

立法會

Legislative Council

LC Paper No. CB(2)949/19-20(06)

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Panel on Constitutional Affairs

Background brief prepared by the Legislative Council Secretariat for the meeting on 18 May 2020

Practical arrangements and publicity for the 2020 Legislative Council General Election

Purpose

This paper summarizes the past discussion held by the Panel on Constitutional Affairs ("the Panel") on the practical arrangements and publicity for the 2016 Legislative Council ("LegCo") General Election. This paper also gives a brief account (in paragraphs 9 to 17 below) of the Panel's recent discussion of the Proposed Guidelines on Election-related Activities in respect of the Legislative Council Election ("the Proposed Guidelines") issued by the Electoral Affairs Commission ("EAC").

Background

2. 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 LegCo and District Council ("DC") constituency boundaries, and to make regulations, guidelines and arrangements for the registration of electors and the conduct of public elections.
3. For the purpose of planning and preparation, the Administration has tentatively used 6 September 2020 as the date for holding the general election for the Seventh LegCo. The Administration plans to set the nomination period for the 2020 LegCo Election from mid July to late July 2020. In each LegCo election year, an inter-departmental working group will be formed under the coordination of the Constitutional and Mainland Affairs Bureau to formulate publicity strategy and work out the programmes of the voter turnout publicity campaign.
4. According to section 6(1)(a) of the Electoral Affairs Commission Ordinance (Cap. 541), EAC may issue guidelines relating to the conduct or

supervision of an election. In preparation for the 2020 LegCo General Election, the Proposed Guidelines were issued by EAC on 9 March 2020 for public consultation until 7 April 2020.

Panel's discussion

5. The Panel discussed the practical arrangements and publicity for the 2016 LegCo General Election at its meeting on 18 April 2016. At its meeting on 16 March 2020, the Panel discussed the Proposed Guidelines issued by EAC. The major issues raised by the Panel are summarized below.

Polling and counting arrangements

6. During discussion of the practical arrangements for the 2016 LegCo General Election, some members considered that the existing manual counting arrangement did not keep pace with the development of modern technology, and queried the cost-effectiveness of engaging about 25 000 civil servants on the polling day for counting of one million votes or so. These members pointed out that in Taiwan, results of public elections which involved the counting of tens of millions of votes were available within only a few hours after the close of the poll. The Administration explained that vote counting machines were not suitable for the counting of votes for geographical constituency and functional constituency elections because of constraints posed by the design and size of the ballot papers. 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.

7. Some members enquired whether sufficient measures were taken to prevent electors living in elderly institutions from being taken by persons other than their relatives to the polling stations to cast their votes. The Administration advised that in the 2016 voter registration ("VR") cycle, REO had issued guidelines to operators of elderly homes through the Social Welfare Department to remind them that under the Personal Data (Privacy) Ordinance (Cap. 486), unless with the express consent voluntarily given by the data subjects, personal data should only be used for the purposes for which they were collected or a directly related purpose; and remind the operators to take note of the guidelines on election-related activities issued by EAC. In addition, operators of elderly institutions were advised to keep a record of organizations conducting VR activities in their premises. Some members suggested that penalties might need to be imposed for non-compliance with the above guidelines concerning elderly homes. At the request of the Panel, the Administration has provided a copy of the guidelines concerning elderly homes for members' reference (LC Paper No. CB(2)1513/15-16(01)).

Voter turnout publicity campaign

8. Members expressed concern on the measures to be taken to boost voter turnout on the polling day. The Administration advised that publicity efforts would be made vigorously to increase voter turnout and encourage voting through various channels, including announcements of public interest on television/radio and online, advertisements, posters, etc. Some members noted that a budget of \$33 million was set aside for the publicity programme of the 2016 LegCo General Election. They enquired why the amount was the same as that for the 2012 LegCo General Election. The Administration explained that unlike the 2012 LegCo General Election where extra publicity was launched to educate voters about the newly introduced "one-person-two-votes" arrangement, there was not a need to do so again in 2016. The Administration considered that the proposed budget for 2016 would suffice for implementing the series of publicity activities which would be launched through various channels in phases from early July 2016 to the polling day.

Queuing arrangements in polling stations

9. During discussion of the Proposed Guidelines on 16 March 2020, members expressed diverse views on EAC's proposal that the Presiding Officers in the polling station might make arrangement to facilitate electors with special needs (e.g. senior citizens aged 70 or above, pregnant women and physically handicapped persons with mobility difficulties) to vote, or even to vote with priority. Members in support of the proposal took the view that the proposed arrangement could help ensure that elderly electors who were unable to queue for a long time due to their physical condition would not be deprived of their right to vote. Hon Mrs Regina IP further suggested that priority voting should also be arranged for electors aged between 65 and 69. These members supported to set up a dedicated queue for electors with special needs in the 2020 LegCo General Election.

10. Members who opposed the proposal considered that the proposed arrangement might trigger concerns about fairness. They queried why EAC had come up with the proposal despite that the EAC Chairman had remarked during the 2019 DC Ordinary Election that no one would be offered voting priority. These members considered that other arrangements (e.g. providing chairs, drinks and a sheltered place for electors with special needs to wait for their turn to vote; arranging live broadcast of the queuing situation at individual polling stations for electors' viewing at home so as to facilitate their decision on when they should go to their assigned polling station to vote; and adjusting the issuing desk-to-electors ratio to speed up the ballot paper issuing work) could be made instead to facilitate electors with special needs to vote. These members took the view that the proposal for priority voting might create tension and conflicts between electors

with special needs and other electors, thus making it even more difficult to maintain order at polling stations.

11. The Administration explained that the purpose of the aforesaid EAC's proposal was to provide greater convenience to the elderly electors to show care for them. The Administration advised that EAC would take into consideration all the views and suggestions received in formulating the way forward. The Panel finally passed a motion urging EAC to, among others, include in the Guidelines on Election-related Activities in respect of the LegCo Election that priority be accorded to all electors who were Senior Citizen Card holders to cast their votes. The wording of the motion is in **Appendix I**.

Polling stations and recruitment of polling staff

12. Members noted that in the 2019 DC Ordinary Election, one issuing desk was in place for every 1 500 electors. Some members suggested that to cater for the anticipated high voter turnout in the 2020 LegCo General Election, the Administration should set up many more polling stations and recruit adequate polling staff. These members requested REO to consider adjusting the issuing desk-to-electors ratio to, say, 1:1 200, and recruiting more polling staff to assist with the ballot paper issuing work.

13. The Administration advised that REO would learn from the experience gained in the 2019 DC Ordinary Election and make the best efforts to provide as many polling stations as necessary and practicable in the 2020 LegCo General Election. The Administration undertook that it would strive to deploy sufficient manpower at the polling stations in the upcoming election to cope with the anticipated high voter turnout. In addition, subject to availability of sufficient space in polling stations and sufficient polling staff, REO aimed to adjust the issuing desk-to-electors ratio to 1:1 300 in the upcoming LegCo election.

Contingency arrangements

14. Some members expressed concern about whether the 2020 LegCo General Election would be held as scheduled if violent incidents occurred during the run-up to the election. The Administration explained that as provided for in the law, the entire election might be postponed or the poll or count might be adjourned, if the Chief Executive was of the opinion that the election or poll/count was likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any danger to public health or safety. The Administration assured members that the Administration and EAC would closely monitor the situation and make the best endeavour to ensure that the upcoming LegCo election would be conducted in a fair, open and honest manner in accordance with the law.

15. Some members urged the Administration to come up with a detailed contingency plan for the 2020 LegCo General Election in the light of the outbreak of coronavirus disease 2019 ("COVID-19"). In their view, the plan should include the arrangements to be made under all possible scenarios (e.g. in the event that the election had to be postponed for a prolonged period of time due to the pandemic situation), the voting arrangements for electors under compulsory quarantine, and whether only electors wearing masks/with normal body temperatures would be allowed to enter the polling stations to vote. The Administration undertook to consider members' views in drawing up contingency arrangements for the 2020 LegCo General Election in the light of the COVID-19 outbreak.

Application of information technology in the election process

16. Some members expressed disappointment that little progress had been made in exploring the use of information technology to enhance the voting process. They enquired when the Administration would introduce computerization of the election process, which included issuing ballot papers in an electronic manner, electronic voting as well as electronic counting.

17. The Administration advised that REO was currently conducting a detailed study on the use of electronic register of electors with a view to enhancing the efficiency when issuing ballot papers. However, various practical issues had yet to be resolved, such as the fallback arrangements in the event of malfunctioning of the electronic register. Besides, public confidence in the relevant arrangements would be a consideration. The Administration further informed members that after consulting the Panel in the last legislative session, the Administration aimed to conduct a demonstration of electronic vote counting in some traditional functional constituencies in the 2020 LegCo General Election. However, there might be difficulty in launching the demonstration in time as the relevant work had been substantially delayed owing to the outbreak of COVID-19.

Recent development

18. The Administration will brief the Panel on the practical arrangements and publicity for the 2020 LegCo General Election at the next meeting on 18 May 2020.

Relevant papers

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

附錄 I
Appendix I

立法會 CB(2)861/19-20(01)號文件
LC Paper No. CB(2)861/19-20(01)

政制事務委員會

在 2020 年 4 月 20 日的會議上

**就 2020 年 3 月 16 日會議議程第 III 項"選舉管理委員會 2019 年
區議會一般選舉報告書"及第 IV 項"選舉管理委員會發出的
《立法會選舉活動建議指引》"通過的議案**

(議案中文措辭)

鑒於 2019 年區議會選舉充斥暴力及選舉不公，不少建制候選人在整個選舉活動中受到多次的黑色暴力威脅，然而"2019 年區議會一般選舉報告書"內未有對此作出嚴厲譴責；而選舉管理委員會亦未有就任何一宗選舉暴力投訴個案得出調查結果。就此，本委員會對選管會的表現，表示極度失望及遺憾，並敦促選管會在完成公眾諮詢後提出的《立法會選舉活動指引》中必須提出各種切實可行的改善建議，包括但不限於以電子方式派發選票、讓所有持長者咭的選民獲優先安排投票，以及授權廉政公署人員派駐投票站內，就選舉不公或舞弊等行為向投票站主任提供即時意見，藉此防止暴力及選舉不公、投票及點票等混亂情況再次出現。

動議人：李慧琼議員, SBS, JP

和議人：陸頌雄議員, JP

Panel on Constitutional Affairs

Motion passed at the meeting on 20 April 2020 in relation to agenda item III "Electoral Affairs Commission Report on the 2019 District Council Ordinary Election" and agenda item IV "Proposed Guidelines on Election-related Activities in respect of the Legislative Council Election issued by the Electoral Affairs Commission" of the meeting on 16 March 2020

(English translation of the motion)

Given the prevalence of violence and election-related unfairness in the 2019 District Council ("DC") election, and the fact that many pro-establishment candidates were repeatedly under the threat of black violence in the election-related activities as a whole, the "Report on the 2019 DC Ordinary Election", however, had not issued a reprimand in this regard; and the Electoral Affairs Commission ("EAC") had also not come up with findings in its investigation into any complaint cases against election-related violence. In this connection, this Panel expresses great disappointment and strong regret about EAC's performance, and urges EAC, in proposing the Guidelines on Election-related Activities in respect of the Legislative Council Election after completing the public consultation exercise, to make various practicable improvement recommendations, including but not limited to issuing ballot papers by electronic means, according priority to all electors who are Senior Citizen Card holders to cast their votes, and authorizing Independent Commission Against Corruption to deploy officers at polling stations to provide the Presiding Officer with prompt advice on election-related unfairness or corrupt conduct, etc., with a view to preventing recurrence of violence and election-related unfairness, as well as chaos in relation to polling and vote counting, etc.

Moved by: Hon Starry LEE Wai-king, SBS, JP

Seconded by: Hon LUK Chung-hung, JP

Appendix II

Relevant documents on practical arrangements and publicity for the 2020 Legislative Council General Election

Committee	Date of meeting	Paper
Panel on Constitutional Affairs	21.3.2016 (Item IV)	Agenda Minutes
	18.4.2016 (Item III)	Agenda Minutes
	25.1.2017 (Item IV)	Agenda Minutes
	18.2.2019 (Item III and IV)	Agenda Minutes
	16.3.2020 (Items III and IV)	Agenda
	20.4.2020 (Item III)	Agenda

Council Business Division 2
Legislative Council Secretariat
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