

Legislative Council Panel on Constitutional Affairs

Practical Arrangements for the 2010 Legislative Council By-election

INTRODUCTION

This paper sets out the key electoral arrangements for the 2010 Legislative Council (“LegCo”) By-election to be held on 16 May 2010.

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 making preparations for various electoral arrangements for the 2010 LegCo By-election. The key electoral arrangements are set out in the following paragraphs.

POLLING DATE AND NOMINATION PERIOD

3. In accordance with section 8 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), the Chief Electoral Officer published a LegCo By-election notice in the gazette on 5 March 2010, announcing that the poll of the LegCo By-election would be held on 16 May 2010, and that the nomination period would be from 22 March 2010 to 8 April 2010.

4. Upon the close of the nomination period, a total of 26 nomination forms have been received by the Returning Officers (“ROs”) of the five geographical constituencies (“GCs”). A list of all validly nominated candidates will be published in the Gazette on 16 April 2010. The EAC will hold a briefing session for the candidates on 13 April 2010. The ROs will determine the order of the candidates on the ballot papers by drawing lots after the briefing session.

NUMBER AND ALLOCATION OF ORDINARY POLLING STATIONS

5. The 3.37 million registered electors on the 2009 Final Register (“FR”) will be entitled to cast their votes in the coming By-election.

6. A total of 532 polling stations were set up in the 2008 LegCo Election. We have requested the management of these venues to allow us to set up polling stations at the venues in the By-election. Around 50 venues will not be available for various reasons such as activities have already been scheduled on the polling day. With strenuous efforts made to identify alternative venues, we have eventually succeeded in securing about 520 venues for setting up polling stations. The average electoral size for each polling station will be about 6,500, which is similar to the electoral size of 6,200 for the 2008 LegCo Election. Around 85% of the polling stations in the upcoming By-election are accessible to electors with disabilities, as compared to 82% for the 2008 LegCo Election.

7. Same as in all recent elections and by-elections, the poll will be conducted from 7:30 am to 10:30 pm, except for Dedicated Polling Stations (“DPSs”) situated in prisons which will have shorter polling hours as detailed in the ensuing section.

SPECIAL POLLING ARRANGEMENTS FOR IMPRISONED, REMANDED AND DETAINED ELECTORS

8. Special polling arrangements were made for registered electors who were remanded or detained by law enforcement agencies (“LEAs”) to vote in the respective District Council (“DC”) By-elections held in 2009¹. With the implementation of the Voting by Imprisoned Persons Ordinance and the amended EAC (Electoral Procedure) (Legislative Council) Regulation in October 2009, the 2010 LegCo By-election will be the first election in which polling arrangements will be provided for registered electors who are serving prison sentences.

¹ There were three DC By-elections in 2009. They were Sha Tin DC - Tai Wai By-election which was held on 29th March 2009, Wan Chai DC - Canal Road By-election on 21st June 2009 and Kwai Tsing DC - Kwai Shing East Estate By-election on 6th September 2009.

9. We plan to set up 23 DPSs at the penal institutions of the Correctional Services Department (“CSD”) for registered electors imprisoned or remanded under the custody of CSD. For security reasons, the poll will be conducted from 9:00 am to 4:00 pm. We will issue poll cards and other related electoral documents such as the candidates’ introductory leaflets to all electors who are serving prison sentences at the penal institutions. Address labels will be provided to candidates for mailing election advertisements to this group of electors at the penal institutions if the concerned registered electors have put down the prison addresses as their correspondence address. For security reasons, candidates will need to comply with the guidelines on sending election advertisements to prisons which have been included in the “Guidelines on Election-related Activities in respect of the Legislative Council Election” provided to them.

10. Four DPSs will also be set up at police stations across the territory for registered electors who are remanded or detained on the polling day by LEAs other than CSD such as the Police, Independent Commission Against Corruption, Customs and Excise Department, to cast their votes. Since the LEAs may arrest or detain persons who are registered electors any time during the polling day, these four DPSs will be open from 7:30 am to 10:30 pm as with the ordinary polling stations.

11. Candidates and/or their agents may be present at the DPSs to observe the poll except for DPS situated in a maximum security prison, where only candidates will be allowed to stay. The election agent or a polling agent of a candidate must apply to the Commissioner of Correctional Services at least one week before the polling day for admission into a DPS situated at penal institutions.

12. Five Ballot Paper Sorting Stations (“BPSSs”) will be set up for the sorting of ballot papers cast at DPSs according to each GC before they are delivered to the respective main counting stations. The ballot papers will then be mixed with those cast at the main counting stations before they are counted. To ensure the transparency of the election, the sorting process will be open for observation.

BALLOT PAPERS AND BALLOT BOXES

13. The design of the ballot papers for the 2010 LegCo By-election will follow that of the ballot papers for the 2007 LegCo Hong Kong Island GC By-election. Candidates will be allowed to have their photographs and certain specified particulars relating to them printed on the ballot papers. They 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.

14. We have carefully and thoroughly tested the capacity of ballot boxes for use in the 2010 LegCo By-election. 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.

REDUCTION OF PAPER CONSUMPTION ON ELECTION-RELATED MATERIALS

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

- (i) providing address labels of electors to candidates only upon request;
- (ii) encouraging candidates to send their election advertisements by electronic means to electors who have provided their e-mail addresses;
- (iii) maintaining the space allocated to each candidate on the introductory leaflet to 1/4 of a A4 page as in 2007 LegCo By-election; and
- (iv) using recycled paper or paper made from wood-pulp derived from sustainable forest to print electoral documents as far as practicable.

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

VOTE COUNTING ARRANGEMENTS

16. Same as in the 2007 LegCo By-election and 2008 LegCo Election, a polling-cum-counting arrangement will be adopted. Under this arrangement, a polling station (except for a small polling station as explained in paragraph 17 below) will be converted into a counting station immediately after the close of poll. Candidates and their agents may witness the conversion process. When the counting station is re-opened, candidates and their agents, the media and members of the public are allowed to observe the count at a close distance from the counting table. Questionable ballot papers will be separated during the counting process to be determined on the validity by the Presiding Officers (“PROs”). Candidates and their election or counting agents may make representations during the determination process.

17. To protect the secrecy of votes, ballot papers of the small polling stations (with fewer than 500 registered electors) as well as all DPSs (after sorting by GCs at the BPSSs) will be delivered to the respective main counting stations for mixing with other ballot papers cast therein by other electors before counting.

18. 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. If there is such a request which is accepted by the PRO, the re-count will be conducted on-the-spot immediately. When there is no request or further request for a re-count², the PRO will report the counting results to the Statistical Information Centre (“SIC”) for consolidation. After consolidating all the counting results of a GC, the SIC will report the aggregate counting results to the RO concerned at the Media Centre. The RO will then make known the aggregate counting results to the candidates or their agents present. The candidates or their election agents will then have the opportunity to request a re-count of votes in all the counting stations of the GC. If there is such a request which is accepted by the RO, a re-count will be conducted at all the counting stations concerned immediately. When there is no request or further request for a re-count³, the RO will formally announce the election result on stage at the Media Centre.

² Or when such request is rejected by the PRO as being unreasonable in accordance with section 79A(2) of Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541D).

³ Or when such request is rejected by the RO as being unreasonable in accordance with section 79A(6) of Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541D).

OTHER RELATED MEASURES

19. Other key measures which will be put in place to ensure the smooth conduct of the 2010 LegCo By-election include:

(a) Media Centre

A Media Centre will be set up in the Hong Kong Convention and Exhibition Centre (“HKCEC”) to facilitate the dissemination of counting results to the candidates, the media and the public. Any media announcements will also be made at the Media Centre. The ROs will declare the election results at the Media Centre.

(b) Central Command Centre

A Central Command Centre (“CCC”) will be set up at REO’s Caroline Hill Road Office on the polling day to oversee the conduct of the poll and provide central command and helpdesk/support services.

(c) Compilation of Voter Turnout Statistics and Counting Results

The SIC will be set up inside the CCC to collect and consolidate voter turnout statistics and counting results collected from the polling and counting stations via fax machines. The same arrangement was made in the 2008 LegCo Election and had proved to be efficient and reliable. The voter turnout figures will be made available to the public through press releases, notices at the Media Centre and the dedicated website for the 2010 LegCo By-election on an hourly basis.

(d) Release of Counting results

To enhance transparency in the counting process and to follow the practice in the 2008 LegCo Election, we will release interim aggregate counting results by GCs starting at 1:00 am on 17 May 2010 and thereafter on a one-and-a-half hourly interval until all the election results have been declared by the ROs. We will also post up the counting results of individual counting stations at the Media Centre.

- (e) Staff recruitment and training
About 14,600 civil servants from various Government Bureaux/Departments have been recruited as polling staff to carry out polling and counting duties on the polling day. Briefing sessions will be arranged to all polling staff to equip them with the necessary knowledge for discharging their polling and counting duties. In addition, polling management training which includes crisis management, quality polling service, emotional intelligence training and experience sharing workshop will be organized for staff at the supervisory level. For those polling staff assigned to the duties of compiling statistical returns and counting results, specialized training on statistical work and hands-on practice will be provided to them.
- (f) Contingency planning
An emergency depot will be set up in each of the 18 administrative districts to provide quick replenishment of supplies, including ballot boxes to the polling stations where necessary. Each emergency depot will be equipped with vehicles for urgent deployment if the need arises. We will draw up a comprehensive contingency plan, modelled on the plan for 2008 LegCo Election, to deal with various kinds of incidents on the polling day.

ADVICE SOUGHT

20. Members are invited to express views on the practical arrangements for the 2010 LegCo By-election as set out in this paper.

Registration and Electoral Office
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