

Legislative Council Panel on Constitutional Affairs

**Electoral Affairs Commission Report on
the 2012 Legislative Council Election**

INTRODUCTION

This paper informs Members of the major findings and recommendations in the Electoral Affairs Commission (“EAC”) Report on the 2012 Legislative Council election (“the Report”).

BACKGROUND

The Report

2. The 2012 Legislative Council (“LegCo”) election was held on 9 September 2012. Section 8 of the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”) requires, inter alia, that the EAC shall make a report to the Chief Executive (“CE”), within three months after the election, on matters relating to that election in respect of which the EAC has any function under the EACO or any other Ordinance. Accordingly, the EAC submitted the Report to the CE on 22 November 2012.

3. The Report describes how the EAC conducted and supervised the election and sets out the detailed arrangements, key incidents which occurred during the election, and relevant follow-up actions. The Report also contains a review of the electoral procedures and arrangements and the improvement measures recommended for future elections.

4. The EAC considers that the 2012 LegCo election has been smoothly conducted in an open, honest and fair manner. A brief account of the various chapters of the Report is set out below:

- (a) Chapters 1 to 5 describe the background and preparation work for conducting the 2012 LegCo election, including the composition of the LegCo, delineation of geographical constituencies, registration of electors, and the relevant legislation and guidelines;

- (b) Chapters 6 to 8 depict how the 2012 LegCo election was conducted, with elaboration on the nomination of candidates, appointment of Returning Officers and Assistant Returning Officers, polling and counting arrangements, and publicity drive for the election;
- (c) Chapters 9 to 12 set out the operation of the Central Command Centre, the conduct of the poll and count, as well as the EAC's visits on the polling day;
- (d) Chapter 13 gives a brief account of how complaints relating to the 2012 LegCo election were handled;
- (e) Chapter 14 details the reviews made on the procedural and operational arrangements adopted in the 2012 LegCo election and the recommendations for improvement; and
- (f) Chapters 15 and 16 contain the EAC's acknowledgement of services and support by the parties concerned and the way ahead respectively.

Some key information and statistics relating to the 2012 LegCo election such as the number of members to be returned, the number of registered electors, the election results, the voter turnout rates and the complaint statistics are set out in Appendices I to XIV to the Report.

Major Findings and Recommendations

5. On the whole, the EAC considers that the election was conducted smoothly. A number of areas requiring improvements are identified and recommendations are proposed. In addition, some good practices have been identified and the implementation of the concerned measures in future elections is recommended. The major areas of findings and recommendations are at Chapter 14 of the Report. Among the major areas of findings and recommendations, seven areas, i.e., registration of electors, promotion of environmental protection in electoral arrangements, allocation of designated spots, central platform for election advertisements, display of counting results, hotline service and conduct of exit poll, are highlighted in paragraphs 6 to 16 below.

(a) Registration of Electors

6. The various measures implemented by the Registration and Electoral Office (“REO”) in the 2011-2012 registration cycle have gone some way in improving the accuracy of the registration particulars in the registers of electors. Although the checking measures had unavoidably caused inconvenience to electors, they were necessary and should continue to be implemented in future elections. The EAC, however, cautions that there must be sufficient flexibility in adjusting such measures to suit prevailing circumstances or needs. More importantly, more educational and publicity efforts should be made to drive home the message that while a person enjoys the basic voting right, he should at the same time be responsible for providing accurate information for registration and updating his registration particulars in a timely manner.

7. The EAC also notes that the two-week timeframe for electors to inspect the Provisional Register and then file claims or objections seems somewhat tight and therefore recommends that the matter may need to be kept under close watch and examined when a suitable opportunity arises.

(b) Promotion of Environmental Protection in Electoral Arrangements

8. Candidates/lists of candidates were provided with mailing labels to facilitate their posting of election mails. In the 2012 LegCo election, candidates were given a choice between “individual” or “household” mailing labels. About two thirds of the lists of candidates in the geographical constituencies (“GCs”) and the District Council (second) functional constituency (“DC (second) FC”) opted for the latter. As a result, substantial saving of resources has been achieved. The EAC considers that if the existing arrangement of providing candidates with mailing labels continues, parallel efforts should continue to be made by the REO to encourage candidates/lists of candidates to use “household” instead of “individual” mailing labels in future elections.

9. In addition, to allow greater flexibility under the free-of-postage arrangement for candidates/lists of candidates to jointly promote themselves in multiple-seat constituencies and constituencies with overlapping electorate and to encourage reduction of paper consumption, the relevant statutory provision has been relaxed to allow validly nominated candidates/lists of candidates to make use of the facility to send joint election mails under certain circumstances. The EAC sees a justified case to provide incentive for reducing consumption of resources as far as practicable in future elections. The EAC also

recommends that a review of the existing mechanism is needed to streamline the workflow to promote candidates/lists of candidates to electors in a more cost-effective and flexible manner.

(c) Allocation of Designated Spots

10. Designated spots, mainly comprising roadside banner spots and posters spots (in A3-size) at public housing estates, were allocated to candidates/lists of candidates for displaying their election advertisements (“EAs”). About 26 000 roadside banner spots and 11 000 poster spots at public housing estates were initially identified for allocation. However in certain housing estates, no poster spots could be identified for allocation, and this caused concern among some candidates/lists of candidates. To address the concern, swift action was taken by the Housing Department (“HD”) with the assistance of the relevant District Offices (“DOs”), after which about 12 000 additional but smaller poster spots (i.e. in A4 instead of A3 size) for posting EAs were identified for allocation. The EAC appreciates the quick response and hard work of the HD and the DOs, and notes that to cater for a possible upsurge in the demand for designated spots, a more innovative and flexible approach needs to be explored in future elections to identify and allocate designated spots.

(d) Central Platform for Election Advertisement

11. Under the revamped statutory regime for regulating the EAs, a candidate/list of candidates may post an electronic copy each of his/their EAs and the other required particulars onto the Central Platform or Candidate’s Platform within one working day after publication of an EA for public inspection. Under the new regime, the traditional alternative whereby candidates/lists of candidates are allowed to submit hard copies of EAs particulars to the Returning Officers for public inspection is also retained. The majority of the candidates/lists of candidates used the Central Platform, and only a small number of candidates/lists of candidates opted to use the Candidate’s Platform. While the new electronic method appears to have been well received by candidates/lists of candidates, quite a number of candidates/lists of candidates still used the traditional hard-copy method for submitting EAs. As such, there remains a need to maintain the hard-copy alternative in the foreseeable future. In light of experience, the EAC considers that there is a need to review the cost-effectiveness and worthiness of keeping the Candidate’s Platform as an option and critically assess if it is more effective to maintain only the Central Platform for submission of EAs for the sake of better control and management. The EAC considers that, from the public point of view, maintaining only the Central Platform as a

one-stop shop for public inspection of EAs would be more convenient and less confusing.

(e) Display of Counting Results

12. The Counting Information Display System (“CIDS”) was newly developed and used in the 2012 LegCo election to facilitate candidates, agents and the public to monitor the counting process of the DC (second) FC at the Central Counting Station (“CCS”). At the CCS, the CIDS published information through two sets of on-site giant display screens each comprising four projector screens. The EAC considers that the CIDS has greatly enhanced the transparency of the counting process and the same arrangement should be made for central counting in future LegCo elections as needed.

13. The Interim Counting Results System (“ICRS”) was used for the first time in the LegCo election as a further step to enhance the transparency of the counting process of the GCs and the DC (second) FC and to facilitate the timely dissemination of the interim counting results of the GCs and the DC (second) FC in progress. The updated counting results were displayed through two sets of display screens at the CCS. The same information was also uploaded to the election website. The EAC considers the ICRS easy to comprehend and very useful in keeping the candidates, the media and the public posted of the counting progress in an open and transparent manner. For the sake of transparency, the REO should continue its efforts in exploring similar means to disseminate counting information electronically in future elections.

(f) Hotline Service

14. The Enquiry Hotline Team of the REO and the 1823 Call Centre respectively handled 29 800 calls and 17 300 calls from members of the public on the polling day. The number of calls handled on the day was unprecedented and put huge pressure on the enquiry hotline system. Overall, although there were times when members of the public could not get through the hotline readily, the system functioned effectively throughout the day. The EAC considers that the enquiry hotline system is an important part of an election and its effective functioning is crucial in ensuring that electors who have questions about the polling arrangements are provided with information in a timely and orderly manner. Subject to the availability of funding and resources, additional manpower should be deployed to cope with any possible upsurge in the number of telephone enquiries in future major elections.

(g) Conduct of Exit Poll

15. As a further step to forestall any possible public suspicion about the integrity of the persons or organisations conducting exit polls (or the pollsters), organisations or persons applying for the conduct of exit polls in the 2012 LegCo election were all required to sign an undertaking not to release, directly or indirectly, the results of the exit polls or make specific remarks or predictions on the performance of any candidate to some specified persons or organisations during the polling hours. Moreover, each approved pollster would only be allowed to have no more than five interviewers carrying out interviews at each polling station at any one time. This arrangement proved to be conducive to the maintenance of order.

16. The EAC considers that capping the number of interviewers as mentioned above is a prudent and reasonable measure necessary for regulating the exit polls. It strikes a reasonable balance between the orderly operation of polling stations and the needs of the pollsters. A similar approach should continue to be adopted for future elections. If need be, consideration should also be given to put a cap on the total number of interviewers permitted to conduct interviews at any single time at a polling station irrespective of the number of approved pollsters.

WAY FORWARD

17. The EAC on 4 December 2012 has uploaded the Report onto its website at www.eac.gov.hk and sent copies to the Public Enquiry Services Centres of the District Offices to the public. Separately, copies of the Report have been distributed to Members for their reference.

18. The Administration accepts the findings and recommendations of the Report and will work with the EAC to pursue follow-up actions.

**Constitutional and Mainland Affairs Bureau
December 2012**