

立法會
Legislative Council

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LC Paper No. CB(4)1323/20-21
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 21 June 2021, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

- Members present** : Hon Holden CHOW Ho-ding (Chairman)
Hon Kenneth LAU Ip-keung, BBS, MH, JP (Deputy Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon MA Fung-kwok, GBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Hon Jimmy NG Wing-ka, BBS, JP
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Dr Hon CHENG Chung-tai
- Member attending** : Hon SHIU Ka-fai, JP
- Members absent** : Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon CHUNG Kwok-pan
Dr Hon Junius HO Kwan-yiu, JP

**Public Officers : Item III
attending**

Ms Maisie CHAN Kit-ling, JP
Deputy Secretary for Constitutional and Mainland Affairs

Ms Carmen KONG Ka-man
Principal Assistant Secretary (Constitutional and Mainland
Affairs) 3

Mr Alan YUNG Ying-fai
Chief Electoral Officer
Registration and Electoral Office

Ms Rosanna HO Koon-ling
Principal Electoral Officer
Registration and Electoral Office

Ms Hanny TANG Lai-han
Deputy Chief Electoral Officer (Voter Registration) 1
Registration and Electoral Office

Item IV

Ms Maisie CHAN Kit-ling, JP
Deputy Secretary for Constitutional and Mainland Affairs

Ms Carmen KONG Ka-man
Principal Assistant Secretary (Constitutional
and Mainland Affairs) 3

Mr Alan YUNG Ying-fai
Chief Electoral Officer
Registration and Electoral Office

Ms Rosanna HO Koon-ling
Principal Electoral Officer
Registration and Electoral Office

Mr Ivan LAI Chun-yip
Deputy Chief Electoral Officer (Committee and Research
Division)
Registration and Electoral Office

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (4) 7

Staff in attendance : Mr Bonny LOO
Senior Assistant Legal Adviser 3

Ms Clara WONG
Assistant Legal Adviser 4

Mr Dennis HO
Senior Council Secretary (4) 7

Ms Louisa YU
Legislative Assistant (4) 7

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I. Information paper(s) issued since the last meeting

[LC Paper Nos. CB(4)1091/20-21 and CB(4)1110/20-21(01)]

Members noted that the following papers had been issued since the last meeting:

- (a) geographical constituency ("GC") boundary maps in respect of the 2021 Legislative Council ("LegCo") General Election [LC Paper No. CB(4)1091/20-21]; and
- (b) letter dated 11 June 2021 from the Secretary for Constitutional and Mainland Affairs to the President of LegCo on the special voter registration arrangements [LC Paper No. CB (4)1110/20-21(01)].

II. Date of next meeting and items for discussion

[LC Paper Nos. CB(4)1122/20-21(01) and (02)]

2. The Chairman said that with the expected prorogation of the current legislative term at the end of October 2021, the Panel would have to consider the arrangements of holding regular meetings in the remainder of the current legislative session. The Chairman informed members that after liaising with the Administration, the next regular meeting was proposed to be held on 19 July 2021 at 2:30 pm. The Chairman said that he would further liaise with the Administration on the meeting arrangements between August and October 2021.

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Members would be informed of the meeting arrangements in due course. Members raised no objection to the above arrangements.

3. Members agreed to discuss "Publicity for the 2021 LegCo General Election" as proposed by the Administration at the next meeting on 19 July 2021 at 2:30 pm.

III. Practical arrangements for the 2021 Election Committee Subsector Elections

[LC Paper Nos. CB(4)1122/20-21(03) and (04)]

4. With the aid of PowerPoint, the Chief Electoral Officer ("CEO") of the Registration and Electoral Office ("REO") briefed members on the salient points of the Administration's paper [LC Paper Nos. CB(4)1122/20-21(03)].

(Post-meeting note: the PowerPoint presentation materials were issued vide LC Paper No. CB(4)1149/20-21(01) on 21 June 2021.)

Discussion

Polling hours

5. A number of members considered the proposed polling hours (from 7:30 am to 10:30 pm) for the 2021 Election Committee ("EC") Subsector Ordinary Elections ("ECSSOEs") too long. They took the view that as the number of eligible voters in the coming ECSSOEs would be much reduced, it would be a waste of resources to maintain the same long polling hours. Ms Alice MAK suggested that the polling hours should be changed to run from 8 am to 6 pm. She pointed out that as vote counting could only commence after the ballot boxes were delivered to the Central Counting Station ("CCS") following the close of poll at 10:30 pm, late closure of the poll would render it inevitable for the vote counting process to go overnight. In reply to Mr MA Fung-kwok's enquiry, CEO said that the number of eligible voters in the 2021 ECSSOEs was estimated to be in the region of 20 000 to 30 000.

(Post-meeting note: as advised by the Administration on 12 July 2021, with the special voter registration arrangement ending on 5 July 2021, the number of eligible voters could be more accurately determined and was estimated to be around 10 000.)

6. CEO explained that the Electoral Affairs Commission ("EAC") had considered if the polling hours should be shortened in the light of the substantial reduction in the number of voters. However, as there were major changes in the

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electoral system including the composition of EC and the eligibility of the voters, EAC proposed to maintain the polling hours for the 2021 ECSSOEs from 7:30 am to 10:30 pm to ensure that those voters, who had been accustomed to the long polling hours, would not miss the chance to vote. CEO further supplemented that according to past experience, around 10-15% of the voters turned up to cast their votes during the first and the last 1.5 hours on the polling day. As regards members' concerns that the vote count would go overnight, CEO said that with a much smaller electorate base for the 2021 ECSSOEs, it was believed that the count should take a shorter time to complete than before. CEO added that while it was proposed that the polling hours for the 2021 ECSSOEs should be maintained the same as before, EAC would review the polling hours with reference to the actual voter turnout rates in different time slots during the upcoming ECSSOEs and make adjustments to the polling hours in the future, if necessary.

7. Mr Jimmy NG, however, considered that voters would be able to easily adapt to the shortened polling hours as long as there was adequate publicity on the changes. He further took the view that with the Electronic Poll Register ("EPR") system in place for the 2021 ECSSOEs to enhance workflow efficiency in the ballot paper issuance process, shortening the polling hours should not pose any major problems. In response, CEO said that members' views on shortening the polling hours were noted and he undertook to relay such views to EAC for further consideration.

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Polling arrangements

8. Referring to slide 9 of the Administration's PowerPoint presentation, Mr Jimmy NG queried the need to designate half of the ballot paper issuing desks at each polling station to serve voters in need (namely voters who were 70 or above, pregnant women, and persons who were unable to queue for a long time or had difficulty in queuing). He considered that the number of these designated ballot paper issuing desks at each polling station should be flexibly determined in the light of actual turnout of voters in need.

9. CEO advised that at present, the number of registered voters for the 2021 ECSSOEs was not yet available and the number of registered voters who were 70 or above, pregnant women, unable to queue for a long time or had difficulty in queuing was also unknown. CEO explained that under the proposed polling arrangements, half of the ballot paper issuing desks would be designated for voters in need only at the start of the poll. However, these desks could be released and flexibly assigned to serve the other queuing voters when there were not many voters in need queuing to vote.

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10. Mr LUK Chung-hung enquired how the problem of repeated queuing during the 2019 District Council Ordinary Election ("DCOE") would be addressed under the proposed polling arrangements. CEO said that in the 2019 DCOE, there were reports that some people had resorted to repeated queuing with a view to prolonging the voting process for specific age groups of electors. The current proposal of setting up special queues for voters in need had legal backing and this would help tackle the above problem. Besides, security staff would be deployed to maintain order outside the polling stations and, where necessary, assistance could be sought from the law enforcement officers at the polling stations.

11. Noting that the number of eligible voters for the upcoming ECSSOEs was expected to be much reduced, Dr CHENG Chung-tai questioned the need for setting up ordinary polling stations ("OPSs") in each of the 18 Districts and up to 20 dedicated polling stations at penal institutions for the 2021 ECSSOEs. He suggested that setting up one OPS in each of the 10 newly delineated LegCo GCs would suffice. CEO explained that it was the Administration's plan to set up at least one OPS in each of the 18 Districts, so as to facilitate voters to cast votes conveniently. Furthermore, it was planned that two or more OPSs might be set up in some Districts with more eligible voters and extensive geographical areas.

Implementation of EPR

12. Mr MA Fung-kwok enquired whether the EPR system would be stored on an online platform or on offline local devices, and whether any risks associated with the implementation of EPR had been identified. CEO said that the EPR system would be an online platform and the server would be housed in the Government Cloud Infrastructure Services. CEO further said that an independent information technology contractor had been hired by the Administration to conduct the Security Risk Assessment and Audit thoroughly, and contingency arrangements would be formulated accordingly. In addition, to enhance public confidence in the EPR system, REO had formed a Technical Advisory Committee to provide independent experts' advice on the technical aspects of the EPR system. In response to Mr MA Fung-kwok's enquiry on the back-up plan in the event of EPR system failures, CEO said that the ballot paper issuance process would be switched to be based on the printed poll registers in case such failures occurred.

Safety measures amid the Coronavirus Disease 2019 ("COVID-19") pandemic

13. Ms Alice MAK enquired whether the use of the "LeaveHomeSafe" mobile application ("app") would be made compulsory for anyone entering a polling station or CCS during the 2021 ECSSOEs. CEO replied that the use of the "LeaveHomeSafe" mobile app might lead to concerns about disclosing whether the voter concerned had cast his/her vote at the election. Nevertheless, hand sanitizers, body temperature monitors, etc. would be provided in all polling

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stations and CCS, and every person entering these venues would be required to wear face masks. In response to Mr Christopher CHEUNG's enquiry, CEO said that there was no plan to require all the electoral staff to receive the COVID-19 vaccination beforehand lest REO might not be able to hire enough staff for the ECSSOEs. CEO added that REO would further work out details of the safety measures in consultation with the Centre for Health Protection.

Electoral staff recruitment and other issues

14. In reply to Mr Christopher CHEUNG's enquiry, CEO said that around 1 600 to 2 000 civil servants would be recruited as electoral staff for the 2021 ECSSOEs. Mr CHEUNG further enquired whether the Administration would consider recruiting staff other than civil servants as electoral staff so as to create job opportunities for the unemployed. The Chairman said that during the 2019 DCOE some of the electoral staff had reportedly acted in ways in breach of the principle of political neutrality when discharging their electoral duties. He suggested that civil servants' past performance records as electoral staff should be taken into account in considering whether they would be selected again to become electoral staff for the 2021 ECSSOEs. The Chairman added that people who were not civil servants might be equally competent as civil servants in carrying out electoral duties as long as adequate training was provided to them.

15. CEO said that in the selection of electoral staff for the 2021 ECSSOEs, the civil servants' past performance records as electoral staff would be taken into account. CEO further said that there was no plan to recruit staff other than civil servants to carry out electoral duties. He explained that as civil service recruitment involved stringent vetting and integrity checks, civil servants were best suited to carry out electoral duties. That said, other duties such as cleaning and security would be outsourced to sub-contractors and would be carried out by their staff. CEO added that for the 2021 LegCo General Election, REO planned to invite government bureaux/departments to nominate suitable civil servants for recruitment as electoral staff.

16. In response to Dr Priscilla LEUNG's enquiry, CEO said that upon receipt of voter registration applications for EC subsectors by the deadline on 5 July 2021, REO would acknowledge receipt of the application by email or short message service.

17. Mr LUK Chung-hung enquired about the requirements on the provision of information by candidates in the 2021 ECSSOEs in respect of their political affiliation. CEO advised that the updated Guidelines on Election-related Activities in respect of the EC Subsector Elections ("the Guidelines") to be issued by EAC would provide, among other things, a reminder to candidates that it would

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be imperative for any candidate claiming to be "independent" or "non-affiliated" (or other similar descriptions) to have a factual basis for the claim. Candidates would be advised to seek independent legal advice if they had any doubt about the political affiliation information that they would need to provide both in the nomination form and in the Introduction to Candidates for the 2021 ECSSOEs.

IV. Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections to be issued by the Electoral Affairs Commission

[LC Paper Nos. CB(4)1132/20-21, CB(4)1122/20-21(05) and (06)]

18. CEO briefed members on the salient points of the Administration's paper [LC Paper Nos. CB(4)1122/20-21(05)].

Discussion

19. Ms Starry LEE took the view that EAC should issue the Guidelines as soon as possible, so as to facilitate members of the public and potential candidates to have a thorough understanding of the Guidelines and to comply with the relevant requirements. To this end, she considered that the Guidelines should be written in an easy-to-understand manner and that the Administration should step up publicity on the Guidelines. Ms LEE also asked whether an enquiry hotline would be provided for the candidates. Noting that some organizations might arrange for persons to stand as candidates at the 2021 ECSSOEs, Ms LEE asked whether these organizations could still carry out their normal public activities such as visits/social activities, as such public activities might be interpreted as election canvassing activities. The Chairman echoed Ms LEE's concerns.

20. CEO said that EAC would publish the Guidelines as soon as possible. It would then hold a press conference and a briefing session for candidates to explain the content of the Guidelines and to answer enquiries from candidates about the Guidelines. Besides, the Returning Officer ("RO") for each EC subsector would handle enquiries from the candidates, and REO would provide full support to ROs in handling the relevant work. CEO further said that organizations which might arrange for persons to stand as candidates at the 2021 ECSSOEs could continue to conduct their normal public activities, as long as these activities were not held for the purpose of promoting or prejudicing the election of any candidates. CEO added that members might refer to Chapter 10 of the Guidelines on "Election meetings" for details of the relevant requirements.

21. In response to Ms Starry LEE's further enquiry, CEO briefed members on a gist of the major changes made in the Guidelines as compared with the last edition

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issued in September 2016, which were detailed in the Annex to the Administration's paper [LC Paper No. CB(4)1122/20-21(05)].

22. While welcoming that the Guidelines would specify that Presiding Officers might make special queuing arrangement for voters/authorized representatives in need, the Chairman considered that clear instructions and adequate training should also be provided to the electoral staff to facilitate their implementation of such arrangements at the 2021 ECSSOEs in accordance with the Guidelines. CEO responded that staff training would be stepped up to familiarize the electoral staff with the relevant arrangements so as to ensure the smooth conduct of the elections.

V. Any other business

23. There being no other business, the meeting ended at 3:52 pm.

Council Business Division 4
Legislative Council Secretariat
5 August 2021