

Legislative Council Panel on Constitutional Affairs

**Practical Arrangements for the
Election of the Fifth Term Chief Executive**

INTRODUCTION

The 2017 Chief Executive (“CE”) Election will be held on 26 March 2017. This paper sets out the key electoral arrangements proposed by the Electoral Affairs Commission (“EAC”) for the election.

BACKGROUND

2. The EAC is an independent statutory body responsible for the conduct and supervision of elections. The EAC, supported by the Registration and Electoral Office (“REO”), is making preparations for various electoral arrangements for the 2017 CE Election. The key practical arrangements for the election are set out in the following paragraphs.

PROPOSED ARRANGEMENTS

Register of Members of the Election Committee

3. The Election Committee (“EC”) is responsible for electing the CE and members of the EC are electors in the CE election. Following the EC Subsector Elections to be held on 11 December 2016, an interim register of the EC members will be published thereafter. The term of the EC will commence on 1 February 2017 and, in accordance with the relevant legislative provision, a final register of the EC members will be published on the same date.

Polling Date and Nomination Period

4. In accordance with sections 10 and 12 of the Chief Executive Election Ordinance (“CEEEO”) (Cap. 569), a notice was published in the Gazette on 10 June 2016 that the polling date for the election to return a candidate for appointment to fill the vacancy in the office of the CE that will arise on 1 July 2017 under section 4(a) of the CEEEO has been fixed on 26 March 2017.

5. Section 15 of the CEEEO provides that the nomination period is to be determined by the Chief Electoral Officer (“CEO”). The same section provides that the nomination period must not be less than 14 days, and that it must end not less than 21 days before the date on which the election is to be held. We plan to set the nomination period for the coming CE Election from 14 February to 1 March 2017. The nomination period will be gazetted in due course.

Polling Stations and Central Counting Station

6. For the 2017 CE Election, the Main Polling Station (“MPS”) and the Central Counting Station (“CCS”) will be located at the Hong Kong Convention and Exhibition Centre (“HKCEC”).

Main Polling Station

7. Ballot paper issuing desks and voting compartments will be set up at the MPS for casting of votes. Similar to all other elections, the Returning Officer¹ (“RO”) for the election will designate an area outside the MPS as the No Canvassing Zone and the No Staying Zone².

¹ In accordance with section 41 of the CEEEO, the EAC shall appoint -
(a) a permanent judge or non-permanent judge of the Court of Final Appeal within the meaning of the Hong Kong Court of Final Appeal Ordinance (Cap. 484);
(b) a Justice of Appeal within the meaning of the High Court Ordinance (Cap. 4); or
(c) a judge of the Court of First Instance (other than a recorder or a deputy judge of the Court of First Instance),
as the RO for the CE Election.

² In accordance with section 23(2) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J) (“EP (CEE) Reg”), the RO will give a notice indicating the boundaries of the two zones to every candidate at least seven days before the polling date.

Dedicated Polling Stations

8. Apart from the MPS at the HKCEC, registered electors who are imprisoned or remanded under the custody of the Correctional Services Department (“CSD”) will be arranged to cast votes at the dedicated polling station(s) (“DPS(s)”) to be set up at the penal institution(s) of the CSD. The number of these DPS(s) to be set up depends on the actual number and distribution of such electors on the polling day. 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 (“ICAC”), Customs and Excise Department, a DPS will also be set up in a police station in the vicinity of the HKCEC for them to cast votes.

Central Counting Station

9. The CCS will include a counting zone, a Media Centre (“MC”), a Central Command Centre (“CCC”) and a Statistical Information Centre (“SIC”).

10. The CCC will oversee the conduct of the poll and vote counting, and to provide central command and helpdesk/support services.

11. The MC will facilitate the dissemination of counting results to the candidates, the media and the public. In addition to the setting up of a stage for the declaration of the election results, there will be designated areas for use by electors, candidate(s) and his/her/their agents, a working area for the media and a public gallery for members of the public who wish to observe the counting of votes. If needed, media announcements will be made through the MC.

12. The SIC will collect and consolidate voter turnout statistics from the MPS and the DPS(s), and to check the counting results collected from the CCS. The voter turnout figures will be made available to the public through press releases and the dedicated website for the 2017 CE Election.

Polling Notice

13. A polling notice for the election will be sent to every registered elector, stating the polling date, the address of the polling station and the polling hours (see paragraph 20 below) at least ten days before the polling date. The polling notice will be accompanied by a location map of the polling station, detailed voting instructions and details of the polling and counting procedures.

The Voting System

14. A poll will be held irrespective of whether it is a contested election or an uncontested election, but different voting systems will be adopted for these two different scenarios. When there are two or more validly nominated candidates contesting in the election, each elector can cast a single vote by marking the candidate of his/her choice with the chop with a “✓” provided. If there is only one validly nominated candidate, each elector can cast either a “SUPPORT” vote or a “NOT SUPPORT” vote. Details of the two different systems are set out in paragraphs 15 to 24 below.

Contested Election

When there are three or more validly nominated candidates

15. In an election when there are three or more validly nominated candidates, the candidate who obtains more than 600 valid votes in the first round of the election will be elected. Otherwise, the candidate who obtains the highest number of valid votes and those candidate(s) who obtain(s) the next highest and the same number of valid votes, or those candidates who obtain the highest and same number of valid votes shall remain and all other candidates shall be eliminated. Then another round of voting will be conducted. The aforesaid voting and elimination process shall be repeated until at the end of any subsequent round of voting, a candidate obtains more than 600 valid votes; or until there are only two remaining candidates and one single round of voting is conducted for the two candidates as described in paragraphs 16 to 18 below.

When there are only two validly nominated candidates

16. When there are only two validly nominated candidates or two remaining candidates after the elimination of all other candidates at the end of all the necessary rounds of voting as described in paragraph 15 above, only one single round of voting will need to be conducted for them.

17. If a candidate obtains more than 600 valid votes in that single round of voting, the candidate is returned at the election. The RO shall then publicly declare the candidate as elected at the election, and publish the results of the election in the Gazette.

18. However, if no candidate obtains more than 600 valid votes in that single round of voting, no candidate is returned at the election and the RO must publicly declare that no candidate is returned at the election, and publish the declaration and result of the poll as well as a notice of termination of the proceedings for the election in the Gazette. Another round of nomination and polling will be conducted as set out in paragraph 19 below. If necessary, the electoral process will be repeated until a candidate is returned.

Polling date for another round of election

19. In accordance with the CEEO, the new polling date shall be on the 42nd day after the termination of the proceedings for the election, i.e. 7 May 2017³.

Polling hours for different rounds of voting

20. Since there may be a need to hold more than one round of voting on the polling day, the different rounds of voting will be designated as follows –

³ It is assumed that the proceedings are terminated on 26 March 2017. According to section 11(2) of the CEEO, the new polling date shall, where the 42nd day after the termination of the proceedings for the election – (i) is a Sunday, be that Sunday; or (ii) is not a Sunday, be the Sunday immediately following that day.

Round of voting	Time of voting
First round of voting	9:00 am to 11:00 am
Second round of voting (if necessary)	2:00 pm to 3:00 pm
Third round of voting (if necessary)	7:00 pm to 8:00 pm

21. In the event that a second round or further rounds of voting is required, an announcement will be made at the CCS to inform electors of the date and time for the next round of voting. The REO will also collect contact information of electors in advance and inform the electors of the date and time for the next round of voting by Short Message Service. In the event that there is a need for the fourth round or further rounds of voting, it will be held on the following day (i.e. 27 March 2017) at the same polling stations.

22. For the DPS(s) at CSD penal institution(s), if required to be set up, the polling hours will last an hour for each round of voting (i.e. 9:00 am to 10:00 am for the first round, 2:00 pm to 3:00 pm for the second round and 7:00 pm to 8:00 pm for the third round). The polling hours for the first round of voting at the DPS(s) would be shorter than at the MPS as the number of elector(s) is minimal and one hour is considered sufficient for the elector(s) in the DPS(s) to cast vote.

Uncontested Election

23. In an uncontested election, an elector can cast either a “SUPPORT” vote or a “NOT SUPPORT” vote. The candidate shall be returned if the number of “SUPPORT” votes obtained by him/her exceeds 600 in the poll. The RO shall then publicly declare him/her as elected at the election and publish the results of the election in the Gazette. The voting will start at 9:00 am and close at 11:00 am on the polling day (i.e. the same with the first round of voting under the scenario of a contested election).

24. If the number of “SUPPORT” votes obtained by the sole candidate does not exceed 600 in the poll, the candidate shall not be returned at the election. The RO shall publicly declare that no candidate is returned and the proceedings for the election be terminated. There will be another round of nomination and, if necessary, the electoral process will be repeated until a candidate is returned (please see paragraphs 18 and 19 above).

Vote Counting Arrangements

25. The vote counting arrangements for the 2017 CE Election will largely follow those adopted in the 2012 CE Election, with votes to be counted centrally in the CCS. After the close of poll, polling staff (including those in the DPS(s)) will deliver the ballot boxes to the CCS under police escort and accompanied by not more than two candidates and/or their agents.

26. A counting zone will be set up within the CCS for the counting of votes. The RO will take charge of the counting zone. Questionable ballot papers will first be separated during the counting process for subsequent determination by the RO. Candidates and/or their agents may make representations during the determination process. The decision of the RO on the validity of ballot papers is final under the electoral law.

27. Upon completion of the count, the RO will make known the counting results to the candidate(s) and/or his/her/their agents present in the CCS. When there is no request for a re-count⁴, the RO shall formally announce the election results publicly at the MC.

Ballot Papers and Ballot Boxes

28. The design of ballot papers will follow the forms set out in the Schedule to the EP (CEE) Reg. In a contested election where more than one round of voting may be required, ballot papers to be used in different rounds of voting will be differentiated by different colours.

⁴ Or when such request is rejected by the RO as being unreasonable in accordance with section 53(3) of the EP (CEE) Reg.

Free of Postage Promotional Letters

29. In accordance with section 45(1) of the CEEO, a validly nominated candidate at the CE Election is entitled to send free of postage two letters addressed to each elector. The purpose is to enable candidates to mail EAs to promote or advertise themselves to the electors.

Address Labels

30. To facilitate candidates' posting of election advertisements ("EAs") by free postage, the REO will provide each candidate with two sets of electors' address labels (except the electors who have provided REO with their email addresses) upon submission of the nomination form.

31. We will also continue the practice of providing each validly nominated candidate with a computer disc (referred to as Candidate Mailing Label System ("CMLS")) containing the mailing information of electors (including the names and addresses) extracted from the Final Register and, if provided by the electors, email 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 send out electronic EAs to the electors via their email addresses. We will continue to have a message printed on the paper cover of the disc to remind candidates that the personal information of electors can only be used for the purpose of electioneering activities in the 2017 CE Election and draw to their attention the legal consequences of not taking heed of the reminder. The CMLS programme will also include a pop-up message to remind candidates on the protection of electors' personal data.

32. To further protect the privacy of individual electors, candidates, when receiving the address labels and the CMLS, are required to sign an undertaking regarding the use of the information of electors, similar to the arrangements for other public elections.

Submission of EAs

33. Under the current electoral law, to comply with the public inspection requirement, candidates may deposit copies of their EAs and the relevant information/documents with the RO, or post the electronic copies of these documents 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 in the manner and time specified by the EAC. For those EAs of which posting of the required copies onto the Central Platform or Candidate's Platform is not practicable (e.g. electioneering messages of interactive and spontaneous nature through social networking and communication websites on the internet), candidates may only need to post the hyperlinks to the relevant website onto the platform in order to satisfy the public inspection requirement.

Introduction to Candidates

34. Under the present arrangement, candidates are free to make use of the Introduction to Candidates published by the REO for promoting their candidatures, as long as the requirements under the law and the EAC Guidelines are satisfied. Following the practice of the 2012 CE Election, it is planned that the size of the Introduction to Candidates will remain at one A4 page for each candidate.

Reduction of Paper Consumption on Election-related Materials

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

- (a) where possible, bulky materials to be provided to candidates for reference will be distributed in an electronic format;
- (b) providing candidates with the email addresses of electors, if available and encouraging candidates to send their EAs by electronic means to electors who have provided their email

addresses;

- (c) allowing candidates to submit electronic copies of EAs onto an open platform for public inspection;
- (d) allowing candidates and electors to submit certain electoral forms or notices through electronic means if permitted under the existing legal provisions;
- (e) using recycled paper or paper made from wood-pulp derived from sustainable forest to print electoral-related documents as far as practicable; and
- (f) exploring possible ways to recycle waste paper left after the election.

Furthermore, electoral documents such as Introduction to Candidates and polling notices with their envelopes will be printed with environmentally friendly ink.

ADVICE SOUGHT

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

Registration and Electoral Office
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