

立法會
Legislative Council

Ref : CB2/PL/CA

LC Paper No. CB(2)2821/11-12
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 18 July 2011, at 2:30 pm
in the Chamber of the Legislative Council Building

- Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Kin-por, JP
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
- Members absent** : Dr Hon Margaret NG
Hon LAU Wong-fat, GBM, GBS, JP

Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Tanya CHAN

**Public Officers : Item II
attending**

Mr Stephen LAM Sui-lung
Secretary for Constitutional and Mainland Affairs

Mr Arthur HO Kin-wah
Deputy Secretary for Constitutional and Mainland Affairs

Ms Anne TENG Yu-yan
Principal Assistant Secretary
(Constitutional and Mainland Affairs)

Mr LI Pak-hong
Chief Electoral Officer

Mr Anthony CHAN Shiu-lun
Principal Electoral Officer

Mr Raymond WANG Man-chiu
Deputy Chief Electoral Officer

Item III

Mr Arthur HO Kin-wah
Deputy Secretary for Constitutional and Mainland Affairs

Mr Freely CHENG Kei
Principal Assistant Secretary
(Constitutional and Mainland Affairs)

Mr LI Pak-hong
Chief Electoral Officer

Mr Anthony CHAN Shiu-lun
Principal Electoral Officer

Mr Raymond WANG Man-chiu
Deputy Chief Electoral Officer

Item IV

Mr Arthur HO Kin-wah
Deputy Secretary for Constitutional and Mainland Affairs

Mr Freely CHENG Kei
Principal Assistant Secretary
(Constitutional and Mainland Affairs)

Mr LI Pak-hong
Chief Electoral Officer
(Registration and Electoral Office)

Mr Anthony CHAN Shiu-lun
Principal Electoral Officer
(Registration and Electoral Office)

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Ms Wendy KAN
Assistant Legal Adviser 6

Miss Ivy LEONG
Senior Council Secretary (2)3

Ms Wendy Lo
Council Secretary (2)3

Action

I. Information papers issued since the last meeting
[LC Paper No. CB(2)2340/10-11(01)]

Members noted that the following paper had been issued since the last meeting –

Action

LC Paper No. CB(2)2340/10-11(01) – Letter from a member of the public expressing views on registration right for the District Council (second) functional constituency.

II. Provisional recommendations on delineation of geographical constituencies in respect of the 2012 Legislative Council Election
[LC Paper Nos. CB(2)2200/10-11, CB(2) 2381/10-11(01) and (02)]

Briefing by the Administration

2. Secretary for Constitutional and Mainland Affairs ("SCMA") and Chief Electoral Officer of the Registration and Electoral Office ("CEO of REO") briefed members on the provisional recommendations of the Electoral Affairs Commission ("EAC") on the delineation and the names of geographical constituencies ("GCs") for the 2012 Legislative Council ("LegCo") Election as set out in the Administration's paper [LC Paper No. CB(2)2381/10-11(01)].

3. Members noted that the LegCo Secretariat had prepared a background brief on the subject [LC Paper No. CB(2)2381/10-11(02)].

Discussion

Delineation of GCs for the 2012 LegCo Election

4. Noting that the number of GCs for returning Members and the maximum number of Members to be returned for each GC had already been stipulated in law, Mr LEE Wing-tat criticized the Administration for setting these pre-determined criteria for the delineation of GCs for the 2012 LegCo Election. Citing his experience in reaching out to electors as an incumbent Member of New Territories West GC ("NTW GC"), he said that given the large electorate base of NTW GC (2 million population with about 1 million eligible electors), potential candidates would be bound to have difficulties in conducting electioneering activities. Mr LEE suggested that the Administration should consider dividing NTW GC into two GCs (e.g. northern NTW and southern NTW with about five seats in each GC), with a view to reducing its population disparity among GCs and avoiding unfairness to candidates and electors of NTW GC.

5. SCMA explained that as prescribed in the relevant legislation, the maximum population deviation in each GC for LegCo elections should be

Action

within $\pm 15\%$. During the scrutiny of the LegCo (Amendment) Bill 2010, both pro-establishment Members and pan-democratic Members had suggested that the number of GCs be increased from five to six. The Administration, however, had noted the diverse views held by other political parties, such as the Hong Kong Federation of Trade Unions. Having considered the views expressed, the Administration considered that the number of GCs for the LegCo election should be retained at five. The proposal of splitting NTW GC into two GCs would therefore not be pursued. He assured members that although NTW GC had a population of about two million, the population deviation in NTW GC under the provisional recommendations was still within the statutory limit.

6. Mr LEE Wing-tat expressed dissatisfaction that the Administration had refused to take heed of the views of the two major political camps regarding delineation of GCs. In his view, another option that merited consideration was that the New Territories East GC ("NTE GC") and NTW GC should be merged and then divided into three GCs, bringing the number of GCs to six in total.

7. Mr IP Kwok-him said that the Democratic Alliance for the Betterment and Progress of Hong Kong shared the view that NTE GC and NTW GC should be merged and then divided into three GCs. He noted with concern about the disparity of population among the existing five GCs. For instance, the population in each of Hong Kong Island ("HKI") GC, Kowloon West GC and Kowloon East GC was only above 1 million whereas the population of NTW GC and NTE GC exceeded 3.7 million in total. While appreciating that the number of GCs for the LegCo election had already been stipulated in law, Mr IP opined that the Administration should earnestly consider rationalizing the demarcation of GCs in future, with a view to better reflecting the increases in population among GCs and facilitating the efficient provision of services of Members to the electors in the respective GCs.

8. Mr IP Kwok-him also observed that the boundaries of existing District Council ("DC") constituencies in general were adhered to in the current demarcation exercise. For examples, Tsuen Wan District, Tuen Mun District and Islands District were always included in NTW GC, whereas Sai Kung District and Sha Tin District were included in NTE GC. There was also great disparity in the sizes of Wan Chai District and Eastern District. He called on the Administration to review the delineation of boundaries of both GCs and DC constituencies for LegCo and DC elections in future.

Action

9. SCMA advised that the suggestion of splitting NTE GC and NTW GC into three GCs was indeed advocated by more than one political parties. The Administration, however, maintained the view that the number of GCs should be retained at five as this would be conducive to the years of work of prospective candidates in establishing close contact and network within the respective constituencies. He said that Members could put forward suggestions in future on the number of GCs for returning Members and delineation of boundaries among GCs regarding the 2016 LegCo Election. The Administration would respond to the views of Members proactively.

10. Noting the disparity in the population deviation of NTW GC (+10.78%) and HKI GC (-9.77%), Ms Emily LAU considered that the proposed delineation of boundaries was unfair to NTW GC. She enquired whether consideration could be given to transferring Islands District from NTW GC to HKI GC, with a view to reducing the size of the constituency area that Members of NTW GC had to service.

11. CEO of REO responded that the population deviation in the respective GCs was within the $\pm 15\%$ permissible limit under the provisional recommendations. Having considered that Islands District had all long been regarded as part of NTW GC and that the physical features and local ties of Islands District were distinct from that of HKI GC, EAC considered it inappropriate to transfer Islands District from NTW GC to HKI GC. In addition, the northern part of the Lantau Island was part of the Tsuen Wan administrative district, whereas the other parts of the Lantau Island were included in the Islands District. The transfer of the Lantau Island to HKI GC which involved merging of parts of two different Administrative districts was considered inappropriate having regard to the boundaries of the existing 18 administrative districts. In view of the distinct characteristics of Islands District and HKI GC and that electors were familiar with the existing delineation of the five GCs, the Administration considered that the status quo should be maintained.

12. Mr WONG Yuk-man expressed dissatisfaction about the uneven distribution of seats among GCs according to the provisional recommendations as a candidate could win a seat with only about 20 000 votes in a GC that had many seats. He also expressed strong discontent that the Democratic Party had supported the Administration's proposal of the "one-person-two-votes" model for returning the five DC (second) Functional Constituency ("FC") seats which, he considered, would further complicate the methods of election of Members in the 2012 LegCo Election.

Action

13. SCMA said that the "one-person-two-votes" model for returning the five DC (second) FC seats in 2012 was a real advancement in the constitutional development of Hong Kong so that universal suffrage for forming LegCo could be implemented in 2020.

14. Mr Ronny TONG enquired about the details of the statutory criteria and working principles adopted by EAC in making recommendations on the delineation of GCs. Noting the large constituency size of NTE GC where the social background of electors was diversified, Mr TONG enquired whether EAC had taken into account other factors, apart from the population criteria, in the demarcation exercise. He also considered that the proposed number of Members to be returned for each GC (i.e. not less than 5 nor greater than 9) should be adjusted to cater for a smaller range of population so as to allow a more even distribution of seats (e.g. 6-7 seats in each GC) among GCs.

15. CEO of REO responded that the statutory criteria and the working principles adopted by EAC were set out in detail in Annex A to the Administration's paper. He stressed that EAC was required by law to follow the requirements on the number of GCs for returning Members and the number of Members to be returned for each GC as stipulated in relevant ordinances. The working principles elaborated in part II of Annex A were drawn up by EAC based on the experience in the past demarcation exercises. To ensure consistency, the same set of working principles was applied in the current demarcation exercise. He further said that the statutory requirements and the working principles, which had taken into account the population factor, were the two main considerations in the demarcation exercise, with the objective of ensuring that seats were allocated as near as practicable to GCs according to the population distribution among GCs. CEO of REO added that other factors as suggested by Mr TONG, such as the difference in sizes of GCs and the background of electors in a GC, were not part of the considerations.

16. In response to Mr TONG's enquiry on whether the Administration would consider including those other factors as suggested, SCMA replied that as EAC was required to have regard to the community identities of the 18 administrative districts in the demarcation exercise in accordance with the relevant legislation, the difference in the background of electors would be reflected in an indirect manner in the demarcation exercise. He supplemented that the working principles as effective guidance had been adopted for years.

Action

Independence of EAC

17. Ms Emily LAU said that as the delineation of GCs inevitably would have political implications, EAC should be allowed to conduct the exercise independently. She queried why members' enquiries regarding delineation of GCs were all addressed by SCMA. Ms LAU added that during the scrutiny of the Declaration of Constituencies (District Councils) Order 2011, she had requested EAC to disclose the comments made by District Officers to EAC on its preliminary findings before the provisional recommendations were made but in vain. She asked whether EAC had consulted SCMA or District Officers on the delineation of GCs for the 2012 LegCo Election.

18. SCMA explained that as the number of GCs for returning Members and the number of Members to be returned for each GC for the 2012 LegCo Election were proposed by the Administration and further endorsed by LegCo, he would address the related enquiries. CEO of REO stressed that EAC was an independent body and would conduct the demarcation exercise without any political consideration. In delineating the boundaries of GCs, EAC was required to follow the statutory criteria stipulated in law and have regard to the established working principles, for instance, the community identities, the preservation of local ties and physical features such as the size, shape, accessibility and development of the relevant area. In this regard, EAC had a duty to consult District Officers regarding the delineation of GCs as far as community identities and the preservation of local ties were concerned.

19. Mr WONG Yuk-man queried whether EAC was independent in carrying out its work as the Registration and Electoral Office ("REO") which provided administrative support to EAC were staffed by civil servants. He opined that the conduct of the demarcation exercise was in fact manipulated by the Administration. He believed that the Administration would continue to ignore the views expressed by political parties on the re-delineation of NTE GC and NTW GC in the next demarcation exercise.

20. SCMA responded that the existing delineation of boundaries of GCs was considered appropriate and in compliance with the long-established permissible $\pm 15\%$ deviation limit. He stressed that there were checks and balances in the whole demarcation exercise where the Administration was to propose the number of GCs for returning Members and the number of Members to be returned for each GC for LegCo elections; EAC to make

Action

recommendations on the delineation of GCs and Members to endorse the recommendations. SCMA added that the Administration had taken into account the views of Members in introducing electoral legislation, such as setting the maximum amount of election expenses limit for the DC (second) FC at \$6 million and introducing a de minimis arrangement for handling Election Returns with minor errors or omissions.

III. Proposed Guidelines issued by the EAC on Election-related Activities in respect of the Election Committee Subsector Elections

[LC Paper Nos. CB(2)2199/10-11, CB(2)2354/10-11(01) and CB(2)2381/10-11(03)]

Briefing by the Administration

21. Deputy Secretary for Constitutional and Mainland Affairs ("DSCMA") and CEO of REO briefed members on the Proposed Guidelines on election-related activities in respect of the Election Committee Subsector Elections issued by EAC ("the Proposed Guidelines") as set out in the Administration's paper [LC Paper No. CB(2)2354/10-11(01)].
22. Members noted that the LegCo Secretariat had prepared a background brief on the subject [LC Paper No. CB(2)2381/10-11(03)].

Discussion

Voter registration

23. Noting that the next Election Committee ("EC") Subsector Elections would be held in December 2011, Ms Emily LAU enquired whether the voter registration period could be extended. CEO of REO responded that the dates were prescribed by law and the registration period had ended on 16 July 2011.
24. In response to Ms Emily LAU's enquiry about the eligibility of some staff in the post-secondary institutions for registration as voters in the Higher Education Subsector, CEO of REO advised that the composition of the Higher Education Subsector was set out in the Schedule to the Chief Executive Election Ordinance (Cap. 569). According to the Ordinance, full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the bodies listed in Table 5 of the Schedule were eligible to be registered as voters in the Higher Education Subsector. Those

Action

bodies included the eight institutions of higher education funded through the University Grants Committee, the Open University of Hong Kong, the Hong Kong Academy for Performing Arts, and the continuing education institutes of individual institutions. He further advised that individual institutions had, in recent years, set up continuing education institutes or community colleges to provide post-secondary education. The full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in those continuing education institutes or community colleges should, for the purpose of voter registration, be regarded as the staff of the respective institutions, and were eligible for registration as voters in the Higher Education Subsector. The Constitutional and Mainland Affairs Bureau had published a press release on 12 July 2011 to address the concern of the staff in some post-secondary institutions. REO had liaised with the relevant higher education institutions and other post-secondary colleges as listed in the relevant legislation to ensure that the eligible staff had applied for registration as voters according to normal procedures.

Polling hours

25. Mr IP Kwok-him said that the polling hours in other nearby countries or regions were much shorter than that in Hong Kong. He asked whether the Administration would consider reducing the polling hours.

26. CEO of REO responded that members had expressed their views on shortening polling hours at the last meeting. It was generally agreed that there was room for reducing the polling hours. However, no consensus had been reached on the number of hours to be reduced and the timing for the change. Having regard to the different views of members and the voting habits of the public, REO considered it appropriate to proceed cautiously and, therefore, maintain the existing polling hours for the time being. DSCMA said that the Administration would further seek members' views on the subject and seriously consider whether the polling hours should be revised.

Election advertisements ("EAs") and electioneering activities

27. Referring to paragraph 8.60 of the Proposed Guidelines, Mr Ronny TONG sought clarification on the definition of an EA. He asked whether materials published by an organization which explicitly or implicitly prejudiced the election of a candidate in an election would all be regarded as EAs.

Action

28. CEO of REO responded that according to the existing definition of an EA, any material published for the purpose of promoting or prejudicing the election of any candidate in an election would be regarded as an EA. Upon Mr TONG's further enquiry, CEO of REO said that whether the material published would be regarded as an EA would depend on the actual circumstances of each case and, where there was doubt, the organization or the candidate concerned should seek legal advice in this respect. He added that if an advertisement was published for the purpose of prejudicing a particular candidate's candidature at an election, whether the name of the candidate had been explicitly cited or not, such an advertisement would be treated as an EA especially when it was displayed during the election period.

29. Mr IP Kwok-him opined that there were a lot of grey areas in relation to what would constitute an EA. He noticed that there were many occasions where materials designed to persuade voters not to vote for a candidate were not counted as EAs. Referring to a recent court case in which a candidate's offering of a free seminar to electors was not considered as an advantage, Mr IP enquired whether the offering of other things, such as a multi-purpose knife, would be considered as an inducement for electors to vote for a candidate at an election. Mr IP considered that the guidelines should provide more details in respect of these matters.

30. CEO of REO responded that the existing guidelines comprised two parts, namely the practical electoral arrangements, and the electoral legislation. The aim of the guidelines was to provide a code of conduct based on the principle of fairness and equality for conducting election-related activities and some directions in layman's language on how to comply with the relevant electoral legislation so that candidates could avoid breaching them due to inadvertence. He added that it would be difficult to provide a definitive answer as to what should or should not be done before, during and after an election as it was related to the interpretation of the law having regard to circumstances of each case.

31. Mr LEUNG Kwok-hung opined that freedom of speech should be respected and members of the public had a right to express their views on any candidate, unless the publicity was regarded as an EA where election expenses were incurred to promote a candidate and to prejudice the election of another contesting candidate; and that it was not necessary to revise the guidelines which already required such expenses be counted in the election return and all statements of fact published had to be true.

Action

32. Mr Albert HO concurred with Mr LEUNG Kwok-hung's view that freedom of speech should be respected. He cited a court case where a candidate, the chairman of the Owners' Corporation ("OC") of a private housing estate, did not allow other candidates but himself to conduct electioneering activities on the premises of the housing estate. He enquired how REO would deal with such an unequal treatment of candidates. Mr HO was of the view that the guidelines should have legal effect and reasonable penalty should be imposed for any non-compliance with the guidelines.

33. CEO of REO responded that EAC had promulgated the guidelines to regulate conduct at election. The existing guidelines contained two concepts, namely EAs and election expenses, the definitions of which were stated in the law. In order to regulate election expenses, EAC should regulate the publication of EAs. He added that there were guidelines for owners and management of premises in handling applications for conducting electioneering activities on the premises within their jurisdiction. Any decision should comply with the principle that fair and equal opportunity of access should be provided to all candidates competing in the same EC subsector for electioneering purposes, so as to ensure that the election was conducted fairly. In the event that a complaint was lodged against a management body for unequal treatment and was substantiated, EAC could consider making a reprimand or censure in a public statement against the management body and/or the candidate concerned.

34. Mr LEUNG Kwok-hung opined that private property rights should not prevail over the rights to elect or be elected, therefore, the management of the building should not disallow candidates to conduct electioneering activities on the premises.

35. Mr Ronny TONG said that the issuance of the guidelines would be tantamount to wasting paper if they had no binding legal effect as any persons/organizations who failed to observe the guidelines would only be reprimanded. Besides, the letter of reprimand was very often issued after an election, and the person responsible in the management body would have changed in the next election, it was meaningless to simply make a reprimand against them. Mr TONG advised that he had raised this matter with the Chairman of EAC and the latter said that due to the private property right, not much could be done for the time being. Mr TONG considered that introducing laws to prohibit discriminatory treatment of candidates on private premises would not affect the private property right. He urged the

Action

Administration to seriously consider this matter in order to provide equal opportunities to all candidates competing in the same EC subsector for the purposes of electioneering.

36. DSCMA responded that EAC would appeal to all management bodies of buildings to provide equal opportunities to all candidates competing in the same EC subsector for the purposes of electioneering to ensure that the election was conducted fairly. The Administration noted that there was no consensus in the community as to whether or not legislation should be introduced to allow candidates to conduct electioneering activities in private premises. Since there were explicit guidelines for conducting electioneering activities in private premises, the Administration considered that EAC would ensure that elections were conducted fairly.

37. Ms Emily LAU said that it was unfair for some housing estates to only allow certain candidates to carry out electioneering activities in their premises. She was of the view that voters should have access to election-related information and management bodies of private housing estates and/or OC should not bar candidates from entering their premises. Moreover, residents had a right to receive information. If there was a general consensus, the Administration should introduce legislation to prohibit discriminatory treatment of candidates in private premises. In the meantime, she suggested that the letter of reprimand should be posted in a conspicuous place in order to achieve its effect.

38. Mr Albert HO said that the Administration should not use private property rights as a reason for not introducing legislation. He referred to the Telecommunications Ordinance (Cap. 106), which provided for utility connection works to be installed and piping to be laid in private properties. OCs had no rights to disallow the service providers to enter their premises.

39. DSCMA responded that many residents did not welcome electioneering activities in their housing estates. In this respect, it would be difficult to introduce laws to allow candidates to carry out such activities in private premises. Voters could gain access to election-related materials/information through channels such as direct mailing and publicity signboards.

40. CEO of REO said that election-related materials should be distributed to voters without undue restriction. In order to strike a balance between protecting private property rights and free distribution of election-related

Action

materials, the guidelines had encouraged management bodies of buildings to provide equal opportunities to all candidates competing in the same EC subsector for the purposes of electioneering to ensure that the election was conducted fairly. Any persons who did not follow these guidelines would be reprimanded. EAC would also issue a public censure depending on the circumstances. CEO of REO said that EAC would consider making a reprimand or censure in a public statement against the management body of the housing estate which did not provide equal opportunity to all candidates but only allowed a particular candidate to conduct electioneering activities in its premises. He said that making a censure in a public statement was a highly transparent way to allow all voters to learn of any discriminatory treatment of candidates in private premises. REO would consider the feasibility of posting the letter of reprimand in a conspicuous place in private premises. He added that REO had in the past received complaints against management bodies of private estates for unequal treatment and reprimand had been made. The existing administrative means had been working well so far and he encouraged candidates to lodge a complaint if they were being treated unfairly.

41. Referring to Articles 30, 38 and 39 of the Basic Law, Mr LEUNG Kwok-hung said that the protection of private property rights should not be used to prevent residents from receiving information. He further said that the rights of OCs in managing private properties should not override constitutional rights. DSCMA said that the Administration respected the freedom of speech, which was highly valued by the society. In this respect, the Administration would safeguard the freedom of speech in all the arrangements set out in the guidelines. Regarding candidates' access to private housing estates to conduct electioneering activities, DSCMA said that the preferences of residents in receiving EAs should also be respected.

42. Mr Albert HO said that during the election period, many unauthorized publicity materials were displayed all over the district. Should someone lodge a complaint, Mr HO enquired about the time required for REO to handle each case.

43. CEO of REO said that complaints should be made to the relevant Returning Officer ("RO") who would look into the case. Any EAs displayed in contravention of the guidelines would be removed as soon as possible. RO might also require the candidate or his election agent to remove the unauthorized EAs if they could be reached.

Action

44. Ms Emily LAU and Mr Ronny TONG considered that the Administration should revert to the Panel on whether it would put forth any legislative proposal to allow candidates to conduct electioneering activities in private premises before the upcoming Chief Executive election and the LegCo election. DSCMA responded that EAC would update the guidelines before each election taking into account the operational experience and suggestions for improvements obtained from recent elections. The Administration would take into consideration members' views and revert to the Panel where necessary.

IV. Practical Arrangements for 2011 Election Committee Subsector Elections

[LC Paper Nos. CB(2)2354/10-11(02) and CB(2)2381/10-11(04)]

Briefing by the Administration

45. DSCMA and CEO of REO briefed members on the practical arrangements for the 2011 EC Subsector Elections as set out in the Administration's paper [LC Paper No. CB(2)2354/10-11(02)].

46. Members noted that the LegCo Secretariat had prepared a background brief on the subject [LC Paper No. CB(2)2381/10-11(04)].

Discussion

Joint promotional letter

47. Ms Emily LAU enquired about the details for sending joint promotional letters. CEO of REO advised that candidates standing for election in the same EC subsector would be allowed to send joint promotional letters free of postage to each voter of the relevant subsector. Under this new arrangement, the letter sent by a candidate who was validly nominated at a subsector election might contain information on any other candidate(s) of the same subsector who was also validly nominated at that election. He envisaged that candidates of the same political party or with similar visions would jointly send promotional letters to voters, thus reducing paper consumption on election-related materials.

48. Ms Emily LAU asked whether REO would provide some incentives to encourage candidates to jointly send one promotional letter to their voters. She suggested that a green stamp could be printed on the letter to signify it being an environmental friendly promotional letter and the candidates' commitment to protecting the environment.

Action

49. CEO of REO responded that REO could appeal to candidates at the briefing session to send joint promotional letters to their voters. DSCMA added that there might be difficulties in printing an environmental stamp on the address labels prepared by REO. He said that candidates could explicitly indicate on the joint promotional letter that it was an environmental friendly letter jointly sent by a number of candidates.

Polling stations

50. Ms Emily LAU and Mr IP Kwok-him enquired about the arrangement of the dedicated polling stations ("DPS") at the penal institutions of the Correctional Services Department ("CSD"). CEO of REO responded that depending on the number of voters who were imprisoned or remanded under the custody of CSD on the polling day, a maximum of 22 DPSs would be set up at the penal institutions. A DPS would be set up at each penal institution for the voter to vote at an appointed time for security purpose.

Ballot papers

51. Noting that the Optical Mark Recognition ("OMR") machines could process ballot papers up to the length of 26 inches to accommodate 168 candidates at the maximum in the coming EC subsector elections, Ms Cyd HO enquired about the length of the ballot paper at the last election. She said that it would be difficult for voters to identify a large number of candidates in such a long ballot paper. She asked whether candidates of the same political party, for instance pan-democratic candidates, could be placed together in one block to facilitate voters to mark the ballot papers. She further asked if an emblem could be printed on the ballot paper to facilitate voters to identify the candidates. Mr IP Kwok-him said that printing an emblem on the ballot paper would be the ideal way to facilitate voters to identify the candidates.

52. CEO of REO responded that at the last election the longest ballot paper was 17 inches which accommodated 99 candidates for the Social Welfare Subsector. CEO of REO said that he noted Ms HO's view on grouping candidates together to facilitate voters to identify the candidates. However, under the existing statutory arrangement, the number and sequence of each of the candidates to be shown on the ballot paper were determined by the drawing of lots. He further said that since the ballot paper had to accommodate quite a large number of candidates, there would not be enough space for printing emblems on the ballot paper.

Action

The Chairman said that voters could bring along a paper listing the candidate numbers of their choices for easy reference when marking the ballot papers.

53. Noting that REO would have to resort to manual counting if the number of candidates for any subsector exceeded the maximum number that an OMR machine could process, Dr Samson TAM enquired about the feasibility of having two ballot papers where the OMR machines could make two scans. He also asked how voters could distinguish two candidates who had an identical name on the ballot paper.

54. CEO of REO said that REO had been conducting the count of votes with the aid of OMR machines for the last three EC subsector elections. While OMR was a mature technique, the ballot papers needed to be single-sided and to each contain no more than one sheet to ensure accuracy in the voting and counting process. He further said that since candidates competing in a subsector would be assigned different candidate numbers, there would not be any confusion even if two candidates had an identical name on the ballot paper.

55. In response to the Chairman's enquiry, CEO of REO advised that the number of candidates a voter of a subsector could vote for and mark on a ballot paper should not exceed the number of seats to be returned for that subsector.

56. Mr Albert HO enquired about the kind of voters who would have two votes. CEO of REO said that a voter of a subsector who was also an authorized representative of a corporate voter of another subsector would have two votes. A voter could only represent one corporation, and hence he/she would have a maximum of two votes. CEO of REO further said that the name of the authorized representative of a corporate voter should be submitted to REO 14 days before the election.

V. Any other business

57. The meeting ended at 4:50 pm.