

## **ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE**

### **HEAD 163 – REGISTRATION AND ELECTORAL OFFICE Subhead 000 Operational expenses**

Members are invited to recommend to Finance Committee the creation of the following supernumerary post in the Registration and Electoral Office from January 2011 to March 2013 –

1 Principal Executive Officer  
(D1) (\$99,400 - \$108,650)

### **PROBLEM**

The Chief Electoral Officer (CEO) needs additional support at the directorate level in assisting the Electoral Affairs Commission (EAC) in the preparation and conduct of the 2011 District Council (DC) election, the 2011 Election Committee (EC) Subsector elections, the 2012 Chief Executive (CE) election and the 2012 Legislative Council (LegCo) election.

### **PROPOSAL**

2. We propose to create one supernumerary post of Principal Executive Officer (PEO) (D1) in the Registration and Electoral Office (REO) from January 2011 to March 2013 to assist the EAC and the CEO in the preparation and conduct of the four general elections specified in paragraph 1 above.

**/JUSTIFICATION .....**

## JUSTIFICATION

### Work of REO in handling elections

3. 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 in 1994, the REO has no directorate post apart from the CEO in spite of a significant increase in both the volume and complexity of electoral matters.

4. Experience from the 2007 DC election and 2008 LegCo election revealed higher public expectation in the arrangements for the conduct of general elections, and the need for continuous improvement in light of past experience. As the CEO was already stretched to her full capacity, to ensure the successful conduct of the 2008 LegCo election, a supernumerary PEO post was created for six months to assist in overseeing the electoral arrangements.

5. 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 will increase significantly the workload for the REO in 2011 and 2012.

### New electoral arrangements and additional tasks in 2011 and 2012

6. Pursuant to the amendments to Annexes I and II of the Basic Law approved and recorded respectively by the National People's Congress Standing Committee in August 2010, preparation of the local legislation regarding the methods for selecting the CE and forming the LegCo in 2012 is underway. In addition to the standing planning and preparatory work for the DC, EC Subsector, CE and LegCo elections, the REO is tasked with incorporating new electoral arrangements into the current electoral arrangements for the respective elections in 2011 and 2012. A full range of the work to be undertaken by the REO in 2011 and 2012 is summarised at Enclosure 1.

Encl. 1

/7. ....

7. The electoral arrangements for the coming elections would become more complex and the volume of work would be significantly expanded with the implementation of new electoral arrangements below –

- (a) 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 to the primary legislation (i.e. CE Election Ordinance (Cap. 569)), necessary amendments to the subsidiary legislation and other logistical arrangements for 2011 EC Subsector elections have to be made;
- (b) for the 2012 LegCo election, the number of members returned by geographical constituencies (GCs) and functional constituencies (FCs) will each be increased from 30 to 35. The “one-person-two-votes” arrangement will be adopted for returning the five new FC seats in 2012. With an estimated electorate base of about 3.2 million electors for the new DC FC, a thorough plan on voter registration and production of registers of electors as well as arrangement for conducting the poll for this new FC has to be mapped out; and
- (c) for the upcoming DC ordinary election, a new polling arrangement has to be formulated to cater for eligible voters who are imprisoned, remanded and detained in legal custody to vote at the dedicated polling stations.

8. Furthermore, given that the Administration needs to hold the above four major elections within a span of ten months from November 2011 to September 2012, all related electoral operations and activities must be carried out on time and completed within a tight timeframe in accordance with the statutory provisions. 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. 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 their feasibility before adoption;
- (b) steering the incorporation of the new electoral arrangements into the existing ones and taking them through implementation;

/(c) .....

- (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 ways 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 in addition to the votes for the GCs and the traditional FCs. This includes examining the feasibility and conducting pilot testing of different counting methods for the new DC FC votes;
- (f) mapping out recruitment strategies of the electoral staff and formulating new staff training programmes to cope with the new electoral arrangements;
- (g) drawing up various internal and inter-departmental contingency plans of different scales;
- (h) deputising for 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, given that many of the above tasks require cooperation, input and support of other government departments; and
- (i) handling complicated issues relating to election activities including an anticipated large number of election-related complaints before (as the candidates would need to start their election campaigns early) and during nomination period.

### **Need for a supernumerary PEO post**

9. The aforesaid tasks have to be carried out concurrently to cope with the election cycle, and warrant the attention of a directorate officer. Experience of the last election cycle with only one large-scale general election held annually indicated that the CEO was already overloaded with a wide spectrum of duties, leaving her limited room to attend to the operational arrangements of the elections personally.

10. The level and complexity of the responsibilities mentioned in paragraphs 7 and 8 above involve complex and sensitive issues cutting across political, policy and other areas which demand dedicated efforts and require coordination and input at a directorate level. 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.

11. We propose that the post be created for around 26 months from January 2011 to March 2013 so that the REO will have the necessary staffing complement to provide dedicated directorate input to oversee the detailed arrangements relating to the planning, management and conduct of the four elections in 2011 and 2012. After the conduct of the 2012 LegCo election in September 2012, the PEO post will be required for overseeing the related residual election-related work (such as processing of applications for the Financial Assistance Scheme), handling election-related enquiries and steering 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. The post is therefore required to be retained until March 2013. The proposed job description of the PEO post, the existing and the proposed organisation charts of the REO are in Enclosures 2 to 4 respectively.

Encls. 2 - 4

### **Alternatives considered**

12. The CEO is the only directorate officer in the REO. There is hence no room for redeployment at the directorate level. We have critically examined the possibility for the CEO to manage all the above tasks without strengthening the directorate support of the REO. However, 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. It is considered operationally infeasible for the CEO to personally oversee all the operational aspects directly. Without the assistance of an additional officer at directorate level, sound preparation for and the smooth conduct of the above four major elections would be hindered. 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 become conversant with the government rules and regulations within a short span of time.

**/FINANCIAL .....**

## FINANCIAL IMPLICATIONS

13. 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 \$1,609,000. 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.

## PUBLIC CONSULTATION

14. We briefed the LegCo Panel on Constitutional Affairs on 15 November 2010 on the proposed creation of the PEO post. The Panel supported the proposal in principle.

15. At the meeting of the Panel, Members also offered comments and suggestions on ways to improve the electoral arrangements for the four elections to be conducted in 2011 and 2012, such as measures to cut down the use of papers. The CEO, with the support of the proposed PEO, will take into account these comments and suggestions in formulating the electoral procedures.

## ESTABLISHMENT CHANGES

16. The establishment changes in the REO in the past two years are as follows –

Establishment (Note)	Number of posts			
	Existing (as at 1 November 2010)	As at 1 April 2010	As at 1 April 2009	As at 1 April 2008
A	1 #	1	1	1
B	18 *	16 @	7 ^	20
C	129 *	124 @	113 ^	128
Total	148 *	141 @	121 ^	149

/Note .....

Note:

- A – ranks in the directorate pay scale or equivalent.
- B – non-directorate ranks the maximum pay point of which is above MPS Point 33 or equivalent.
- C – non-directorate ranks the maximum pay point of which is at or below MPS Point 33 or equivalent.
- # – as at 1 November 2010, there is no unfilled directorate post in REO.
- \* – the changes in establishment are mainly due to the creation of time-limited posts for supervision of the 2011 Village Representative election, preparation and conduct of the 2011 DC election and 2011 EC Subsector elections.
- @ – the increase in establishment is mainly due to the creation of time-limited posts for the preparation and conduct of the 2010 LegCo By-election held on 16 May 2010.
- ^ – the reduction in establishment is mainly due to the lapse of time-limited posts upon the completion of the 2008 LegCo election.

### **CIVIL SERVICE BUREAU COMMENTS**

17. The Civil Service Bureau supports the proposed creation of the supernumerary PEO post from January 2011 to March 2013 to assist the EAC and the CEO in the preparation and conduct of the 2011 DC election, the 2011 EC Subsector elections, the 2012 CE election and the 2012 LegCo election. The grading and ranking of the proposed post are appropriate having regard to the level and scope of responsibilities required.

### **ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE**

18. As the post is proposed on a supernumerary basis, its creation, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service in accordance with the agreed procedure.

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Constitutional and Mainland Affairs Bureau  
November 2010

**Major responsibilities to be undertaken by the  
Registration and Electoral Office  
for the four general elections in 2011 and 2012**

- (a) Making amendments to the existing subsidiary legislation governing registration and electoral arrangement of the respective general elections, including consequential amendments to the existing subsidiary legislation of the Electoral Affairs Commission (EAC) concerning the voter registration process and electoral process for returning members of the new Election Committee (EC) and forming the Legislative Council (LegCo);
- (b) reviewing and updating the constituency boundaries of the District Council constituency areas and the geographical constituencies 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 electoral guidelines of EAC for the four elections including the guidelines on the conduct of EC Subsector, Chief Executive and LegCo elections to reflect the latest development and conducting the public consultation exercises;
- (f) conducting a voter updating exercise in preparation for conducting EC Subsector elections in late 2011;
- (g) preparing 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 for EC Subsector elections;
- (h) planning and implementing recruitment exercises for polling and counting staff, planning and organising comprehensive training programmes for these staff to ensure that they can effectively discharge the polling and counting duties;



- (i) 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;
- (j) printing and drawing up dispatch arrangements of election-related publicity materials and poll cards to electors, designing and printing of ballot papers;
- (k) appointing Returning Officers and Nomination Advisory Committees, making arrangement and publicity on candidate nominations for the four elections;
- (l) organising briefings for candidates, and preparing updated electoral documents for candidates and their agents;
- (m) planning and setting up the Central Command Centre and Regional/District Command Centres on the polling day of each election;
- (n) putting in place means for collection and compilation of electoral statistical reports for each major election;
- (o) handling election complaints and preparing election reports according to the statutory schedule; and
- (p) devising comprehensive contingency plans for each major election.

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

**Rank** : Principal Executive Officer (D1)

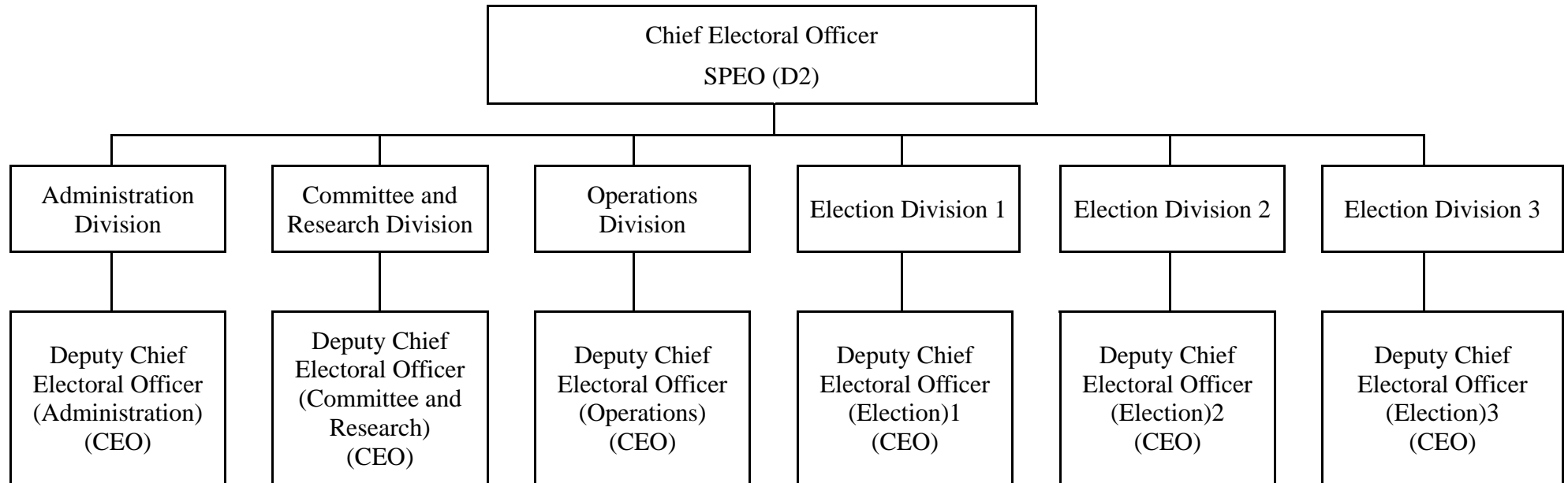
**Responsible to** : Chief Electoral Officer (Senior Principal Executive Officer (D2))

**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 elections, 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 elections, 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.

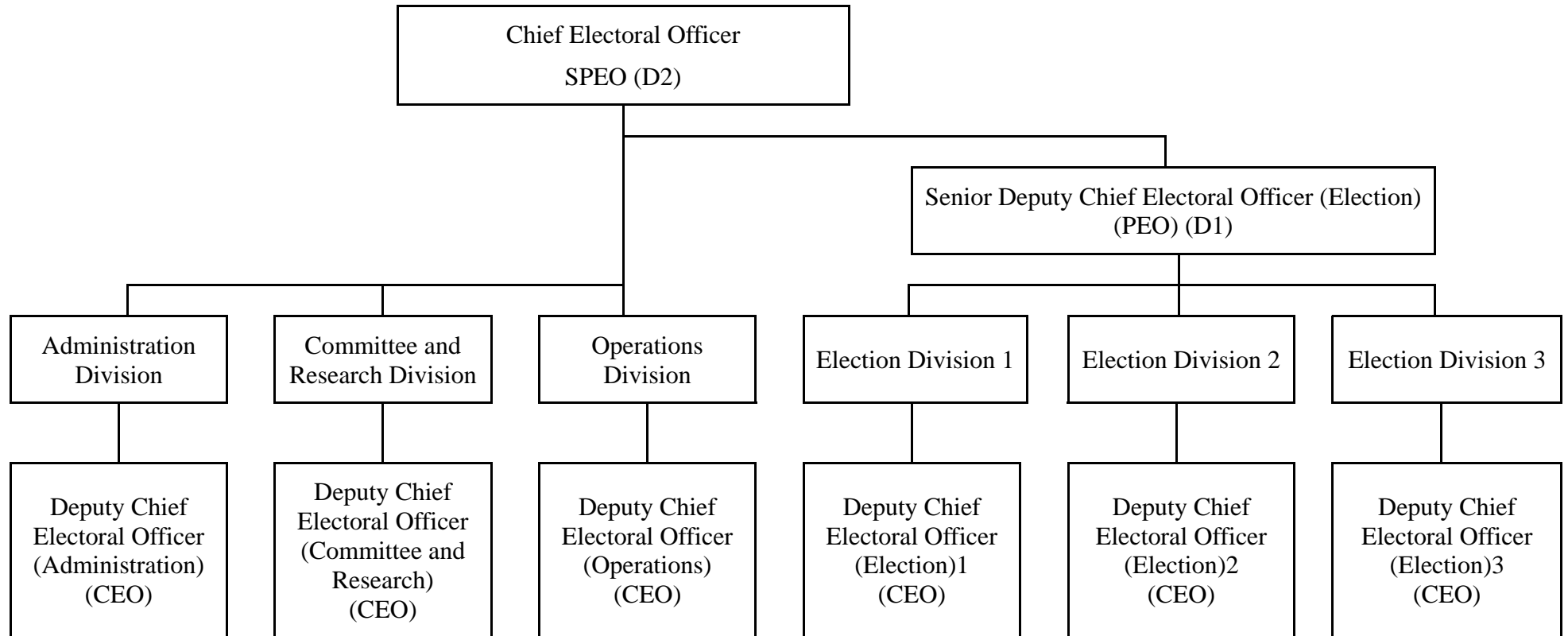
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**Existing Organisation Chart of Registration and Electoral Office**



Legends: CEO – Chief Executive Officer  
SPEO – Senior Principal Executive Officer

**Proposed Organisation Chart of Registration and Electoral Office**



Legends: CEO – Chief Executive Officer  
PEO – Principal Executive Officer  
SPEO – Senior Principal Executive Officer