

Legislative Council Panel on Constitutional Affairs

**Proposed Creation of one Permanent Post of
Principal Executive Officer
in the Registration and Electoral Office**

PURPOSE

This paper seeks Members' views on the proposal to create one permanent post of Principal Executive Officer ("PEO") (D1) to strengthen the directorate structure and permanent establishment of the REO.

JUSTIFICATION

2. The REO is the executive arm of the Electoral Affairs Commission ("EAC"). The EAC performs its functions under the EAC Ordinance (Cap. 541) through the Chief Electoral Officer ("CEO") and his staff. Since the inception of the REO in 1994, it has been an established practice to maintain only a baseline permanent establishment during non-election years. The head of the REO, the CEO, pitched at the Senior Principal Executive Officer (D2) level, is the only directorate permanent post in the Department. In election years, the increased workload arising from the planning, preparation and conduct of elections and large-scale voter registration ("VR") campaigns, as well as the related operational and administrative duties, is typically met by strengthening the establishment of the REO through the creation of time-limited civil service posts and engagement of non-civil service contract ("NCSC") staff. As an illustration, a supernumerary PEO post¹ was created in April 2014 for the last election cycle from 2015-17 to head a dedicated Elections Division ("E Division") set up to undertake all work relating to the planning, preparation and conduct of the elections in the cycle,

¹ With the approval of the Finance Committee in January 2014, the existing supernumerary post of PEO was created from 1 April 2014 to 31 December 2017 to assist the EAC and the CEO in the preparation and conduct of the elections in the 2015-17 cycle.

including the District Council Ordinary Election (“DCE”) in 2015, the Legislative Council General Election (“LCE”) and the Election Committee Subsector Ordinary Elections (“ECSSE”) in 2016, as well as the Chief Executive Election (“CEE”) in 2017. The supernumerary PEO post will lapse on 1 January 2018. The number of time-limited civil service posts and NCSC staff amounted to 1 393 by the third quarter of 2016 which was the peak of the election cycle. The REO currently has a permanent establishment of 155 posts to perform all regular duties of the department.

3. Arising from the recommendations of the EAC Report on the 2017 CEE and the Task Force on the Computer Theft Incident of the Registration and Electoral Office (“Task Force”), we have critically reviewed the structure of the REO. We have also taken note of the fact that there will be at least one public election in all but one year in the coming decade². Against this background, we consider that there is a cogent need to have a permanent PEO post, to be designated as Principal Electoral Officer, so that the planning and operational aspects of these elections could be overseen effectively, and that valuable experience could be retained and utilised for sustainable review and improvement of the electoral system as deliberated below.

i) General elections from 2019 to 2028

4. Apart from holding by-elections for vacancies in the District Council (“DC”) and Legislative Council (“LegCo”) in 2017 and 2018 respectively, the REO will soon start preparing for the coming election cycle (2019-2022). Experience of past election cycles shows that complex and sensitive issues cutting across policies and other areas that exceed the level normally expected from non-directorate officers will

² Major elections to be held from 2019 to 2028 include –
2019: DCE;
2020: LCE;
2021: ECSSE;
2022: CEE;
2023: DCE;
2024: LCE;
2026: ECSSE;
2027: CEE and DCE;
2028: LCE.

arise, and a dedicated directorate officer is needed to oversee this overall preparatory work, especially to initiate early coordination with relevant departments for the smooth conduct of the elections. The directorate officer would be needed to represent the REO and enlist adequate support from relevant departments in various inter-departmental working groups or meetings. He/she would also be needed to represent the REO in senior level meetings with outside bodies including venue vendors, political parties, etc., on matters relating to election preparation and execution.

5. As stated in paragraph 3 above, the REO will have to conduct at least one major public election in all but one year for the coming decade, as well as any possible by-elections as and when necessary. The need for a PEO post in the foreseeable future is clear and continuous, and such need could no longer be met by the previous ad hoc arrangement of creating a supernumerary post at intervals. In any event, this ad hoc arrangement does not save resources in any effective way as the gap between two election cycles is typically less than a year given the time needed for preparatory and wrap-up work.

ii) Preservation of institutional memory

6. The current practice of creating a supernumerary PEO post only at the beginning of each election cycle, and allowing it to lapse upon the end of the cycle has rendered the preservation of institutional memory at the senior level of the REO gravely ineffective.

7. In this connection, the Task Force stated in paragraph 58 of its Report that “largely owing to its specific organisation structure and the irregular posting cycles for the bulk of its election staff, the REO does not have a comprehensive system of knowledge management to transfer past experiences, post-event review, best practices, etc. for new post-holders to draw reference. The skeleton staff members that remain in the department between election cycles do not have the necessary expertise and spare capacity to conduct holistic reviews on the organisation of different public elections, and this seriously undermines the REO’s ability to introduce improvements and rectifications to the prevailing practices.” The Task Force recommended, and such a recommendation is also made

by the EAC in its Report on the 2017 CEE, that the post of the PEO should be made permanent, so that a proper hierarchy within the REO could be maintained at all times and the PEO could assist the CEO to review the preparation and organisation of public elections after an election cycle. Having a permanent “second-in-charge” post in the department would also allow the posting periods of the CEO and PEO to stagger, thereby helping the department to preserve institutional memory in between election cycles. Starting from 2018, the REO also plans to retain some core members of the E Division to conduct reviews and planning between election cycles taking into account the lessons learnt in the previous cycle. The proposed PEO would lead this task.

iii) Growing complexity of electoral arrangements

8. Over the years, the complexity in electoral arrangements, the community’s expectation for elections to be conducted in an open, honest and fair manner and in accordance with the electoral laws, and the aspiration for participation in public affairs, have grown immensely. A full range of electoral tasks that the REO is required to undertake is at **Annex A**. The number of registered electors has been on the rise after every VR campaign, reaching a record high of 3.8 million in July 2017. It is anticipated that the electoral size will increase beyond four million in the coming years.

9. In addition, there is also a rising trend in the number of candidates in public elections. For example, the number of validly nominated candidates for the 2015 DCE reached a record high of 935. As population grows, a total of 21 DC seats would be added for the coming DCE in 2019, leading to a corresponding increase in the number of DC Constituency Areas. Even more keenly contested elections are expected in the future. As a response, detailed electoral planning and careful execution of all sorts of arrangements for major elections within the election cycle; as well as meticulous and comprehensive reviews to update and improve the electoral arrangements in-between election cycles on the part of the REO would be essential. This could not be achieved without the permanent PEO post.

iv) Relieving the workload of the CEO

10. Apart from the continued rise in public expectations for quality electoral services which in turn calls for more dedicated efforts to enhance electoral arrangements, other challenges that are equally if not more demanding include organising large-scale VR campaigns, conduct of enhanced checking measures on accuracy of information contained in the registers of electors, compilation of electoral registers, demarcation of constituency boundaries, implementation of information technology projects, and the implementation of various initiatives to continuously improve our electoral arrangements. For instance, to take forward the recommendations of the Consultation Report on Enhancement of VR System published in 2016, we plan to implement in early 2018 the new requirement of electors providing address proof for applications for change of VR particulars. In parallel, we are conducting comprehensive reviews on the claims and objection mechanism, VR offences, regulation of election advertisements published through the Internet (including social media), regulation of election surveys, polling hours, etc., with a view to introducing any proposed changes before the start of the next election cycle in 2019.

11. Experience from previous election cycles shows that a dedicated directorate officer, in addition to the CEO, would be necessary for providing the added personal attention and direct oversight for the conduct of the major elections, while ensuring the tasks mentioned in paragraph 10 above would not be overlooked.

DUTIES OF PEO AND PROPOSED ORGANISATIONAL STRUCTURE

12. In view of the long-term commitment to take forward the above initiatives, it is essential for the PEO post to be made permanent to ensure dedicated directorate steer and policy input for the satisfactory delivery of the initiatives and tasks mentioned above. The proposed job description of the PEO post and the existing and proposed organisation charts of the REO are at **Annexes B to D**.

13. The proposed permanent PEO post will be supported by an Elections Core Team and the Administration Division comprising a total of 46 permanent non-directorate officers, including 21 additional posts of Executive Officer Grade, Clerical Officer Grade and Supplies Officer Grade, outside the election cycle. During the election cycle from 2019 to 2022, the PEO post will be further supported by time-limited civil service posts and NCSC staff, gradually staffed and strengthened up to the peak of 74 non-directorate officers of Executive Officer Grade, Clerical Officer Grade, Clerical Assistant Grade, Supplies Officer Grade and Supplies Supervisor Grade as well as over 700 NCSC staff.

ALTERNATIVES CONSIDERED

14. The CEO is the only directorate officer in the REO's establishment, and hence no other directorate staff is available in the REO for redeployment. We also consider it impracticable for the CEO to manage all the above tasks without strengthening the directorate support of the REO because the CEO is already fully loaded in providing executive support to the EAC and administering the day-to-day operation of the REO. The absence of a dedicated directorate officer to steer the electoral preparatory work would pose an unbearable risk on the smooth conduct of elections. The alternative of engaging NCSC staff has been explored but is considered not viable owing to the complexity and the sensitive nature of the duties involved and the difficulty for an outsider to be conversant with the government rules and regulations within a short span of time.

FINANCIAL IMPLICATIONS

15. The proposed creation of a permanent PEO post will bring about an additional notional annual salary cost at mid-point of \$1,765,200. The additional full annual average staff cost, including salaries and staff on-cost is \$2,393,000.

16. The additional notional annual salary cost at mid-point for the 21 additional non-directorate posts of Executive Officer Grade, Clerical

Officer Grade and Supplies Officer Grade is \$16,144,140 and the full annual average staff cost, including salaries and staff on cost, is about \$21,904,000. Relevant establishment change and provision required for the proposal will be included in the 2018-19 Estimates.

ADVICE SOUGHT

17. Members are invited to comment on the proposal. Subject to Members' views, we plan to create the permanent PEO post with effect from 1 April 2018. We will seek the necessary funding approval from the LegCo.

Constitutional and Mainland Affairs Bureau
Registration and Electoral Office
November 2017

Electoral Tasks of the Registration and Electoral Office

- (a) making amendments to the existing subsidiary legislation governing voter registration and electoral arrangements of the respective elections;
- (b) reviewing and updating the constituency boundaries of District Council constituency areas and Legislative Council geographical constituencies, conducting public consultation exercises and notifying the affected registered voters;
- (c) launching voter registration drives, conducting vetting exercises/updating particulars of registered electors to ensure accuracy and compiling voter registers;
- (d) planning and launching publicity programmes for the four elections (i.e., Chief Executive Election, Election Committee Subsector Elections, Legislative Council Election, and District Council Election);
- (e) reviewing and updating the Electoral Affairs Commission electoral guidelines for the four elections and conducting the concerned public consultation exercises;
- (f) planning and carrying out recruitment exercises for the appointment of polling and counting staff, and organising comprehensive training programmes for these staff to ensure that they can effectively discharge the polling and counting duties;
- (g) planning and making detailed logistical arrangements for the four elections, including the identification and booking of suitable venues for use as polling stations, counting stations and the central counting stations, acquisition of electoral equipment and services and the production of comprehensive logistical plans for delivery of electoral equipment to polling and counting stations;
- (h) printing and drawing up dispatch arrangements of election-related publicity materials and poll cards to electors, and designing and printing ballot papers;

- (i) appointing Returning Officers and Nomination Advisory Committees, and making publicity arrangements on candidate nominations for the four elections;
- (j) organising briefings for candidates and preparing updated electoral documents for candidates and their agents;
- (k) planning and setting up the Central Command Centre to coordinate the operation of all polling/counting stations and provide related support services on the polling day;
- (l) planning and setting up the Statistical Information Centre and formulating plans and methodology on collection and compilation of electoral statistical reports and the release of such information to the public;
- (m) handling election complaints and preparing election reports according to the statutory schedule; and
- (n) devising comprehensive contingency plans for each election.

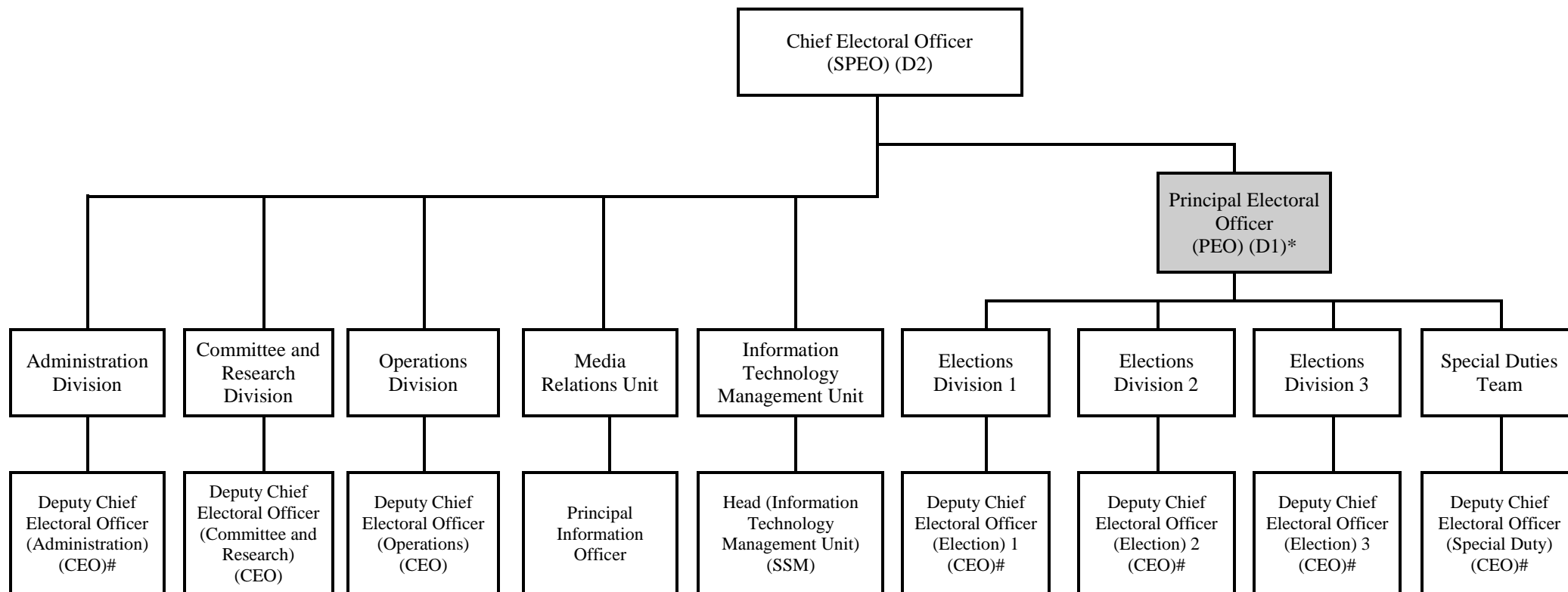
**Proposed Job Description
Principal Electoral Officer**

Rank: Principal Executive Officer (D1)

Responsible to: Chief Electoral Officer (“CEO”)

1. To oversee the Elections Sub-divisions in the preparation and conduct of various elections.
2. To supervise the Deputy Chief Electoral Officers pitched at the Chief Executive Officer rank, being the divisional heads of the Elections Sub-divisions, to ensure overall co-ordination of the work of various Elections Sub-divisions for efficient resource and operation management.
3. To ensure co-ordination of the work of various Elections Sub-divisions in conducting reviews on the effectiveness of electoral arrangements with a view to introducing improvements in future elections.
4. To provide policy and strategic support to CEO on the implementation of new electoral arrangements.
5. To represent CEO and the Registration and Electoral Office (“REO”) in inter-departmental meetings and negotiate with various Government bureaux/departments/outside bodies.
6. To deputise CEO in overseeing REO in providing executive support to the Electoral Affairs Commission to implement a wide range of electoral activities.
7. To oversee the Administration Division in the provision of administrative support for the REO, covering human resource management, financial and accounting, establishment and manpower, general administration, stores and procurement, etc.
8. Any other duties to be assigned by CEO.

Existing Organisation Chart of the Registration and Electoral Office

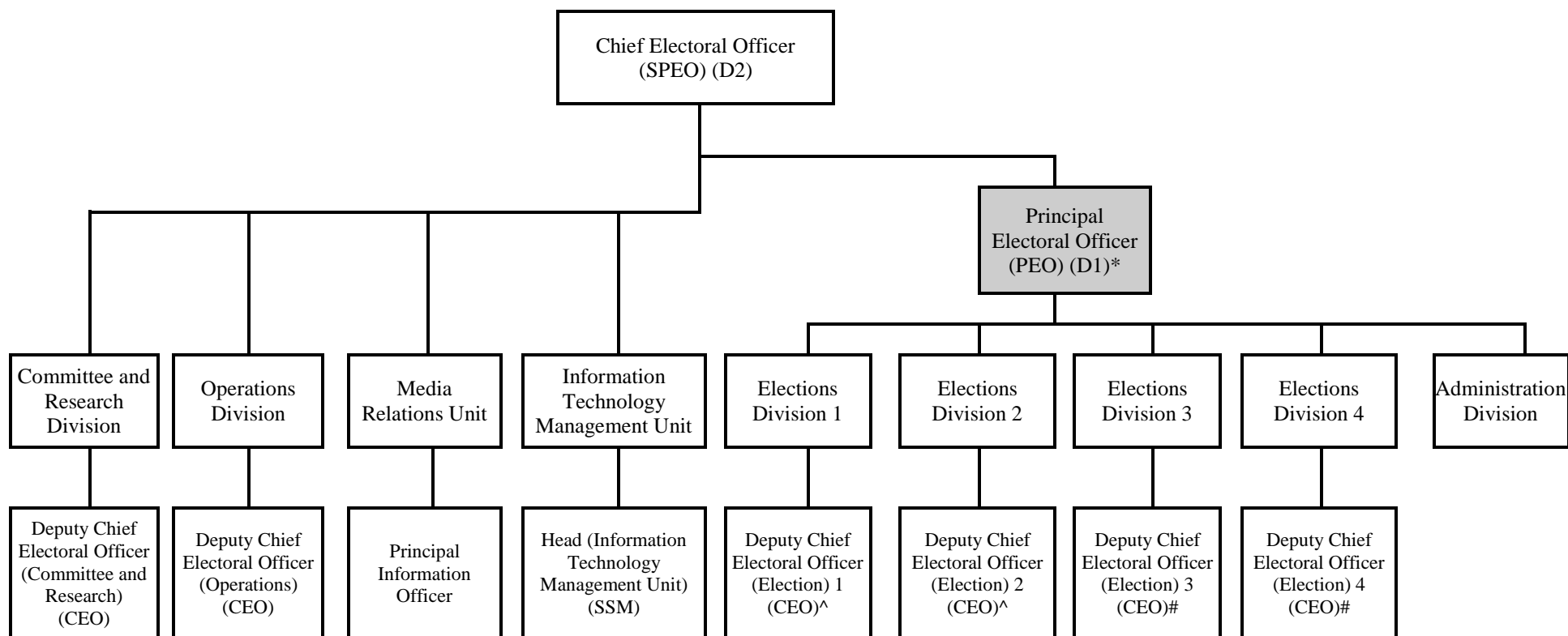


Legend :

SPEO Senior Principal Executive Officer
 PEO Principal Executive Officer
 CEO Chief Executive Officer
 SSM Senior Systems Manager

* Supernumerary directorate post created up to 31 December 2017
 # Time-limited posts

Proposed Organisation Chart of the Registration and Electoral Office



Legend :

SPEO Senior Principal Executive Officer
 PEO Principal Executive Officer
 CEO Chief Executive Officer
 SSM Senior Systems Manager

* Permanent directorate post proposed to be created

^ Permanent post to be created

Time-limited posts to be created