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**Panel on Constitutional Affairs**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 16 May 2016**

**Practical arrangements for the  
2016 Election Committee Subsector Elections**

**Purpose**

This paper summarizes the previous discussion of the Panel on Constitutional Affairs ("the Panel") on issues relating to the practical arrangements for the 2011 Election Committee ("EC") subsector elections.

**Background**

2. The Electoral Affairs Commission ("EAC") is a statutory and independent body responsible for the conduct and supervision of elections. Supported by the Registration and Electoral Office ("REO"), EAC is tasked to review and make recommendations on the delineation of the Legislative Council ("LegCo") and District Council constituency boundaries, and to make regulations, guidelines and arrangements for the registration of electors and the conduct of public elections.

3. In the 2011 EC subsector elections, polling was conducted in 110 polling stations across Hong Kong. A central counting station was set up in the Hong Kong Convention and Exhibition Centre.

**Relevant issues of concern of the Panel**

4. The Panel discussed the practical arrangements for the 2011 EC subsector elections at its meeting on 18 July 2011. The major concerns expressed by members are summarized below.

### Joint promotional letter

5. Some members enquired about the details for sending joint promotional letters, and whether REO would provide incentives to encourage candidates to jointly send one promotional letter to their voters. It was 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.

6. The Administration explained 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 for that election. It was 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. The Administration advised that there might be difficulties in printing an environmental stamp on the address labels prepared by REO. Nevertheless, 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

7. Some members enquired about the arrangement of the dedicated polling stations ("DPS") at the penal institutions of the Correctional Services Department ("CSD"). The Administration advised 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 and vote counting arrangements

8. 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 2011 EC subsector elections, some members enquired about the length of the ballot paper at the EC subsector elections in 2006. These members considered that it would be difficult for voters to identify a large number of candidates in such a long ballot paper. They suggested that candidates of the same political party could be placed together in one block to facilitate voters to mark the ballot papers, or an emblem could be printed on the ballot paper to facilitate voters to identify the candidates.

9. The Administration advised that at the EC subsector elections in 2006, the longest ballot paper was 17 inches which accommodated 99 candidates for the Social Welfare Subsector. As regards members' suggestion on grouping candidates together to facilitate voters to identify the candidates, the Administration explained that under the existing statutory arrangement, the number and sequence of each of the candidates to be shown on the ballot paper were determined by drawing of lots. 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.

10. 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, some members enquired about the feasibility of having two ballot papers where the OMR machines could make two scans, and how voters could distinguish two candidates who had an identical name on the ballot paper. The Administration advised that REO had been conducting the count of votes with the aid of OMR machines for the EC subsector elections in 1998, 2000 and 2006. 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 counting process. The Administration explained 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.

11. Some members also enquired about the marking of ballot paper and the kind of voters who would have two votes. The Administration 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. The Administration explained 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. The Administration further advised that the name of the authorized representative of a corporate voter should be submitted to REO 14 days before the election.

## **Related development**

### EAC Report on the 2012 Chief Executive election

12. In June 2012, EAC published the Report on the 2012 Chief Executive election which describes how EAC conducted and supervised the 2011 EC subsector elections and the 2012 Chief Executive election. The Report also

contains a review on the electoral procedures and arrangements in the light of the experience and improvement measures recommended for future elections. The recommendations made by EAC on the 2011 EC subsector elections are extracted in **Appendix I**. An information paper [LC Paper No. CB(2)2358/11-12(01)] on "Electoral Affairs Commission Report on the 2012 Chief Executive Election" was circulated on 13 June 2012 for the information of Panel members.

### **Recent development**

13. The Administration will brief the Panel on the practical arrangements for the 2016 EC subsector elections at the meeting on 16 May 2016.

### **Relevant papers**

14. A list of the relevant papers available on the LegCo website is in the **Appendix II**.

Council Business Division 2  
Legislative Council Secretariat  
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### **The Recommendations in the Electoral Affairs Commission Report on the 2012 Chief Executive Election**

#### On the 2011 Election Committee Subsector (“ECSS”) Elections

1. Setting up of polling stations: To continue to make every effort, to the extent possible and reasonable, to set up polling stations at conveniently-located venues (*paragraphs 14.2 to 14.3 of the Report*).
2. Election deposit: To continue to remind nominees of the advantage of making the election deposit in cash or by cashier order; and to alert nominees to the risk that dishonoured cheques may result in insufficient time to make good a nomination (*paragraphs 14.4 to 14.5 of the Report*).
3. Quoting the name of an organisation as political affiliation in Introduction to Candidates: To remind the candidates in the Introduction to Candidates of the need to obtain the prior consent of an organisation before quoting its name in the entry of political affiliation in the Guide on Completion of Grid Paper (*paragraphs 14.6 to 14.7 of the Report*).
4. Delivery of ballot boxes to the counting tables: To continue to arrange accommodating both the counting zones and the ballot box reception and deposit areas on the same floor at the central counting station, to facilitate smooth and efficient vote counting (*paragraphs 14.8 to 14.9 of the Report*).
5. Design of ballot paper: To continue to allow voters to bring along a piece of paper listing out the numbers of candidates they intend to vote for when marking ballot papers, provided that they would neither show that piece of paper to other persons inside the polling station, nor leave behind that piece of paper when leaving the polling station (*paragraphs 14.10 to 14.13 of the Report*).
6. Provision of address labels to candidates: To avoid wastage, to make stronger appeal to candidates in future elections to plan carefully how they would need the address labels for sending out election advertisements (*paragraphs 14.14 to 14.15 of the Report*).

7. Inaccurate information on address labels and Candidate Mailing Label System CD-ROM: To enhance the checking process to ensure the accuracy of information before the production of the address labels and Candidate Mailing Label System CD-ROM for distribution to the candidates (*paragraphs 14.16 to 14.17 of the Report*).
  
8. Deployment of Ballot Box Tracking System: To explore the possibility of deploying the Ballot Box Tracking System in the 2012 Legislative Council Election, as the system has enhanced the efficiency of the counting process of the 2011 ECSS Elections (*paragraphs 14.18 to 14.19 of the Report*).

## **CHAPTER 14**

### **REVIEW AND RECOMMENDATIONS**

#### **Section 1 – A General Remark**

14.1 The EAC is generally satisfied with the smooth conduct of both the 2011 ECSS Elections and the 2012 CE Election, which were organised in an open, fair and honest manner. After the completion of both elections, the EAC, following past practices, conducted a comprehensive review of all aspects of the electoral procedures and arrangements with a view to improving the conduct of future elections. The significant areas under review and the related recommendations are set out in the ensuing paragraphs.

#### **Section 2 – Review and Recommendations**

##### **The 2011 ECSS Elections**

##### **(I) Matters relating to Preparation Work**

##### **(A) Setting up of polling stations**

14.2 There were several complaints from voters that the polling stations assigned to them were not conveniently located. Some voters pointed out that the number of polling stations set up for the 2011 ECSS Elections were far less than the number of polling stations set up for the 2011 DC Election. They considered that the inconvenient locations of the polling stations might discourage voters to vote.

**Recommendation:**

14.3 The EAC noted that in view of the relatively small electorate of the 2011 ECSS Elections, the number of polling stations set up in the elections were understandably much smaller than that in the general/ordinary elections of the LegCo and DC. While the established arrangement had ensured that voters were assigned to vote at polling stations which were close to their registered residential address, it was inevitable that some voters would have to travel longer distance to their assigned polling stations to cast votes when compared to their experience in the 2011 DC Election. It was also unavoidable that many voters could not be assigned the same polling stations which they used to go to for casting votes in the past DC and LegCo elections. The EAC further noted that, in some isolated incidents, more conveniently located venues had indeed been identified by the REO for setting up polling stations but, for various reasons, could not be made available on the polling day. The EAC would like to take the opportunity to appeal to voters for their understanding of the constraints and difficulties faced by the REO in the search for suitable venues for setting up polling stations. More importantly, it would be neither realistic nor cost-effective to make available the same number of polling stations as in the case of a LegCo general election or a DC ordinary election, given the relatively small size of the ECSS electorate. In any case, it is worth noting that the average number of voters assigned to a polling station in the ECSS Elections is only about one-third of that in the 2011 DC Election. Nevertheless, to the extent possible and reasonable, the REO would continue to make every effort to set up polling stations at conveniently-located venues for voters to cast votes in future elections.



(B) Election deposit

14.4 A candidate of the DC subsector submitted his nomination paper together with the required election deposit in the form of cheque to the RO on 22 November 2011, notwithstanding that candidates had been strongly advised to hand in the election deposit in cash or by cashier order if they submitted the nomination in the last three working days of the nomination period to avoid the risk of invalidation of the nomination due to dishonoured cheque. Due to the time required for bank-in arrangements and cheque clearance, the Treasury could only confirm with the REO on 25 November 2011 that the cheque was dishonoured. As nomination already closed on 24 November 2011, the candidate was unable to make good the deposit before the close of nomination. On the advice of the NAC, the nomination of the candidate was therefore ruled not valid by the RO.

**Recommendation:**

14.5 To avoid the risk of nomination being rendered not valid as a result of dishonoured cheque, the EAC considers that in future elections, the REO should continue to remind nominees through appropriate channels of the advantage of making the election deposit in cash or by cashier order. Nominees should be made aware of the unwarranted risk of dishonoured cheque and, subsequently, lack of time to make good the nomination at stake.

## **(II) Matters relating to Operational Aspects**

### **(C) Quoting the name of an organisation as political affiliation in Introduction to Candidates**

14.6 A complaint had been received from an organisation against a candidate for quoting the name of an organisation under the entry of political affiliation in the Introduction to Candidates without its prior consent. At the time when the complaint was received, the Introduction to Candidates had not been distributed. Subsequently, as a result of clarification with the candidate concerned, the candidate agreed to remove such information. The REO then revised the relevant Introduction to Candidates for distribution to voters.

#### **Recommendation:**

14.7 The EAC considers it important to provide voters with correct information in the Introduction to Candidates. To forestall the recurrence of the above incident in future elections, the REO should remind the candidates in the Guide on Completion of Grid Paper of the need to obtain the prior consent of an organisation before quoting its name in the entry of political affiliation in the Introduction to Candidates.

### **(D) Delivery of ballot boxes to the counting tables**

14.8 In the 2006 ECSS Election, there were concerns about the time taken for the delivery of ballot boxes from ballot box reception and deposit areas to the counting zones as they were located separately on different floors of the HKCEC. Hence, the EAC made a recommendation in the Report on the 2007

CE Election that the central counting station should be large enough to accommodate both the counting zones and the ballot box reception and deposit areas on the same floor. Taking into account the aforesaid recommendation, the REO secured Halls B, C, D and E on Level 3 of the HKCEC, which was large enough to accommodate both the ballot box reception and deposit areas and the counting zones, to serve as the central counting station for the 2011 ECSS Elections.

**Recommendation:**

14.9 The arrangement for accommodating both the counting zones and the ballot box reception and deposit areas on the same floor in the 2011 ECSS Elections had contributed significantly to the quick delivery of the ballot boxes from the ballot box reception and deposit areas to the counting zones, thus facilitating the early commencement of the count. The EAC considers the aforesaid set-up conducive to the smooth and efficient conduct of vote counting and should continue to be adopted in future elections, such as the LegCo Election, which require the setting up of a central counting station.

(E) Design of ballot paper

14.10 In view of the large number of candidates in some subsectors, some candidates enquired as to whether arrangements could be put in place in the 2011 ECSS Elections to allow emblems or other particulars to be shown against individual candidates on the ballot papers for easy identification, as in the DC and LegCo elections. Such arrangements would facilitate voters to identify the candidates of their choice when marking the ballot papers.

14.11 The REO considered it technically infeasible to accede to the request having regard to the large number of candidates (ranging from 19 to 164) contesting for individual subsectors in the 2011 ECSS Elections and the operational need to have all the essential identification particulars of candidates (such as the candidate numbers and names of all candidates) to be printed on one side of the ballot paper to facilitate the reading by OMR.

14.12 As a possible way to facilitate voters to mark the ballot papers, the EAC Chairman stated, when meeting the media after touring a mock polling station on 7 December 2011, that voters could bring along a paper listing the candidate numbers of their choices for easy reference when marking the ballot papers, provided that they would not show that paper to other persons inside the polling station and, they would not leave behind that paper when leaving the polling station. Besides, all polling stations would have the Introduction to Candidates of the various subsectors for reference by voters. Subsequently, a press release was issued to widely publicise the above message and other important points to note by voters.

**Recommendation:**

14.13 Given the current design of the ECSS Elections, it is not feasible to accommodate more particulars pertaining to candidates on the ballot papers. The best possible advice has been given to voters on the marking of ballot papers in the circumstances, as explained in paragraph 14.12 above. Such advice should continue to be taken into consideration in conducting future elections of the ECSS.

(F) Provision of address labels to candidates

14.14 For environmental protection, the REO had continued with the established practice of providing address labels of voters to candidates for free postage of EAs only upon their request. Also, address labels of those voters who had provided their email addresses for receiving EAs were not printed and distributed to candidates. Out of the 1,577 validly nominated candidates, 854 candidates requested address labels and/or Candidate Mailing Label System (“CMLS”) CD-ROM. However, 143 candidates failed to collect the requested items eventually. In addition, quite a number of candidates had used only a small amount or even none of the address labels received from the REO and returned the unused address labels to the REO for disposal afterwards.

**Recommendation:**

14.15 In future elections, the REO should make stronger appeal to candidates that to avoid wastage, they should plan and consider carefully whether and how they would need the address labels for sending out EAs.

(G) Inaccurate information on address labels and Candidate Mailing Label System CD-ROM

14.16 The 2011 DC Election was held about one month before the 2011 ECSS Elections. Newly elected DC members could only be registered in the two DC subsectors and relevant voters information could only be updated after the DC Election held in November 2011. Some candidates of the DC subsectors reported that out-of-date information on voters was found in the address labels and CMLS CD-ROM distributed to them. The REO launched an investigation into the case promptly and found that the incorrect information

had been included in the aforesaid electoral materials due to a technical error made when updating the database of voters information. As a remedial measure, the REO immediately produced an updated version of the address labels and the CMLS CD-ROM for replacement and distribution to the candidates.

**Recommendation:**

14.17 The EAC considers that it is an isolated incident due to a technical error. To forestall the recurrence of similar incidents in future, the REO should enhance the checking process to ensure the accuracy of information before the production of the address labels and CMLS CD-ROM for distribution to the candidates.

(H) Deployment of ballot box tracking system

14.18 A new dedicated computer system namely the BBTS was developed for the 2011 ECSS Elections with a view to enhancing the efficiency and monitoring of the counting process. The system had performed useful functions in registering the arrival of ballot boxes from polling stations, facilitating the allocation of ballot boxes to sorting tables with reference to the size of the polling stations, and tracking the progress in respect of sorting of ballot papers at individual sorting tables. The system was developed and fully tested several months before the Elections. Further on-site tests were conducted before the full operation of the system in the central counting station on the polling day.

**Recommendation:**

14.19 The BBTS had enhanced the efficiency of the counting process of the 2011 ECSS Elections and therefore should be used again in future elections. Also, the REO should explore the possibility of deploying the BBTS with suitable modifications in the 2012 LegCo Election, in which all the ballot papers of the Functional Constituencies would be counted in a central counting station.

## Appendix II

### Relevant documents on practical arrangements for the 2016 Election Committee subsector elections

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Constitutional Affairs	18.7.2011 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	18.6.2012 (Item I)	<a href="#">Electoral Affairs Commission Report on the 2012 Chief Executive Election</a>  <a href="#">Administration's paper on "Electoral Affairs Commission Report on the 2012 Chief Executive Election"</a>

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