

Legislative Council Panel on Constitutional Affairs

**Practical Arrangements for the 2018 Legislative Council
Kowloon West Geographical Constituency By-election**

PURPOSE

The 2018 Legislative Council (“LegCo”) Kowloon West Geographical Constituency (“KW GC”) By-election will be held on 25 November 2018. This paper sets out the key electoral arrangements proposed by the Electoral Affairs Commission (“EAC”) for the By-election.

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 2018 LegCo KW GC By-election. The key practical arrangements relating to polling stations, deployment of electoral staff, counting of votes, public inspection of election advertisements, facilitation measures for electors with special needs, Central Command Centre, Media Centre, contingency planning and security planning, etc. 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) (“EAC(EP)(LC) Regulation”), the Chief Electoral Officer published a notice in the Gazette on 7 September 2018, announcing that the poll of the By-election would be held on 25 November 2018 with the nomination period running from 2 to 15 October 2018.

Number and Allocation of Polling Stations

4. According to the 2018 Final Register of electors published in July 2018, there are about 487 000 registered electors in the KW GC. Around 73 ordinary polling stations will be set up with at least 90% of them set up at venues accessible to electors with mobility difficulties. To avoid causing confusion to electors, we shall use the same venues as far as possible for setting up polling stations as in the 2018 LegCo By-election held on 11 March 2018 for the registered electors in the KW GC to cast their votes.

5. Apart from the ordinary polling stations, a maximum of 21 dedicated polling stations (“DPSs”) will be set up at the penal institutions of the Correctional Services Department for registered electors imprisoned or remanded under the custody of the department to cast votes in the By-election. The exact 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 the KW GC for registered electors who are remanded or detained on the polling day by law enforcement agencies other than the Correctional Services Department, such as the Police, the Independent Commission Against Corruption and the Customs and Excise Department, to cast their votes.

Polling Hours

6. Following the established arrangement, the polling hours of the ordinary polling stations and the DPS set up at the police station for the 2018 LegCo KW GC By-election will run from 7:30 am to 10:30 pm. As for DPSs set up at the Correctional Services Department penal institutions, owing to security considerations, the polling hours will be from 9:00 am to 4:00 pm.

Recruitment and Training of Electoral Staff

7. We launched a recruitment exercise in July 2018 to recruit electoral staff of different ranks for the 2018 LegCo KW GC By-election. We aim to recruit about 2 800 civil servants from various bureaux/departments for polling and counting duties on the polling day.

8. Briefing sessions on the polling and counting procedures and arrangements, including hands-on practice of counting duties, will be arranged for electoral staff. We shall also 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. Besides, polling management training which covers crisis management, quality polling service and training on emotional quotient, and experience sharing workshops will be organised for staff at the supervisory level. Staff to be deployed to compile statistical returns on the polling day will be provided with specialised training on statistical work.

Vote Counting Arrangements

9. Vote counting will be conducted at individual polling stations after the close of poll. Under this arrangement, polling stations (other than DPSs as explained in paragraph 10 below) will be converted into counting stations immediately after the close of poll. During the conversion process, candidates and their agents may remain inside the polling stations. After the conversion, candidates and their agents, the media and members of the public will be allowed to be present at the counting stations to observe the count. The count will be conducted manually and, during the count, questionable ballot papers will first be separated for the subsequent determination of their validity by the Presiding Officers (“PROs”). Candidates and their election or counting agents may make representations during the determination process. The decision of the PROs in respect of any ballot paper shall be final and may only be questioned by election petition.

10. To protect the secrecy of votes, ballot papers of DPSs will be delivered to the respective main counting stations under police escort and accompanied by not more than two candidates and/or their agents for mixing with other ballot papers cast therein before counting.

11. 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 and it is accepted by the PRO, the re-count will be conducted on-the-spot immediately. If there is no request or further request for a re-count¹, the PRO will report the counting results to the Statistical Information Centre for consolidation. After consolidating all the counting results, the Statistical Information Centre will report the aggregate counting results to the Returning Officer (“RO”) at the Media Centre, who will make known the aggregate counting results to the candidates concerned or their agents present. The candidates or their agents will at that time have the opportunity to request a re-count of votes at all the counting stations. If there is such a request and it is accepted by the RO, a re-count will be conducted at all the counting stations immediately. When there is no request or further request for a re-count², the RO will formally announce the election result on stage at the Media Centre.

¹ Or when such request is rejected by the PRO as being unreasonable in accordance with section 79A(2) of the EAC(EP)(LC) Regulation.

² Or when such request is rejected by the RO as being unreasonable in accordance with section 79A(6) of the EAC(EP)(LC) Regulation.

Design of Ballot Papers and Ballot Boxes

12. Under section 3(2) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541M), candidates will be allowed to have certain specified particulars relating to them, in addition to their names and candidate numbers, printed on the ballot papers in the 2018 LegCo KW GC By-election. The size of the ballot papers will depend on the number of candidates contesting. The candidates will be invited to check the final proofs of the ballot papers to ensure that the information contained therein is accurate 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.

13. We will ensure that the total quantity of ballot papers will be sufficient to cater for 100% turnout and for the replacement of inadvertently marked ballot papers. Suitable security measures will be in place at the REO premises where the ballot papers are processed, stored and distributed. Security guards will be hired and closed-circuit televisions will be installed to ensure the safe custody of the ballot papers. Same as the arrangements for previous public elections, the PROs and their deputies are responsible for delivering the ballot papers to the polling stations. No ballot papers will be stored in other premises such as reserve polling stations or fallback venues.

14. The PROs and their deputies will be reminded to keep safe custody of the ballot papers and unseal them only before the poll starts. The PRO concerned will inform the candidates/election agents/polling agents who are present at the polling station at 7:00 am on the polling day of the quantity of ballot papers kept by him/her and where the ballot papers are placed and they may observe the unsealing of the packets of ballot papers.

15. The REO will carefully and thoroughly test the capacity of the ballot boxes to be used in the 2018 LegCo KW GC By-election and will ensure that there will be sufficient ballot boxes to cater for a 100% turnout of the registered electors.

Free of Postage Promotional Letters and Address Labels

16. Under section 43 of the Legislative Council Ordinance (Cap. 542) and section 101A of the EAC(EP)(LC) Regulation, 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 send election mail to promote or advertise himself/herself to electors.

17. To facilitate candidates' sending out election mail by free postage, it has been an established practice of the REO to provide each candidate upon request with a set of address labels pertaining to the electors in the constituency concerned. Following the green measures 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 the REO with their e-mail addresses. Address labels will be printed and provided to the candidates normally within five working days upon receipt of the requests.

18. We shall also continue the practice of providing, upon request, each validly nominated candidate with a computer disc (referred to as Candidate Mailing Label System) containing the mailing information of electors (including their names and addresses extracted from the 2018 Final Register of electors and, if provided by the electors during voter registration, their e-mail addresses) in the constituency. Candidates may make use of the information in the Candidate Mailing Label System to generate address labels according to their own needs for posting of election mail or send out electronic election mail to the electors' e-mail addresses.

19. We shall continue to have a message printed on the paper cover and user guide of the disc to remind candidates that the personal information of electors can only be used for the purpose of electioneering activities of the 2018 LegCo KW GC By-election 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. The Candidate Mailing Label System programme will also include a pop-up message to remind candidates on the protection of electors' personal data, including the use of the "b.c.c." function or other proven means to prevent inadvertent disclosure of electors' e-mail addresses. Candidates, when requesting the address labels and/or the Candidate Mailing Label System discs, are required to sign an undertaking regarding the proper use of electors' information.

Public Inspection of Election Advertisements

20. In order to comply with the public inspection requirement stipulated in the electoral law, candidates may deposit copies of their election advertisements and the relevant information/documents with the RO, or post the electronic copies onto a central platform maintained by the Chief Electoral Officer (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 election advertisements in the manner

specified by the EAC. For those election advertisements of which posting 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 only need to post the hyperlinks to those websites onto the platform in order to satisfy the public inspection requirement. The above arrangement, which has been working well in past elections, will continue in the 2018 LegCo KW GC By-election.

Introduction to Candidates

21. Under the present arrangement, candidates are free to make use of the "Introduction to Candidates" leaflets/booklets which are published by the REO to promote their election platforms and candidatures, as long as the requirements under the law and the EAC guidelines are satisfied. Candidates who wish to make use of the leaflets/booklets must submit the content of their election platforms and candidatures to be printed in the leaflets/booklets, in a format specified by the EAC, to the REO before the end of the nomination period. The REO will mail the leaflets/booklets, together with the poll card, to the electors before the polling day.

Facilitation Measures for Electors with Special Needs

22. As in previous elections, the REO will continue to make the best endeavours to facilitate the exercise of the right to vote by electors with special needs. We shall continue to implement the following facilitation measures in the 2018 LegCo KW GC By-election –

- (a) to assist electors with mobility difficulties and as set out in paragraph 4 above, we aim to have at least 90% of our polling stations set up at accessible venues. Where circumstances permit, we would install temporary ramps at the polling stations for wheelchair users. We shall also remind electors who have mobility difficulties or are wheelchair users, through location maps attached to 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. We shall approach the Hong Kong Society for Rehabilitation for arrangement of Rehabuses to transport electors with mobility difficulties to and from the polling stations on request;

- (b) to assist electors with hearing impairment, all polling stations are provided with a pictorial voting aid to assist the electors in understanding the voting procedures. Sign language translation has been incorporated in the Announcements in the Public Interest and where there is a practical need, such translation service will also be made available at candidates' briefing;
- (c) to assist electors with visual impairment, we have since the 2012 LegCo General Election appealed to the candidates to provide the text version of their "Introduction to Candidates" for uploading onto the dedicated website (www.elections.gov.hk) to facilitate the online reading of the relevant information using software aids by these electors. We shall continue this practice in the 2018 LegCo KW GC By-election. At the same time, we shall continue the arrangement to collect the e-mail addresses of electors with visual impairment via the Voter Registration website (www.voterregistration.gov.hk) and to send them the relevant polling information (including hyperlinks to the candidates' introductory leaflet) electronically. These electors would be informed through Short Message Service that the REO has issued the e-mail to them. After opening the e-mail concerned, the electors would be able to read the electronic polling information with the aid of a computer. Other facilitation measures such as provision of Braille templates and Braille list of candidates at the polling stations will continue; and
- (d) to appeal to the candidates to provide their election advertisements in English and/or ethnic minority languages to facilitate understanding by electors who do not read Chinese. Besides, to assist ethnic minority electors who cannot speak Chinese or English in understanding the voting procedures, all polling stations will be equipped with explanatory notes in the seven languages (i.e., Bahasa Indonesia, Hindi, Nepali, Punjabi, Tagalog, Thai and Urdu) commonly used by the ethnic minority groups in Hong Kong. We shall collaborate with the Centre for Harmony and Enhancement of Ethnic Minority Residents ("CHEERS") to provide interpretation service in the seven aforesaid languages, through the REO telephone hotline service, to help electors of ethnic minorities understand the voting procedures and to address their enquiries on election-related matters. The same service will also be available on the polling day and arrangement will be made with the CHEERS 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 list of the facilitation measures which the REO plans to put in place to serve electors with special needs is at the **Annex** for reference.

Reduction of Paper Consumption on Election-related Materials

23. For environmental protection, we shall 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 printed address labels of electors (except those who have provided the REO with their e-mail addresses) to candidates only upon request;
- (c) providing candidates with the e-mail addresses of electors, if available, for sending electronic election mail;
- (d) appealing to electors to register their e-mail addresses with the REO through GovHK and encouraging candidates to send their election mail by electronic means to electors who have provided their e-mail addresses;
- (e) encouraging candidates to use household address labels to send promotional letters to electors and suggesting them to include a message in their election mail to encourage the recipient electors to share and pass on the election mail to other electors residing at the same address after reading;
- (f) allowing candidates to submit electronic copies of the election advertisements onto an open platform for public inspection;
- (g) allowing candidates and electors to submit certain electoral forms or notices through electronic means³ as permitted under the existing legal provisions;

³ Electronic means include sending the relevant electoral forms by facsimile, by electronic mail, and, where applicable, by submission of electronic forms attached with digital signatures via a platform maintained by the REO.

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

Furthermore, all electoral documents such as “Introduction to Candidates” and ballot papers will be printed with environmentally friendly ink.

Media Centre

24. 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. Apart from setting up a stage for the declaration of the election result, we shall designate areas for use by candidates, their agents, the media and the public including the supporters of the candidates. If needed, media announcements will be made through the Media Centre. To enhance transparency in the counting process and following the established practice, we shall post up the counting results of individual counting stations at the Media Centre and release interim aggregate counting results starting from the early morning of 26 November 2018 until the election result has been declared by the RO.

Central Command Centre

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

Statistical Information Centre

26. A Statistical Information Centre will be set up inside the Central Command Centre at the REO’s office in the Kowloonbay International Trade and Exhibition Centre to collect and consolidate voter turnout statistics and counting results collected from the polling-cum-counting stations. The voter turnout figures will be made available to the public through press releases and the dedicated website for the 2018 LegCo KW GC By-election on an hourly basis. To enhance transparency of the counting process, interim counting

results will be released at the Media Centre, on the dedicated website and by press releases until the election result has been announced.

Contingency Planning

27. We shall put in place a mechanism to cater for the postponement or adjournment of election or the poll or count for the 2018 LegCo KW GC By-election, as specified in Schedule 2 to the EAC(EP)(LC) Regulation. As regards 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 and extra electoral materials, etc. to ensure the smooth conduct of the election.

28. Section 7(3) of Schedule 2 to the EAC(EP)(LC) Regulation requires that the postponed election or the adjourned poll or count should be held not later than 14 days from the date on which it would have been held. As it has been the established practice to hold the poll on a Sunday to facilitate the casting of votes by electors, the postponed election or the adjourned poll would normally resume on the following Sunday as far as circumstances permit. For contingency planning, the fallback date would be 2 December 2018 if postponement or adjournment is required.

Security Planning

29. We will prepare a detailed security plan to ensure public order and safeguard government properties at the Media Centre. We shall strictly follow the internal physical and technical security guidelines governing the use of personal data only on a “need-to-know” and “need-to-use” basis and provide sufficient training to staff in handling personal data and security matters, etc.

ADVICE SOUGHT

30. Members are invited to comment on the arrangements set out in this paper.

Registration and Electoral Office
September 2018

Facilitation Measures for Electors with Special Needs

(A) Electors with mobility difficulties

1. As far as circumstances permit, the Registration and Electoral Office (“REO”) aims to have at least 90% of polling stations set up at venues which are accessible to electors with mobility difficulties or who are wheelchair users. Where feasible, temporary ramps will be set up at polling stations for these electors.
2. Telephone number of the polling station will be posted near the ramp leading to the station. If necessary, electors with mobility difficulties can contact the polling staff for assistance.
3. Through the polling station location map sent together with the poll card to electors, the REO will advise whether the allocated polling station is accessible to electors with mobility difficulties or who are wheelchair users. If these electors are allocated to inaccessible polling stations, they may apply to the REO at least five days before the polling day for re-allocation to a polling station set up at an accessible venue.
4. The REO will, upon request, approach the Hong Kong Society for Rehabilitation for arrangement of Rehabuses to transport electors with mobility difficulties to and from polling stations.
5. All accessible polling stations will be equipped with enlarged voting compartments with lower polling tables for electors who are wheelchair users.
6. If necessary, electors can seek help from the Presiding Officer (“PRO”) to mark the ballot papers on their behalf according to their choice inside a voting compartment with a polling officer serving as a witness. Where space permits, one of the voting compartments at each polling station will be separated from the remaining compartments in order to prevent electors at the adjacent

compartments from overhearing the conversation between the polling staff and the electors concerned.

(B) Electors with Visual impairment

1. All the election websites have incorporated accessible designs. Most of the information or documents on the websites are convenient for browsing by persons with visual impairment with the aid of screen reading software.
2. Appeal will be made to candidates to provide a text version of their “Introduction to Candidates” for uploading onto the dedicated website (www.elections.gov.hk) to facilitate online reading of the relevant information using assistive software by persons with visual impairment.
3. Electors with visual impairment may provide/update their email addresses for receiving soft copy of electoral information from the REO by completing an electronic form at the Voter Registration website (www.voterregistration.gov.hk). They would be reminded through Short Message Service to read the e-mail issued by the REO.
4. The number of the enquiry hotline (2891 1001) will be read out in radio Announcements in the Public Interest (“APIs”) and TV APIs so that persons with visual impairment may obtain information relating to electoral arrangements through the hotline.
5. A web accessible version of the TV APIs will be available on the dedicated website to facilitate the browsing of election-related information by electors with visual impairment.
6. A 24-hour Interactive Voice Response System (2893 3762) will be provided for electors with visual impairment to listen to the recording made from the text version of the “Introduction to Candidates” at any time. They can also be redirected to the operators of the REO’s enquiry hotline during the hotline’s operating hours to obtain other electoral information. On the polling day, electors with visual impairment will be allowed to use the telephones at the polling stations to access the Interactive Voice Response System through a dedicated telephone line without redirect function.

7. A Braille list of candidates with the candidate numbers, candidates' names and the names of prescribed bodies will be available at polling stations to facilitate the access of electors with visual impairment to the relevant information.
8. Braille templates will be available at polling stations to facilitate the marking of ballot papers by electors with visual impairment themselves.
9. If necessary, electors can seek help from the PRO to mark the ballot papers on their behalf according to their choice inside a voting compartment with a polling officer serving as a witness. Where space permits, one of the voting compartments at each polling station will be separated from the remaining compartments in order to prevent electors at the adjacent compartments from overhearing the conversation between the polling staff and the electors concerned.
10. Electors with visual impairment may bring along their guide dogs into the polling stations.

(C) Electors with hearing impairment

1. Sign language interpretation and subtitles will be included in all election-related TV APIs.
2. All polling stations will provide an "Illustration on Guidance on Voting Procedure" ("pictorial voting aid") to assist electors with hearing impairment in understanding the voting procedures. The pictorial voting aid will be uploaded onto the dedicated website for electors' reference before the poll.

(D) Ethnic minority electors and electors in need

1. Electoral information in seven ethnic minority languages (Bahasa Indonesia, Hindi, Nepali, Punjabi, Tagalog, Thai, and Urdu) will be available on the dedicated website.
2. Electoral information in Bahasa Indonesia, Hindi, Nepali, Tagalog Thai, and Urdu will also be available on the homepage of the Home Affairs Department's Race Relations Unit (www.had.gov.hk/rru).
3. Information on the election will be broadcast in five ethnic minority languages (Bahasa Indonesia, Hindi, Nepali, Thai, and Urdu) on radio.
4. Appeal will be made to candidates to provide election advertisements in English and/or ethnic minority languages to facilitate understanding by electors who do not read Chinese.
5. Polling stations will be equipped with a Language Assistance Folder which will contain guides on voting procedures written in the aforesaid seven ethnic minority languages in item 1 above to assist ethnic minority electors in casting votes.
6. The REO will collaborate with the Centre for Harmony and Enhancement of Ethnic Minority Residents to provide free interpretation service in the aforesaid seven ethnic minority languages, through the REO's dedicated telephone line, to help electors of ethnic minorities understand the voting procedures and to facilitate their making of enquiries on election-related matters.
7. Electoral information in the aforesaid seven ethnic minority languages will be posted in eight support centres for the ethnic minorities run by non-governmental organisations.

(E) Other electors with special needs

1. A pictorial voting aid explaining the voting procedures will be provided at all polling stations to assist electors in need (e.g. electors with intellectual differences, electors with speech or communication impairment and electors who are not familiar with Chinese or English, etc.) in understanding the voting procedures. The pictorial voting aid will be uploaded onto the dedicated website for electors' reference before the poll.
2. Electors who are unable to cast their votes on their own can seek help from the PRO to mark the ballot papers on their behalf according to their voting choice. The whole process will be witnessed by another polling officer to ensure that the voting will be conducted in a fair manner. According to the current legislation, all polling staff (including the PRO) must sign a declaration of secrecy in the specified form and must comply with various requirements concerning voting secrecy. To further protect the privacy of the electors concerned, where space permits, one of the voting compartments at each polling station will be separated from the remaining compartments in order to prevent electors at the adjacent compartments from overhearing the conversation between the polling staff and the electors concerned.