

立法會
Legislative Council

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LC Paper No. CB(4)1761/20-21
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 27 September 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 Jeffrey LAM Kin-fung, GBS, JP
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-ye, GBM, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Steven HO Chun-yin, BBS, 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 CHUNG Kwok-pan
Hon Jimmy NG Wing-ka, BBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
- Member absent** : Hon WONG Kwok-kin, GBS, JP
- Member attending** : Hon Michael TIEN Puk-sun, BBS, JP

**Public Officers : Item III
attending**

Mr Erick TSANG Kwok-wai, IDSM, JP
Secretary for Constitutional and Mainland Affairs

Mr Roy TANG Yun-kwong, JP
Permanent Secretary for Constitutional and Mainland Affairs

Ms Cherie YEUNG Lok-sze
Principal Assistant Secretary for Constitutional and Mainland
Affairs

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

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

**Staff in : Miss Rachel DAI
attendance** Senior Assistant Legal Adviser 3 (Acting)

Ms Clara WONG
Assistant Legal Adviser 4

Mr Dennis HO
Senior Council Secretary (4) 7

Miss Kitty LEUNG
Council Secretary (4) 7

Ms Louisa YU
Legislative Assistant (4) 7

Action

I. Information paper(s) issued since the last meeting
[LC Paper Nos. CB(4)1282/20-21 and CB(4)1567/20-21]

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

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- (a) Guidelines on Election-related Activities in respect of the Election Committee ("EC") Subsector Elections issued by the Electoral Affairs Commission ("EAC") [LC Paper No. CB(4)1282/20-21]; and
- (b) Guidelines on Election-related Activities in respect of the Legislative Council ("LegCo") Election (advance copy) [LC Paper No. CB(4)1567/20-21].

II. Items for discussion at the next meeting

[LC Paper Nos. CB(4)1552/20-21(01) and (02)]

2. Members agreed to discuss the following items proposed by the Administration at the next meeting on 18 October 2021 at 2:30 pm:

- (a) briefing by the Secretary for Constitutional and Mainland Affairs ("SCMA") on the Chief Executive's ("CE") 2021 Policy Address; and
- (b) Guidelines on Election-related Activities in respect of the CE Election to be issued by EAC and practical arrangements of the 2022 CE Election.

III. Practical arrangements for the 2021 Legislative Council General Election

[LC Paper Nos. CB(4)1552/20-21(03) and (04)]

3. With the aid of PowerPoint, SCMA and the Chief Electoral Officer ("CEO") briefed members on the salient points of the Administration's paper [LC Paper No. CB(4)1552/20-21(03)]. CEO took the opportunity to apologize to the public for the long time taken for counting after the close of poll of the 2021 EC Subsector Ordinary Elections ("ECSSOEs") on 19 September 2021. CEO said that the incident reflected that the electoral staff lacked flexibility and also there was room for improvements in the workflow. CEO further said that the Registration and Electoral Office ("REO") was conducting a thorough review and would submit a report to EAC as soon as possible recommending the necessary improvements to be made to the electoral arrangements.

(Post-meeting note: The PowerPoint presentation materials were issued vide LC Paper No. CB(4)1579/20-21(01) on 27 September 2021.)

Discussion

4. A number of members including Ms Alice MAK, Mr Steven HO, Ms Starry LEE, Ms Elizabeth QUAT, Mrs Regina IP, and Mr Jeffrey LAM expressed dissatisfaction with the prolonged counting process at the 2021 ECSSOEs.

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They considered it unacceptable for the vote counting, which only involved about 4 380 votes, to take around 13 hours to complete. These members expressed concerns as to whether the Administration had learnt from the experience and would take measures to prevent recurrence of similar incidents at the upcoming 2021 LegCo General Election ("LCGE"). To prevent recurrence, members urged the Administration to conduct more rehearsals before the 2021 LCGE and strengthen training for electoral staff. Members requested REO to ensure that the staff would be able to respond promptly and exercise flexibility in dealing with different situations.

5. Pointing out that candidates had to wait for a long time for election results at the Central Counting Station during the 2021 ECSSOEs, Ms Alice MAK and Mr Steven HO suggested that in future elections, candidates should be updated on the counting progress and the reasons for any delay. To obviate the need for candidates to stay and wait at the counting station throughout the whole counting process, Mr HO suggested that the Administration should make reference to the time taken for counting in the past LCGEs, and fix a specific time for announcing the election results for each constituency. Mr CHUNG Kwok-pan considered that the Administration should draw reference from the polling and counting arrangements adopted for the election of Hong Kong Special Administrative Region ("HKSAR") deputies to the National People's Congress in formulating the relevant arrangements for the EC constituency ("ECC") in the upcoming LCGE.

6. SCMA said that the overall arrangements of the 2021 ECSSOEs conformed to the principles of openness, fairness, honesty and safety. A number of new enhancement measures, including the Electronic Poll Register ("EPR") system and special queue arrangements, were launched successfully. However, there was room for improvement in some arrangements, such as the number of desks for issuing ballot papers, which caused some voters to queue up for an unduly long period of time during the peak hours. The time taken in counting was also beyond public's reasonable expectation. SCMA further said that in light of the experience gained from the 2021 ECSSOEs and members' comments, the Constitutional and Mainland Affairs Bureau ("CMAB") would follow up seriously with EAC and REO and proactively make improvements in the light of experience, with a view to ensuring that the two upcoming important elections would be held smoothly and successfully. To this end, REO would step up the training of electoral staff and conduct more rehearsals. SCMA added that EAC would conduct a detailed review of the 2021 ECSSOEs and submit a special review report to CE within 90 days of the conclusion of the 2021 ECSSOEs. Members requested that the relevant EAC report should be made available as early as possible to facilitate better arrangements to be made for the upcoming LCGE. SCMA said that members' request was noted and would urge EAC to submit the report as early as possible.

Action

7. Noting that ballot paper jams had reportedly contributed to the delay in the counting process at the 2021 ECSSOEs, Ms Elizabeth QUAT raised concern as to whether it was possible that, in future elections, some electors with an ulterior motive might deliberately crease their ballot papers, hoping to sabotage the election by creating paper jams to the Vote Counting System and causing delays to the vote counting process. CEO responded that creased ballot papers would be handled separately and would not be fed into the Optical Mark Recognition ("OMR") machine for counting. He added that in the 2021 LCGE, electronic counting would only be adopted for ECC with an electorate of 1 500 EC members.

8. Mr Michael TIEN asked whether ballot paper jams had happened during the rehearsals conducted by electoral staff for the 2021 ECSSOEs, and whether there were any electoral procedures which had not been covered in the rehearsals. CEO said that there would be no paper jams if the ballot papers were put properly into the feeder of the OMR machines. He added that ballot papers used during the training sessions were of the same size and thickness as the ones used on the polling day. Also, counting staff had been trained on how to input votes manually into the counting system if a paper was jammed. That said, CEO admitted that REO had underestimated the time taken for manual input which was affected by the fatigue of the counting staff after long hours of work. Mr TIEN urged REO to ensure that the rehearsals conducted for upcoming elections would cover all possible scenarios, so as to avoid any delay in the vote counting process.

9. Mr CHAN Kin-por and Dr Junius HO took the view that electronic counting should be adopted not only for ECC but also for functional constituencies and geographical constituencies ("GCs"). They enquired about the Administration's implementation plan in this regard. Dr HO suggested that the Administration should make reference to the successful experience of the Hong Kong Jockey Club in handling betting tickets electronically to make electronic vote counting more reliable. The Permanent Secretary for Constitutional and Mainland Affairs ("PSCMA") pointed out that during past discussion of the Panel about proposals of electronic counting, members had not reached a consensus. One of the concerns was that under the current polling-cum-counting arrangement for GCs, the counting procedures would be dispersed across more than 600 counting stations and each station would handle a few hundred up to around 15 000 votes. PSCMA explained that it would not be operationally feasible to employ counting machines for all of the GC counting stations, which would require a lot of technical support. He said that manual counting for GCs was a more efficient and feasible option.

10. In response to Mr CHAN Kin-por's enquiry on the vote re-count mechanism, PSCMA said that where a request was made by a candidate or an election agent/counting agent for a re-count, the Presiding Officer ("PRO") would have to decide whether to accede to the request, taking into account its reasonableness.

Action

Normally, PRO would accede to the request if there was small disparity in the number of votes received by different candidates, and vice versa.

11. Mrs Regina IP queried whether it was appropriate, in the future, for the post of EAC Chairman to continue to be filled by a judge. She considered that as EAC was responsible for conducting and supervising public elections, it should be led by a person who was not only credible and impartial but also possessed ample administrative experience. The Chairman requested the Administration to consider the suggestion. SCMA undertook to relay Mrs IP's view to CE for consideration.

Admin

12. Ms Alice MAK expressed concerns that there was also delay in the ballot paper issuing process at certain polling stations during the 2021 ECSSOEs. SCMA said that with the adoption of the new EPR system, he noticed that during the initial hours of the poll, extra time had been taken by the polling staff at the ballot paper issuing desks to answer voters' enquiries in relation to the use of the EPR system. This had caused some voters to queue up for an unduly long period of time. He noted that some PROs had flexibly arranged other staff to handle the voters' enquiries as soon as the voters had collected their ballot papers, so as to free up the ballot paper issuing desks more quickly. SCMA said that in light of the above experience, the Administration would work with EAC to explore better arrangements to be made for the 2021 LCGE.

13. Members asked how the Administration would handle the anticipated long queues of electors during the hours of high turnout (especially the hours just before the close of poll) in the upcoming LCGE. Mr CHUNG Kwok-pan suggested that estimated waiting times should be displayed at the queues inside/outside the polling stations for electors' reference. SCMA said that REO would ensure adequate manpower to be deployed to maintain order of the queues in the polling stations and their vicinities during busy times. To facilitate electors, the Administration would explore the feasibility of making available a real-time "traffic light" system using red, amber and green colours on the election website to reflect the estimated waiting time at each polling station.

14. Ms Elizabeth QUAT asked whether the Administration would, in addition to EPR, consider introducing biometric recognition technologies (e.g. face recognition) in future elections to facilitate the verification of electors' identities. SCMA said that the Administration had been open to the adoption of technologies in elections and would look into the feasibility of adopting such technologies with a view to enhancing the electoral process in the long run.

Admin

15. Ms Starry LEE and Mr LEUNG Che-cheung considered that the Administration should step up publicity on the recent changes to the composition of LegCo in the upcoming seventh term, voting procedures, points to note and new

electoral arrangements (e.g. the application of EPR, special queuing arrangement for electors in need, polling hours etc.) so that the public could have a more accurate understanding of the related arrangements. SCMA responded that the Administration would make every effort to publicize the new electoral arrangements for the 2021 LCGE to enhance the public's understanding.

16. Mr LEUNG Che-cheung questioned why the Administration did not recommend making special arrangements to allow electors returning to Hong Kong and under quarantine at designated places to cast their votes on the polling day. CEO explained that to prevent the spread of COVID-19 and as advised by the Centre for Health Protection, it would not be appropriate to allow confinees in quarantine hotels to leave the hotel rooms to cast votes at their designated polling stations. Besides, permitting electors undergoing home quarantine to temporarily leave their home and enter the community would pose certain risks of contamination. CEO said that electors who intended to vote but were currently not in Hong Kong should plan their itinerary as early as possible and allow sufficient time for quarantine arrangements, so as to exercise their voting right on the polling day at their allocated polling stations. On the other hand, considering that confinees in Quarantine Centres ("QCs") were required to stay there without being given prior notice, and the Penny's Bay QC had sufficient and suitable space, REO would set up a polling station in the Penny's Bay QC to allow electors confined therein to cast their votes on the polling day.

17. Members enquired about the progress of exploring the proposal of setting up polling stations outside Hong Kong to facilitate electors who were living in the Mainland to cast their vote at the 2021 LCGE. SCMA said that the proposal should not be hastily implemented as the Administration was still endeavouring to resolve the complicated legal and technical issues involved in consultation with Mainland authorities. Nevertheless, the Administration was currently studying the feasibility of setting up polling stations at border-control points between Hong Kong and the Mainland to facilitate registered electors living in the Mainland to cast their votes without having to undergo compulsory quarantine upon entering Hong Kong. SCMA added that the Administration would keep the Panel abreast of developments of the study when further details were worked out.

Admin

18. Referring to the Administration's plan to recruit around 36 000 civil servants as electoral staff for the 2021 LCGE, Mr WONG Ting-kwong enquired whether political vetting would be conducted for the recruits so as to ensure that they would perform their electoral duties in an impartial and honest manner. SCMA advised that the recruitment of electoral staff was underway, and Heads of Departments had been asked to nominate staff for recruitment. SCMA added that in fact, all civil servants had completed oath-taking or signed a declaration to uphold the Basic Law, bear allegiance to HKSAR, be dedicated to their duties and be responsible to the HKSAR Government.

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19. Dr Priscilla LEUNG said that in the run-up to the 2015 District Council Ordinary Election, her email account was blocked by a foreign email service provider, which had prevented her from disseminating electronic election mails to electors during the critical stage of electioneering. She raised concern that some foreign email service providers might be politically biased and the Administration should seek ways to prevent them from interfering with public elections in Hong Kong. CEO said that the email service provider concerned might have blocked the relevant email account after attempts to send electronic election mails to a large number of recipients which exceeded the upper limit prescribed by the provider. He pledged that REO would liaise with email service providers which operated in Hong Kong to seek their assistance and cooperation in this regard. Dr LEUNG suggested that to ensure fair play among candidates in disseminating election mails, the Administration should consider either not acceding to electors' requests for no receipt of printed election mails, or setting up a specific local email service platform to facilitate candidates' dissemination of electronic election mails. CEO said that REO would study Dr LEUNG's suggestions.

Admin

20. Summing up, the Chairman said that overall speaking, the 2021 ECSSOEs were held successfully. However, it was imperative for the Administration to review the vote counting arrangements and avoid recurrence of similar incidents at the 2021 LCGE. The Chairman further said that members considered it necessary for the Administration to conduct more rehearsals and strengthen staff training before the upcoming LCGE, and step up publicity about the election. Members also requested that the EAC report on the 2021 ECSSOEs should be made available as early as possible and that the Administration should review whether it was appropriate for the post of EAC Chairman to continue to be filled by a judge. SCMA undertook to follow up and take into full account members' views in making arrangements for the upcoming LCGE.

Admin

IV. Any other business

21. There being no other business, the meeting ended at 4:16 pm.

Council Business Division 4
Legislative Council Secretariat
25 November 2021