

**立法會**  
***Legislative Council***

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**Panel on Constitutional Affairs**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 19 June 2017**

**Design of ballot papers for Legislative Council elections**

**Purpose**

This paper gives a brief account of the past discussion of the Panel on Constitutional Affairs ("the Panel") and the former Subcommittee on Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation ("the Subcommittee") on issues relating to the design of ballot papers for Legislative Council ("LegCo") 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 make preparations for various electoral arrangements for LegCo elections.
3. In December 2003, EAC made the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation ("the Regulation") under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541). The Regulation provides procedures for printing of specified particulars relating to candidates on the ballot paper for use in elections. These include registered names and emblems of prescribed bodies, registered emblems of prescribed persons, words indicating that a candidate is an independent candidate or a non-affiliated candidate, and personal photographs of candidates.
4. The aforementioned arrangement was first implemented in the 2004 LegCo election. To facilitate identification of District Council ("DC") election candidates by electors, the arrangement was extended to DC elections starting with the 2007 DC ordinary election.

## **Recent recommendation of EAC on design of ballot papers for Legislative Council elections**

5. In January 2017, EAC published the Report on the 2016 LegCo General Election ("EAC Report"). The EAC Report contains a review of relevant electoral arrangements in the light of experience, and improvement measures for future elections.

6. One of the recommendations of the EAC Report is that consideration should be given to the possibility of adjusting the particulars of the candidates currently printed on a ballot paper, e.g. by deleting the photos of candidates. According to EAC, with the growing number of candidates in recent elections, the sizes of ballot papers for geographical constituencies ("GCs") became exceedingly large. It hindered the printing, production, checking and delivery processes and the polling and counting workflows. Hence, EAC appeals to the community to take note of the problem, and has made the aforementioned recommendation. EAC considers that if mainstream opinion in the community agrees with the adjustment, the Administration should propose legislative amendments accordingly. An extract from the EAC Report on the relevant recommendation is in **Appendix I**.

7. The basic design of the ballot papers is prescribed in section 49 and Schedule 3 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D).

### **Members' concerns**

8. The Subcommittee was formed in 2004 to scrutinize the Regulation. The relevant issues raised by the Subcommittee are set out in paragraphs 9-12. The Panel discussed the EAC Report on 25 January 2017. The major views expressed by the Panel on the design of ballot papers and relevant issues are summarized in paragraphs 13-15.

### Printing of particulars relating to candidates on ballot papers

9. During scrutiny of the Regulation, the Subcommittee considered the sample design of the ballot paper attached to the LegCo Brief (**Appendix II**) on the Regulation, and found the design and layout rather confusing. Some members expressed the view that there should be clear indication on the ballot paper as to how the different names, abbreviations and emblems of prescribed bodies and prescribed persons on a list were related to the individual candidates on the list. Some other members were of the view that any prescribed body whose name, abbreviation and emblem appeared on a list should support all candidates on the list.

10. The Administration advised that under section 5(1)(d) of the Regulation, a prescribed body would be required to give consent to having its name, abbreviation and emblem printed on the ballot paper as particulars relating to all candidates on a list. In other words, all candidates on a list would receive the support of a prescribed body whose name, abbreviation and emblem appeared on the list.

11. Members of the Subcommittee made the following comments concerning the design of the ballot paper :

- (a) candidates on the same list should be allowed flexibility to decide on the size and format of the photographs including the option of printing of group photographs, subject to the space permitted on the ballot paper;
- (b) a few options of the design of photographs to be printed on the ballot paper could be prepared for candidates to consider;
- (c) if there was only one candidate on a nomination list, the print size of the name/emblem, etc. could be made larger; and
- (d) the ballot paper should not be confined to A3 size, so as to allow flexibility for improvements to be made to the design of the ballot paper.

12. The Administration advised that EAC would need to ensure that the layout and content of the ballot paper was clear, simple and easily understood by electors, and that the size was manageable for both voting and counting purposes. EAC had given consideration to members' suggestion that candidates be given the option of printing group photographs on the ballot paper, and reaffirmed that only standard-sized photographs of individual candidates should be printed. This was because the purpose of the scheme, i.e. to facilitate identification of candidates by electors, was best served by standard-sized photographs of individual candidates, and could not be well served by the printing of group photographs.

#### Size and marking of ballot papers

13. At the Panel meeting on 25 January 2017, members noted EAC's recommendation that consideration should be given to the possibility of adjusting the particulars of the candidates currently printed on a ballot paper, e.g. by deleting the photos of candidates, so as to maintain the ballot paper within a reasonable size in order to minimize the operational difficulties arising from the large size of ballot papers. Hon Nathan LAW, however, considered that the inclusion of candidates' photos was necessary to facilitate electors to identify the candidates they supported when marking their choices on the ballot papers.

14. Members also expressed other views on the design of the ballot papers and related matters. Hon Frankie YICK pointed out that the Transport functional constituency ("FC") was amongst the four special FCs which adopted the preferential elimination system of voting. He requested REO to note that in the 2016 LegCo General Election, some electors were provided with the "✓" chops (provided for GC and ordinary FC elections) but not black pens for marking the special FC ballot papers. As a result, a total of seven such ballot papers for the Transport FC were ruled invalid even though the choices of the electors were clearly indicated.

#### Vote counting arrangements

15. During discussion of the EAC Report, some members considered that the time taken in the counting of votes during the 2016 LegCo General Election was unduly long. They enquired about the progress made by the Administration in exploring the use of information technology ("IT") to enhance the electoral process. Some members suggested that REO might consider using smaller ballot papers so that they could be fed into and read by a vote counting machine. The Administration explained that vote counting machines were not suitable for the counting of votes for GC and FC elections because of constraints posed by the design and size of the ballot papers. Nevertheless, the Administration expressed concurrence with the EAC's recommendation that computerization of the electoral process should be the way forward. The Administration advised that more studies would still have to be conducted to address technical difficulties that might be encountered in actual operation, e.g. the time required for installing the relevant IT equipment in a large number of polling stations, and the provision of technical support on the polling day.

#### **Latest development**

16. The Panel will discuss the design of ballot papers for LegCo elections at the next meeting on 19 June 2017.

#### **Relevant papers**

17. A list of the relevant papers available on the LegCo website is in **Appendix III**.

## Appendix I

### Relevant extract from the Electoral Affairs Commission Report on the 2016 Legislative Council General Election

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#### (C) Design of Ballot Papers

14.8 The basic design of the ballot papers is prescribed in section 49 and Schedule 3 of the EAC (EP) (LC) Reg. As in the 2012 LegCo General Election, apart from the names of candidates, the registered names and emblems of the prescribed bodies as well as the photos of the candidates were also printed on the ballot papers as per the candidates' requests. For the GCs, with the increased number of candidate lists, the sizes of the ballot papers have become larger since 2012 and the maximum measurement is 440 mm (in width) x 458 mm (in length) in this Election.

14.9 The size of the ballot papers will impact on the printing, production, checking, delivery as well as the polling and counting workflows. The increase in size of ballot papers will also reduce the number of ballot papers that can be placed within a ballot box, resulting in the need for more ballot boxes at each polling station. This has posed practical difficulties to some polling stations with limited space for holding more ballot boxes. Besides,

staff at the ballot paper issuing desks have to be extra careful when tearing off the ballot papers in order not to damage them, therefore increasing the time required for issuing the ballot papers. Moreover, as counting staff had to unfold the ballot papers before counting, more time is also required in counting larger ballot papers.

14.10 Before the polling day in this Election, rumours on the internet alleged that ballot papers with corner cut-off would become questionable ballot papers and be invalidated. In this connection, the EAC Chairman has explained to the media on the polling day that the top left hand corner on the front of every ballot paper was cut-off, and this design was to facilitate the identification of the front of the ballot paper by electors with visual impairment in order that they could place the braille template in the proper direction for marking the ballot papers by themselves.

14.11 In any case, according to sections 75(7), 76(6) and 77(7) of the EAC (EP) (LC) Reg, a ballot paper may only be classified as questionable under the following four situations:

- (a) it appears to have any writing or mark by which the elector can possibly be identified;
- (b) it appears to be not marked in accordance with sections 55(2), 56(2) or 57(2) of the above regulation;
- (c) it appears to be substantially mutilated; or

(d) it appears to be void for uncertainty.

For ballot papers that are substantially mutilated, the RO/ARO/PRO will decide on the validity of the questionable ballot paper in accordance with the above regulation. The RO/ARO/PRO will decide whether the questionable ballot papers are to be counted in accordance with sections 80 and 92 of the EAC (EP) (LC) Reg. The candidates concerned, their election agents or counting agents present will be able to observe the whole counting process and make representations to the RO/ARO/PRO concerning any questionable ballot papers during the determination process. According to section 82 of the EAC (EP) (LC) Reg, the decision of the RO/ARO/PRO in respect of any ballot paper is final, and if a candidate is dissatisfied with the decision, he/she can only question the election by lodging an election petition in accordance with section 61 of the LCO.

14.12 **Recommendation:** In view of the various operational difficulties with the increase in size of GC ballot papers consequent upon the increase in the number of list of candidates, the EAC appeals to the community to take note of the problem, and consider the possibility of adjusting the particulars of the candidates currently printed on a ballot paper, e.g. by deleting the photos of candidates, so as to maintain the ballot paper within a reasonable size in order to minimise the operational difficulties arising from the large size of ballot papers. If mainstream opinion in the community agrees with adjustment of the candidates' particulars currently printed on a ballot paper, the Government should propose legislative amendments relating to the design of ballot paper

accordingly. Otherwise, it will be increasingly difficult in making the electoral arrangement.

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2004

# 立法會換屆選舉 新界西地方選區

## Legislative Council General Election New Territories West Geographical Constituency

只可投票選一名單 VOTE FOR ONE LIST ONLY

請用投票站提供的印章在所選名單內的圓圈蓋上“✓”號。  
Use the chop provided at the polling station to stamp "✓" in the circle of the list of your choice.

選舉管理委員會 (選舉程序) (立法會) 規例  
Electoral Affairs Commission (Electoral Procedure)  
(Legislative Council) Regulation

選票  
BALLOT  
PAPER

LC 4

**1** 香港公共事務協會  
Public Action of Hong Kong Association

a. 歐陽芳桂 Au Yee Fong Kwai, Elizabeth (Alias: Liz)



**5** 獨立候選人  
Independent Candidate

a. 容美華 Yung Mei Wah, Paulina  
b. 戴立公 Tai Lap Kung




**9** 無黨派候選人  
Non-affiliated Candidate

a. 唐好學 Tong Ho Hok  
b. 洪美麗 Hung Mei Lai  
c. 洪亮 Hong Leung  
d. 藍天 Lars Tin






**13** 香港公共事務協會  
Public Action of Hong Kong Association  
JAN 香港進步會  
JACIS

a. 歐陽陳翠華 Au Yeung Chan Tsui Wa  
b. 鄧永棠 Tang Bing  
c. 馬祖兒 Ma Jo Yee, Joey  
d. 陳偉雄 Chan Wai Hong  
e. 梁耀蓮 Leung A Lin  
f. 楊文樂 Young Man Lok  
g. 高善儀 Ko Ching Yee











**2** 獨立候選人  
Independent Candidate

a. 古亮麗 Ku Leung Lai, Lily



**6** 無黨派候選人  
Non-affiliated Candidate

a. 蘇河 So Ho  
b. 鄧偉宗 Luk Hoi Hong




**10** JAN 香港進步會  
JACIS

a. 鄧萬菲菲 Kwong man Fei-fei Jacqueline  
b. 姚好學 Yiu Ho Hok  
c. 蘇萍 So Ping  
d. 盧大賦 Lo Tin Foo  
e. 蕭灼林 Sia Yin Lam, Yu






**14** JAN 香港進步會  
JACIS  
香港居民會  
Hong Kong Citizens Group

a. 劉翠蓮 Lau Tsui Mei  
b. 張永輝 Cheung Wing Fai, Fletcher  
c. 鄭煥榮 Cheng Wing Man  
d. 胡鳳珍 Woo Fung Chan  
e. 王耀光 Wong Yiu Kwong, Patrick  
f. 楊厚裕 Yeung Hau Yu  
g. 何麗綺 Ho Lo Yee Mang, Elizabeth (Alias: Holo)  
h. 馮國材 Fung Kwok Choi











**3** 無黨派候選人  
Non-affiliated Candidate

a. 袁禮儀 Yuen Ching San



**7** 香港民主黨  
Hong Kong Democratic Alliance Group

a. 文嘉蕙 Man Ka Wai, Sandy  
b. 鄭淑英 Kwong Suk Mei




**11** JAN 香港進步會  
JACIS

a. 盧思麗 Lo See Lai  
b. 方怡 Fong Yee  
c. 姚大力 Yiu Tai Lik  
d. 區小玲 Au Siu Ling  
e. 姚小琪 Yiu Siu King  
f. 歐芳華 Au Fong Wah








**15** 香港居民會  
Hong Kong Citizens Group  
香港市民福利促進會  
Hong Kong Citizens Welfare Association

a. 陳安安 Chan On On  
b. 黎天愛 Lok Tin Oi, Lucy  
c. 姚潔方 Yiu Yang Fong  
d. 趙威強 Chiu Wai Keung  
e. 朱耀 Chu Cheung  
f. 鄧美元 Siu Mei Yuen  
g. 梁飛 Leung Fei  
h. 馬克 Ma Hak, Halo











**4** 香港居民會  
Hong Kong Citizens Group  
香港市民福利促進會  
Hong Kong Citizens Welfare Association

a. 關吉 Kwan Kit  
b. 郭炳容 Kwok Yuen Yung, Ann




**8** 香港市民福利促進會  
Hong Kong Citizens Welfare Association  
JAN 香港進步會  
JACIS  
香港居民會  
Hong Kong Citizens Group

a. 唐大力 Tong Tai Lik  
b. 龐好學 Fong Ho Hok  
c. 林愛好 Lam Oi Ho





**12** 香港居民會  
Hong Kong Citizens Group

a. 翁歡 Shung Foon, Grace  
b. 呂文山 Lui Man Shan, Sommy  
c. 陳愛樂 Chan Oi Lok  
d. 招莊 Chi Wong, Jacky  
e. 張少華 Cheung Siu Mei  
f. 劉志斌 Lau Chi Sing  
g. 馬永孚 Ma Wing Han, Wing










**16** JAN 香港進步會  
JACIS  
香港居民會  
Hong Kong Citizens Group

a. 陳安珠 Chan On Chu  
b. 陳天 陳 Tin, Lancy  
c. 馬潔方 Ma Tung Fong, Zoe  
d. 許威強 Hai Wai Keung  
e. 杜耀 To Cheung  
f. 劉英光 Lau Mei Yuen  
g. 馮興 Wan Fei  
h. 李克 Li Hak, Martin











**Relevant documents on design of ballot papers  
for Legislative Council elections**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
House Committee	30 January 2004	<a href="#">First Report of the Subcommittee on subsidiary legislation relating to 2004 Legislative Council elections</a>
Panel on Constitutional Affairs	25 January 2017 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>

Council Business Division 2  
Legislative Council Secretariat  
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