by the RO, the re-count will be conducted on-the-spot. When there is no request or further request for a re-count<sup>3</sup>, the RO will formally announce the election results on stage at the Media Centre.

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<sup>3</sup> Or when such request is rejected by the RO as being unreasonable in accordance with section 79(2) of EAC(EP)(LegCo) Regulation (Cap 541D).

## **Design of Ballot Papers and Ballot Boxes**

18. The design of ballot papers is basically provided in the law and same as in the 2008 LegCo election, candidates will be allowed to have certain specified particulars relating to them printed on the ballot papers in the 2012 LegCo election. The size of a ballot paper will depend on the number of candidates / lists of candidates contesting in the concerned constituency. The design of the ballot paper for DC (second) FC would be similar to that of a GC ballot paper as the polling for both constituencies adopts a list system of proportional representation. Under the existing legislation, a code is assigned to the FCs including the DC (second) FC and such a code will be printed in conjunction with the number assigned to each candidate or list of candidates<sup>4</sup> on the ballot paper of the concerned constituency; for the GCs, a list of candidates is assigned a number and the number will be printed on the ballot paper of the concerned constituency. As most of the GC electors are expected to be registered as electors for the DC (second) FC, it may be confusing to them when they cast their vote if the lists of candidates for both GCs and the DC (second) FC are referred to by the same numbering sequence starting from 1 and followed by 2, 3 and 4... To avoid confusion, a new numbering system for the lists of candidates for the DC (second) FC is proposed, with the number for the lists of candidates starting from 101 and followed by 102, 103 and 104... Legislative amendments will be introduced to give effect to this proposal.

19. The candidates will be invited to check the final proofs of the ballot papers to ensure that the information contained therein is accurate before the ballot papers are printed. A full-scale checking on the ballot papers will also be conducted to ensure that they are correctly and properly printed.

20. With the introduction of the DC (second) FC, there will be a new ballot box of white colour dedicated for receiving ballot papers cast for the constituency, in addition to the existing blue one for GC ballot papers and the red one for FC ballot papers. The back of the ballot papers will be printed with patterns of the same colours corresponding to that of their respective ballot boxes (e.g. the back of a GC ballot paper will be printed with blue-colour 'tick' patterns and GC-code pattern to match

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<sup>4</sup> For four FCs including the Heung Yee Kuk FC, the agriculture and fisheries FC, the insurance FC, and the transport FC, a candidate will be assigned an alphabet instead.

the colour of its dedicated ballot box). This arrangement will provide easy identification for electors to insert the ballot papers into the correct ballot boxes and facilitate polling staff to monitor the vote casting process and provide assistance if necessary.

21. The REO will carefully and thoroughly test the capacity of the ballot boxes to be used in the 2012 LegCo election and will ensure that there will be adequate provision of ballot boxes at the polling stations and emergency depots to cater for a 100% turnout of the registered electors.

### **Joint Promotional Letter**

22. In accordance with section 43 of the LCO and section 101A of the EAC(EP)(LegCo) Regulation, a validly nominated list of candidates/candidate for a GC/FC may send free of postage one letter to each elector of the constituency for which he is nominated. The purpose is to enable candidate(s) to mail Election Advertisements (“EAs”) to promote or advertise himself/themselves to electors. To enable candidates to jointly promote themselves at the same election and as a further step to reduce paper consumption on election-related materials, several categories of candidates/candidate lists standing for election in the LegCo election will be allowed to send joint promotional letters free of postage:

- (a) a letter sent by a list of candidates which is validly nominated for a GC may contain information on the candidacy in respect of any number of lists of candidates which are also validly nominated for that GC; or one single list of candidates which is validly nominated for the DC (second) FC; or both;
- (b) a letter sent by a list of candidates which is validly nominated for the DC (second) FC may contain information on the candidacy in respect of any number of list of candidates which is validly nominated for one single GC;
- (c) a letter sent by a candidate who is validly nominated for the Labour FC may contain information on the candidacy in respect of any other candidate who is also validly nominated for that constituency.

23. Separate instructions and forms would be provided to candidates to facilitate them to send out joint promotional letters. The Hongkong Post will set out appropriate procedures to cater for this new arrangement taking into account the estimated number of mails to be sent to electors before the LegCo election, the constituencies allowed and the checking criteria for posting joint promotional letters.

### **Address Labels**

24. To facilitate candidates to send out EAs, it has been an established practice of the REO to provide each candidate upon request with a set of address labels pertaining to the electors (except those who have provided the REO with their email addresses) in the constituency. Under the present arrangement, the address labels are printed on an ‘individual’ basis (i.e. one address label for each elector). For the coming LegCo election, taking into account the comments of some LegCo members previously expressed on the subject, we will allow candidates a choice of using address labels printed on a ‘household’ basis (i.e. one address label for each registered address and without bearing the names of individual electors). This arrangement will help minimise paper consumption while giving candidates more latitude for deciding their publicity strategy in providing their campaign information to electors.

25. The introduction of the new ‘household’ option is meant to respond to calls in society for greener electoral arrangements. However, candidates should note that electors registered with the same address may or may not actually belong to the same family or household. Also, in some cases, electors residing at the same address may have registered their residential addresses in different formats and languages, rendering it impossible to ensure perfect sorting of such addresses for printing of ‘household’ labels. Candidates will be duly advised of the arrangement and its limitations and will be suggested to include a message in their EAs to encourage the recipient to share and pass on the EAs to the other electors residing at the same address after reading. Printing of address labels has to be done under a very tight schedule. Candidates can send in their requests for address labels after submitting the nomination forms. The REO would aim to provide candidates with the address labels within five working days after receipt of the requests.

26. Under the existing practice, each validly nominated candidate will receive, in addition to the address labels, a computer disc (referred to as Candidate Mailing Label System “CMLS”) containing the mailing information of electors (including the names, addresses and if available email addresses of electors). Candidates may make use of the information in the CMLS to generate their own address labels according to their needs or to send out EAs to the email addresses of the electors. To protect the privacy of individual electors, candidates will continue to be reminded to use the ‘b.c.c.’ function when using emails for mass distribution of EAs to electors. A reminder message will be printed on the paper cover of the disk so that when the candidates use the disk, they can readily notice the message and the consequences of not taking heed of the reminder.

### **Submission of EAs**

27. Measures have earlier been introduced for submission of EAs to the ROs for public inspection through electronic means in the 2011 District Council election, the 2011 Election Committee Subsector elections and the 2012 Chief Executive election. Having regard to the experience gathered in the three elections, we are taking forward legislative amendments to further relax the existing rules and introduce a more efficient, open and user-friendly system to facilitate the submission of EAs for public inspection. Essentially, we will remove the existing ex ante declaration requirement and make use of the internet to allow public inspection of candidates’ EAs. Under the proposed regime, in order to satisfy the requirement on public inspection, candidates will be allowed to post an electronic copy each of the EAs and the other relevant information/permission/consent onto an open platform maintained by the CEO, or an open platform maintained by the candidate himself, for public inspection within one working day after the publication of the concerned EAs. For EAs where posting onto the open platform is not practicable (e.g. electioneering messages of an interactive and spontaneous nature sent through social networking and communication websites on the internet), candidates will only be required to post the hyperlink of the concerned website onto his or CEO’s platform to satisfy the public inspection requirement. Alternatively, candidates may use the existing hard-copy option by depositing with the RO two copies each of the EAs in paper form or any other form as prescribed by the EAC in its Guidelines and a hardcopy each of the other relevant information/permission/ consent.

## **Reduction of Paper Consumption on Election-related Materials**

28. For environmental protection, we will continue to adopt various measures to reduce paper consumption on election-related materials including:

- (a) providing address labels of electors (except those who have provided the REO with their email addresses) to candidates only upon request;
- (b) providing candidates with the email addresses of electors, if available, for sending EAs;
- (c) appealing to electors to register their email addresses with the REO through the online platform on GovHK and encouraging candidates to send their EAs by electronic means to electors who have provided their email addresses;
- (d) using as far as practicable recycled paper or paper made from wood-pulp derived from sustainable forest to print electoral documents;
- (e) encouraging candidates to send joint promotional letters to electors (if applicable);
- (f) encouraging candidates to use household address labels to send promotional letters to electors; and
- (g) exploring possible ways to recycle paper used for the election.

Furthermore, all electoral documents such as candidates' introductory leaflets and ballot papers will be printed with environmentally friendly ink.

## **Other Related Measures**

29. Other key measures which we propose to put in place to ensure the smooth conduct of the 2012 LegCo election include:

- (a) Designated spots to be allocated to candidates for the display of EAs: The REO and relevant government departments will endeavour to identify sufficient designated spots for the display of EAs. However, in view of the anticipated increase in the number of candidates and lists of candidates, the limited spots available and the introduction of the DC (second) FC, the average number of designated spots that can be allocated to each GC list/FC candidate or list may be lower than that in the 2008 LegCo election. Subject to traffic safety considerations, continuous efforts will be made with relevant departments to identify more designated spots for allocation to candidates.
- (b) Media Centre: To facilitate media coverage of the event and the declaration of results, a Media Centre will be set up inside the CCS. In addition to the setting up of a stage for the declaration of all election results, there will be designated areas for use by candidates, their agents, the media and the public including the supporters of the candidates. All election results will be made available at the Media Centre.
- (c) Public Transportation: The REO will liaise with the public transport operators on the provision of adequate public transport service to the CCS at the AWE to facilitate candidates, their agents and the public to access the CCS.
- (d) Central Command Centre (“CCC”): A CCC will be set up on the polling day to oversee the conduct of the poll and vote counting, and to provide central command and helpdesk/ support services.
- (e) Compilation of voter turnout statistics: An SIC will be set up each inside the CCC at the REO’s Caroline Hill Road Office and the CCS at AWE. The former is to collect and consolidate the voter turnout statistics throughout the polling hours and the counting results collected in respect of the GCs from the

polling-cum-counting stations via fax machines. The latter is to consolidate counting results collected from the CCS for FCs. The voter turnout figures will be made available to the public on an hourly basis through press releases and the dedicated website for the 2012 LegCo election.

- (f) Release of counting results: As with the 2008 LegCo election, to enhance transparency of the counting process, we plan to release counting results at the Media Centre, on the dedicated website and by press releases until all election results have been announced.
- (g) Staff recruitment: Over 20 000 civil servants from various Government Bureaux/Departments will be recruited and trained to carry out polling and vote counting duties on the polling day. When compared to the 2008 LegCo election in which only 16 700 polling and counting staff were engaged, there is a substantial increase, which is mainly due to the additional polling and counting staff required for handling the new ballot papers and the counting of votes for the DC (second) FC.
- (h) Staff training: Briefing sessions on the polling and counting procedures and arrangements including hands-on practice of counting duties will be arranged for staff. Polling Management Training which includes crisis management, quality polling service, training on emotional quotient, and experience sharing workshop will be organised for staff at the supervisory level. Particular care will be made to ensure that polling staff are sufficiently briefed and trained on the concurrent handling of GC and DC (second) FC ballot papers. For staff deployed to compile statistical returns on the polling day, specialised training on statistical work will be organised for them.
- (i) Contingency planning: An emergency depot will be set up in each of the 18 administrative districts to provide quick replenishment of supplies to the polling stations, if

needed. Each emergency depot will be equipped with vehicles for urgent deployment.

## **ADVICE SOUGHT**

30. Members are invited to express views on the arrangements set out in this paper.

Registration and Electoral Office  
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