

**Legislative Council
Panel on Constitutional Affairs**

**Practical Arrangements for the 2016 Legislative Council
By-election for the New Territories East Geographical Constituency**

PURPOSE

This paper sets out the key electoral arrangements proposed by the Electoral Affairs Commission (“EAC”) for the 2016 Legislative Council (“LegCo”) By-election for the New Territories East Geographical Constituency (“NTE GC”) to be held on 28 February 2016.

BACKGROUND

2. The 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 the 2016 LegCo NTE GC By-election. The key practical arrangements relating to polling stations, deployment of electoral staff, counting of votes, public inspection of election advertisements (“EAs”), facilitation measures for electors with special needs, media centre and contingency planning are set out in the following paragraphs.

PROPOSED ARRANGEMENTS

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 (“CEO”) published a LegCo By-election notice in the Gazette on 23 October 2015, announcing that the poll of the LegCo NTE GC By-election would be held on 28 February 2016, and that the nomination period would be from 5 January to 18 January 2016.

Registered Electors

4. According to the 2015 Final Register of electors published in September 2015, there are at present about 0.94 million electors registered in the NTE GC.

Polling Stations

5. For the 2015 District Council (“DC”) Ordinary Election, around 150 ordinary polling stations (“OPSs”) will be set up for the DC Constituency Areas in the NTE. We plan to set up roughly the same number of OPS in the 2016 LegCo NTE GC By-election to facilitate electors to cast their votes. To avoid causing confusion to electors, we will approach the venue management of these 150 OPSs for agreement for the REO to set up polling stations in their venues in the coming By-election. In case the venues are not available, alternative venues would be identified for setting up polling stations. We aim to have around 90% of the polling stations set up at venues accessible to electors with mobility difficulties. Since there are around 0.94 million registered electors in the NTE GC, about 6 000 electors will be assigned to each OPS on average. This is similar to the average figure in the 2015 DC Ordinary Election.

6. Apart from OPSs, a maximum of 21 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 By-election. The number of DPSs to be set up will be finalised nearer the polling date when the number of registered electors imprisoned or remanded can be better ascertained. We also plan to set up one DPS at a police station in NTE GC 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, Customs and Excise Department, to cast their votes.

Polling Hours

7. Same as the 2012 LegCo General Election and the 2015 DC Ordinary Election, the polling hours of OPSs and the DPS set up at police station for the 2016 LegCo NTE GC By-election will run from 7:30 am to 10:30 pm. As for the DPSs set up at CSD penal institutions, due to security considerations, the polling hours will be from 9:00 am to 4:00 pm on the polling day.

Electoral Staff Recruitment and Training

8. About 4 700 civil servants from across government bureau/departments will be recruited and trained to carry out polling and counting duties on the polling day.

9. Training sessions will be arranged to familiarise electoral staff with the polling and counting procedures, equip them with the skills required for carrying out the duties, as well as facilitate their acquisition of knowledge and skills for assisting electors with different needs to vote. We will continue to remind all staff working at polling stations to pay attention to electors with special needs and provide these electors with assistance whenever necessary. In particular, a tailor-made session with special emphasis on crisis management and experience sharing will be organised for staff at the supervisory level to enhance their abilities in managing polling stations and responding to contingencies. For staff who are deployed to compile statistical returns on the polling day, specialised training on statistical work will be organised for them.

Vote Counting Arrangements

10. Same as the 2012 LegCo General Election for geographical constituencies, the vote counting process will be conducted at individual polling stations after the close of poll. Under this arrangement, a polling station (other than a small polling station, a special polling station and a DPS, as explained in paragraph 11 below) will be closed temporarily for conversion into a counting station immediately after the close of poll. During the conversion process, candidates and their agents may remain inside the polling station. When the counting station is ready for operation, members of the public and the media will be allowed to be present in the counting station to observe the count.

11. To protect the secrecy of votes, ballot papers from the small polling stations (with fewer than 500 registered electors), special polling stations (the ones accessible to electors with mobility difficulty) as well as all DPSs will be delivered to the respective main counting stations for mixing with other ballot papers cast therein before counting.

12. Questionable ballot papers will be separated during the counting process for the Presiding Officers (“PROs”) to determine their validity. Candidates and their election or counting agents may make representations as allowed under electoral law during the determination process. 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 performed on-the-spot. If there is no request or further request for re-count¹, the PRO will report the result of the counting of votes to the Statistical Information Centre (“SIC”) for consolidation. After consolidating all the counting results, the SIC will report the aggregate counting result to the Returning Officer (“RO”), who will make known the aggregate counting result to the candidates concerned or their agents present. The candidates or their agents will again have the opportunity to request an overall re-count of the votes cast at all the counting stations. 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-count², the RO will formally announce² the election result at the Media Centre.

Design of Ballot Papers and Ballot Boxes

13. Same as in the 2012 LegCo General Election and the 2015 DC Ordinary Election, candidates will be allowed to have certain specified particulars³ relating to them printed on the ballot paper in the 2016 LegCo NTE GC By-election. The candidates will be invited to check the final proofs of the ballot paper to ensure the accuracy of the information contained therein before the ballot papers are printed. A full-scale check on the ballot papers will also be conducted to ensure that they are correctly and properly printed.

14. The REO will carefully and thoroughly test the ballot boxes to be used in the 2016 LegCo NTE GC By-election and will ensure that there are enough ballot boxes to cater for a 100% turnout of registered electors.

¹ Such request may be rejected by the PRO as being unreasonable in accordance with section 79A(2) of Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D).

² Such request may be rejected by the RO as being unreasonable in accordance with section 79A(6) of Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D).

³ The specified particulars include the photo and information relating to the political affiliations of the candidate.

Address Labels

15. Under section 43 of the Legislative Council Ordinance (Cap. 542) and section 101A of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), a validly nominated candidate may post, free of postage, one letter to each elector of the constituency for which he/she is nominated. The purpose is to enable the candidate to mail EAs to promote or advertise himself/herself to electors. To facilitate candidates in sending out EAs by free postage, it has been an established practice of the REO to, upon request, provide each candidate with a set of address labels pertaining to the electors in the constituency. Following the green measure implemented since the 2012 LegCo General Election, we shall continue to offer candidates the choice to select between address labels printed on a household basis (i.e., one address label for one household) and address labels printed on an individual basis (i.e., one address label for each individual elector except those who have provided REO with their e-mail addresses). Address labels will be printed and provided to the candidates normally within five working days upon receipt of their requests.

16. The REO will also continue the practice of providing, upon request, each validly nominated candidate with a computer disc (referred to as Candidate Mailing Label System (“CMLS”)) containing the mailing information of all electors (including the names and addresses extracted from the Final Register and, if provided by the electors to the REO during voter registration, e-mail addresses of electors). Candidates may make use of the information in the CMLS to generate address labels according to their own needs for posting of EAs or sending out EAs to electors electronically via e-mail. To protect the privacy of individual electors, candidates will be reminded to use the “b.c.c.” function when using e-mails for mass distribution of EAs to electors. A reminder message will be printed on the paper cover of the disc so that when the candidates use the disc, they can readily notice the message and the legal consequences of not taking heed of the reminder.

Submission of Election Advertisements

17. Same as the 2012 LegCo General Election and the 2015 DC Ordinary Election, in order to comply with the public inspection requirement stipulated in the electoral law, candidates may deposit copies of their EAs and the relevant information/documents with ROs, or post the electronic copies onto a central platform maintained by the CEO (referred to as Central Platform) or an

open platform maintained by the candidate (referred to as Candidate's Platform) for public inspection within one working day after the publication of the EAs. For those EAs of which posting onto the Central Platform or Candidate's Platform is not practicable (e.g., electioneering messages of interactive and spontaneous nature disseminated through social networking and communication websites on the internet), candidates may only need to post the hyperlinks of these websites onto the platform in order to satisfy the public inspection requirement.

Facilitation Measures for Electors with Special Needs

18. As in previous elections, REO will continue to make best endeavours to facilitate electors with special needs to exercise their right to vote. Following the established arrangements, the following facilitation measures will be implemented in the 2016 LegCo NTE GC By-election-

- (a) to facilitate electors with mobility difficulties and as set out in paragraph 5 above, we aim to have about 90% of our polling stations set up in accessible venues. Where circumstances permit, the REO would set up temporary ramps at the polling stations to facilitate electors with mobility difficulties or wheelchair users. REO will also remind electors who have mobility difficulties or are wheelchair-bound, through poll cards and various promotion channels, that if they have been allocated to an inaccessible polling station, they may apply to the REO at least five days before the polling day for re-allocation to an accessible polling station. As in the 2015 DC Ordinary Election, the REO will approach the Hong Kong Society for Rehabilitation for arrangement of Rehabuses to transport electors with disabilities to and from polling stations;
- (b) for electors with hearing impairment, all polling stations will be provided with a pictorial voting aid to assist the electors to understand the voting procedures. Sign language translation has been incorporated in the Announcements-in-the-Public-Interests relating to the voting procedures and, where there is a practical need, such translation service will also be made available at candidates' briefing;

- (c) for electors with visual impairment, we have since the 2012 LegCo General Election encouraged candidates to provide the text version of their “Introduction to Candidates” for uploading onto the election website (www.elections.gov.hk) to facilitate such electors to read the relevant information online using software aids. We will continue this practice in the coming LegCo NTE GC By-election. At the same time, we will continue the arrangement since the 2015 DC Ordinary Election to collect the e-mail addresses of electors with visual impairment via the relevant non-governmental organisations and to use e-mail to send to them the relevant polling information (including the hyperlinks to the candidates’ introductory leaflet) electronically. Upon receipt of the e-mail, the electors would then be able to read the electronic polling information with the aid of a computer. This service is intended to supplement the sending of poll cards as provided under section 31 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D). Other facilitation measures such as provision of braille templates and braille lists of candidates at the polling stations will continue; and
- (d) for electors who cannot speak English or Chinese, all polling stations will be equipped with explanatory notes in nine different languages (including in particular the languages commonly used by the ethnic minority groups in Hong Kong) to facilitate electors with different needs to understand the voting procedures. In addition, we shall collaborate with the Centre for Harmony and Enhancement of Ethnic Minority Residents (“CHEER”) to provide interpretation service in seven languages (Bahasa Indonesia, Tagalog, Thai, Hindi, Nepali, Urdu and Punjabi), through the REO telephone hotline service, to help electors of ethnic minorities understand the voting procedures and to facilitate their making of enquiries on election-related matters during the two weeks prior to and on the polling day. Arrangement will also be made with CHEER for providing the interpretation service over the phone if electors of ethnic minorities make a request to the PROs for language assistance at the polling stations.

A summary of the facilitation measures which the REO plans to put in place to serve electors with special needs is at **Annex** for reference.

Reduction of Paper Consumption on Election-related Materials

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

- (a) providing printed address labels of electors (except those who have provided REO with their e-mail addresses) to candidates only upon request;
- (b) providing candidates with the e-mail addresses of electors, if available, for sending EAs;
- (c) appealing to electors to register their e-mail addresses with the REO through GovHK and encouraging candidates to send their EAs by electronic means to electors who have provided their e-mail addresses;
- (d) encouraging candidates to use household address labels to send promotional letters to electors and suggesting them to include a message in their EAs to encourage the recipient electors to share and pass on the EAs to the other electors residing at the same address after reading;
- (e) allowing candidates to submit electronic copies of the EAs onto an open platform for public inspection;
- (f) allowing candidates and electors to submit certain electoral forms or notices through electronic means⁴ as permitted under the existing legal provisions;
- (g) keeping the size of the “Introduction to Candidates” to a reasonable minimum by allocating to each candidate on the leaflet at 1/4 of an A4 page;

⁴ Electronic means include sending the relevant electoral forms by fax, by e-mail, and, where applicable, by submission of electronic forms attached with digital signatures via a platform maintained by the CEO.

- (h) using recycled paper or paper made from wood-pulp derived from sustainable forest to print electoral documents as far as practicable; and
- (i) exploring possible ways to recycle paper used for the election.

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

Media Centre

20. A Media Centre will be set up at the Tiu Keng Leng Sports Centre to facilitate the dissemination of counting results to the candidates, the media and the public. If needed, media announcements will be made through the Media Centre. After counting of votes, the Returning Officer will declare the election result at the Media Centre.

21. To enhance transparency in the counting process and following the practice in the 2012 LegCo General Election, we will post up the counting results of individual counting stations at the Media Centre and release interim aggregate counting results starting from around 1:00 am on 29 February 2016 until the election result has been declared by the RO.

Contingency Planning

22. We shall put in place the same mechanism in handling contingencies as in the 2015 DC Ordinary Election to cater for the postponement/adjournment of election or the poll or count for the 2016 LegCo NTE GC By-election, as specified in Schedule 2 to the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D). As to the other logistical arrangements, suitable contingency measures will be implemented to make available a number of reserve polling and counting stations, standby electoral staff and transport services, extra electoral materials, a fallback media centre etc. to ensure the smooth conduct of the poll on the polling day.

Central Command Centre (“CCC”)

23. A CCC will be set up at REO’s office in Kowloonbay International Trade and Exhibition Centre on the polling day to oversee the conduct of the poll and provide central command and helpdesk/support services.

Statistical Information Centre

24. The SIC will be set up inside the CCC to collate and consolidate voter turnout statistics and counting results collected from the polling and counting stations via fax machines. The voter turnout figures will be made available to the public through press releases and the dedicated website for the 2016 LegCo NTE GC By-election on an hourly basis.

ADVICE SOUGHT

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

Registration and Electoral Office
November 2015

Facilitation Measures for Electors with Special Needs

Electors with visual impairment

- Electors with visual impairment may call the Registration and Electoral Office (“REO”) hotline on 2893 3762 (i) to learn of the name and address of the polling station allocated to them and enquire about their voter registration records and (ii) to ask the hotline staff to provide election-related information and read out the contents of the relevant “Introduction to Candidates” to them.
- All the election websites (i.e. www.eac.gov.hk, www.reo.gov.hk, www.elections.gov.hk) have incorporated accessible designs convenient for browsing by persons with visual impairment and are compatible with screen readers and/or Braille display devices.
- The REO encourages candidates to provide the text version of their “Introduction to Candidates” for uploading onto the election website www.elections.gov.hk to facilitate persons with visual impairment to read the relevant information online using software aids.
- For electors with visual impairment who have provided their e-mail addresses to the REO, relevant polling information (including information on poll card and hyperlinks to the candidates’ introductory leaflet) will be sent to them via e-mail so that they could read with the aid of a computer.
- The REO provides templates to facilitate electors with visual impairment to mark ballot papers.
- Staff at the polling stations provide electors with visual impairment with a Braille list of candidates to facilitate their reading of the relevant information.
- If electors with visual impairment request staff at the polling stations to mark ballot papers for them, the Presiding Officer, Deputy Presiding Officer or Assistant Presiding Officer will do so for them according to their choice in a voting compartment. The whole process would be witnessed by another staff at the polling station to ensure the voting is conducted in a fair manner.
- To facilitate electors with visual impairment to cast their votes, their guide dogs may enter and accompany them in the polling stations.

Electors with hearing impairment

- All polling stations provide a pictorial voting aid to assist electors with hearing impairment to understand the voting procedures.
- Sign language translation and subtitles have been incorporated in the Announcements in the Public Interest (“APIs”) relating to the voting procedures.

Electors who cannot speak English or Chinese

- All polling stations are equipped with a Language Assistance Folder with nine languages (namely Bahasa Indonesia, Tagalog, Thai, Hindi, Nepali, Urdu, Punjabi, Japanese and Korean) to assist those who cannot communicate in Chinese and English to understand the voting procedures.

Electors with mobility difficulties

- Where circumstances permit, the REO sets up temporary ramps at the polling stations that are not readily accessible to electors with mobility difficulties or wheelchair users.
- All polling stations are equipped with one or two enlarged voting compartments with lower polling tables to facilitate voting by wheelchair users.
- Through using poll cards and various promotion channels such as radio APIs, election website and press releases, as well as reaching out to organisations of persons with disabilities via the Hong Kong Council of Social Service, the REO provides information to and reminds electors who have mobility difficulties or use wheelchairs that if they find it difficult to access the allocated polling station, they may apply to the REO at least five days before the polling day for re-allocation to an accessible polling station.
- Where appropriate, the REO may, via the Hong Kong Society for Rehabilitation, arrange free Rehabus service to transport electors with disabilities to and from the polling stations.