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Paper for the Panel on Constitutional Affairs

Report of the Subcommittee on Improving the Practical Arrangements for Elections

Purpose

This paper reports on the deliberations of the Subcommittee on Improving the Practical Arrangements for Elections (“the Subcommittee”) formed under the Panel on Constitutional Affairs (“the Panel”).

Background

2. The Panel has been closely monitoring the Government’s policies and measures in respect of electoral affairs in Hong Kong. In accordance with the established practice, the Constitutional and Mainland Affairs Bureau and the Registration and Electoral Office (“REO”) will normally report to the Panel on the practical arrangements for a public election, including the polling and counting arrangements, facilitation measures for electors to cast their votes, training for polling staff, as well as security and contingency plans, etc., before the election is held, and listen to the concerns and views expressed by the Panel on relevant issues.

3. Members are of the view that since the Administration has improved the electoral system, the principle of “patriots administering Hong Kong” has been fully implemented in Hong Kong, which has not only strengthened the executive-led system, but also enabled the steadfast and successful implementation of the principle of “one country, two systems”, thereby ensuring the long-term prosperity and stability of Hong Kong. However, Members consider that the legal and administrative measures relating to the practical arrangements for elections should also keep abreast of the times to tie in with the actual situation. Members are of the view that the Administration should continue to uphold the principle of fairness and openness, and appropriately streamline the existing administrative

procedures and improve the practical arrangements for elections, so as to make public elections more efficient and user-friendly.

The Subcommittee

4. In order to review the Administration's work on the existing practical arrangements for elections in a more focused manner, the Panel decided at its meeting on 20 February 2023 to appoint the Subcommittee. The terms of reference and membership of the Subcommittee are set out in **Appendices 1** and **2** respectively.

5. Mr CHAN Yung and Ir LEE Chun-keung were elected as the Chairman and the Deputy Chairman of the Subcommittee respectively. Since the commencement of its work in mid-May 2023, the Subcommittee has held a total of five meetings.

Deliberations of the Subcommittee

6. The Subcommittee has focused its discussion on the arrangements for public elections as follows:

- (a) nomination arrangements;
- (b) publicity arrangements;
- (c) polling and counting arrangements; and
- (d) electioneering arrangements.

I. Nomination arrangements for public elections

Nomination arrangements for public elections and procedures for processing nomination forms

7. The Administration has briefed the Subcommittee on the nomination arrangements for different types of public elections (including the District Council ("DC") elections, the Legislative Council ("LegCo") elections, the Chief Executive ("CE") elections and the Election Committee ("EC") subsector elections) after the improvement of the electoral system. The nomination arrangements for these elections are set out in **Appendix 3**.

8. Members note that under the electoral laws, the Returning Officer (“RO”) processes nominations according to the order in which the nomination forms are received. If the number of subscribers exceeds the number of subscribers required by a candidate, or the number of nominations exceeds the number of nominations that a subscriber can make, the nominations concerned will not be accepted as valid nominations. RO will review all relevant details on the nomination forms and, depending on different types of elections, advise the Candidate Eligibility Review Committee/District Council Eligibility Review Committee (“ERC”) as to whether the candidates comply with the matters specified in the relevant legislation¹. ERC will decide on the validity of the nomination of candidates, and publish in the Gazette a list of validly nominated candidates within 14 days after the end of the nomination period. RO will then notify each candidate of the ERC’s decision on the validity of his/her nomination.

Concerns raised by Members

Contacting District Committee members for nomination

9. Members note that according to the nomination requirements specified in the District Councils (Amendment) Ordinance 2023, candidates for DC elections should be nominated by at least three (but not more than six) members from each of the three District Committees (i.e. the Area Committee, the District Fight Crime Committee and the District Fire Safety Committee) in the respective districts. Members are concerned that the Administration has not provided the contact information of District Committee members, making it difficult for some prospective candidates to approach District Committee members to seek nominations. Some Members are also concerned that under such nomination arrangements, it may be difficult for smaller political parties or persons without political affiliation to approach District Committee members. Members have enquired whether arrangements will be made in the future to enable prospective candidates to meet with District Committee members, such as organizing seminars, so as to provide them with an opportunity to seek nominations.

¹ Including the matters specified in section 16(3B) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D); section 16(3B) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F); section 4A(6) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J); and section 13(3B) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I).

10. The Administration has explained that there is a need to improve the electoral system to ensure that the candidates nominated are competent persons who are patriotic with an affection for Hong Kong and the passion to serve the community. ERC is responsible for reviewing and confirming the eligibility of candidates for DC elections, and candidates are required to swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. Multiple systemic safeguards are in place to ensure the implementation of the principle of "patriots administering Hong Kong", thus enabling the steadfast and successful implementation of "one country, two systems". The Administration has explained that if candidates have found it difficult to seek nominations, this simply indicates that the improved nomination arrangements have served the intended gate-keeping function.

11. According to the Administration, it has provided reasonable channels and made special arrangements to facilitate prospective candidates to approach District Committee members to seek nominations. Persons who wish to seek nominations from District Committee members can contact the Secretariats of the respective District Committees under the Home Affairs Department ("HAD") in person, by phone or by email for referral of their requests to contact District Committee members. HAD will refer such requests as soon as possible. The Administration has advised that the Secretariats have handled over 200 such requests as at October 2023. Moreover, according to section 6 of Schedule 4A to the District Councils Ordinance (Cap. 547), eligible bodies or organizations can request REO to provide extracts of the District Committees constituencies ("DCCs") register ("the extracts") for any purpose related to an election². The extracts have set out the full names and principal residential addresses of DCC electors. The Administration has pointed out that it has provided reasonable channels and made relevant arrangements for prospective candidates to approach subscribers to seek nominations. Nevertheless, having considered Members' views, the Administration has undertaken to examine whether there is room for enhancing the relevant arrangements to further facilitate prospective candidates to approach District Committee members to seek nominations.

² According to section 6 of Schedule 4A to the District Councils Ordinance, in respect of a body or organization which intends to field candidates in an election, if the body or organization has fielded candidates in the previous DC election and the candidates were validly nominated, or has openly indicated its intention to field candidates in the 2023 District Council Election ("the 2023 DC Election"), the body or organization can request REO to provide the extracts for any purpose related to the election.

Enhanced understanding of the nomination procedures

12. Some Members have advised that as noted from media reports, some District Committee members have indicated that they have nominated two persons (i.e. made repeated nominations) in the same constituency because they are not familiar with the relevant requirements, and their nominations have become invalid as a result. Members have suggested that the Administration should step up explanation of the nomination arrangements, such as organizing thematic workshops, so as to enable District Committee members to have a better understanding of the nomination procedures and their responsibilities.

13. The Administration has advised that REO has issued letters to District Committee members stating the number of nominations that can be made by District Committee members in different capacities in their respective constituencies. Moreover, briefing sessions have been organized in the 18 districts across the territory for District Committee members before the commencement of the nomination period to explain the points to note and answer queries in relation to nominating candidates. District Committee members are also provided with nomination record sheets for recording their nominations in the capacity of DCC electors and District Council Geographical Constituency (“DCGC”) electors. Moreover, if RO has found that, among the nomination forms received, the number of nominations made by subscribers has exceeded the upper limits, and that the nominations of a candidate have become invalid as a result, he/she will remind the candidate concerned to take up nominations from other subscribers in order for them to be validly nominated.

II. Publicity arrangements for public elections

Publicity Arrangements for the 2023 District Council Ordinary Election

14. Taking the 2023 District Council Ordinary Election (“the 2023 DC Election”) as an example, the Administration has briefed the Subcommittee on the publicity for public elections. According to the Administration, the Government has all along been striving to promote public awareness and understanding of elections through a variety of publicity activities, with a view to enhancing the public’s willingness to participate in elections and creating a strong election atmosphere. The highlights of the publicity for elections include:

- (a) publicizing the importance of clean and fair elections;
- (b) publicizing electoral arrangements and procedures; and
- (c) enhancing the public's understanding of the electoral system and constituencies.

15. Members note that in the 2023 DC Election, the Administration rolled out a series of election publicity activities with the theme of “Cast your vote at DC election for a better community”, and launched a blaze of widespread publicity with the adoption of many novel and down-to-earth methods to enhance the effectiveness of publicity. For example, the Administration set up “Night Vibes DC Election” promotional booths at different “Night Vibes” venues and organized over a hundred “DC Election into the Community” events in various districts of Hong Kong, so as to proactively go into the community and enhance public awareness of the election. Moreover, a dedicated election website was set up where the latest election publicity materials, information and infographics, etc. were uploaded for easy browsing by the public. The Administration also produced a series of TV programmes to promote the election and hung large advertisement signboards and banners, etc. at various places and facilities across the territory to enhance the visibility of the 2023 DC Election in the community.

16. Members also note that to take the lead, all Secretaries of Departments, Directors of Bureaux, Heads of Departments and civil service organizations also appealed to electors to cast their votes on different occasions and platforms. On the day before the polling day, the Administration organized the “District Council Election Fun Day”, where a variety of events were held in various districts of Hong Kong to promote the 2023 DC Election. On the eve of the polling day, the “Build a Better Community” gala was held and broadcast live jointly by seven electronic media in Hong Kong. The publicity highlights of the 2023 DC Election are set out in **Appendix 4**.

Concerns raised by Members

Further stepping up relevant publicity work

17. Members generally are of the view that with the Administration's investment of considerable manpower and resources in the publicity for the 2023 DC Election, the scale, mobilization level and magnitude of such publicity are ramped up compared to previous elections. Members also consider that quite a number of innovative approaches were adopted in the

publicity for the 2023 DC Election, which included proactively going into the community for publicity to raise public awareness of the election. Members generally agree with and support the relevant publicity work. Members have requested the Administration to consolidate the experience from the publicity for this DC election, and constantly review and enhance the various publicity work on electoral matters in the future. Regarding the publicity for future public elections, Members have put forward the following suggestions for the Administration's consideration:

- (a) there is still a need for the Administration to step up publicity on the voting methods for DC elections, including the requirement that each DCGC elector can only vote for one candidate, so as to prevent invalid ballot papers arising from DCGC electors voting for more than one candidate;
- (b) noting that quite a number of DCGC electors are unclear about the geographical constituencies ("GCs") to which they belong, Members have suggested that the Administration may consider putting up posters in collaboration with the District Building Management Liaison Teams of HAD and specifying the respective constituencies of electors in the addresses shown on the letters issued by the Government (e.g. letters relating to population censuses), with a view to enhancing electors' awareness of the constituencies to which they belong;
- (c) the Administration may make reference to the practice of the Hong Kong Red Cross and produce exquisite badges as voting souvenirs to attract more electors to vote; and
- (d) the Administration should make sustained efforts to promote future elections in Hong Kong by, for example, reaching out to the general public through the "Night Vibes" activities in various districts, Lunar New Year Fairs and other occasions, and incorporating innovative elements to make the promotion of electoral matters more comprehensive and effective.

The Administration has advised that it will study and consider the aforesaid suggestions.

18. Members have also suggested that schools should cooperate with parent-teacher associations to step up the publicity of elections among students and parents. The Administration has advised that through civic education and other means, schools will continue to promote students'

understanding of the benefits of the improved electoral system and the improved district governance system from an early age, with a view to cultivating civic awareness among students.

19. Besides, Members have suggested that the Administration should step up publicity targeted at young people to make them more involved in election activities or aspire them to stand for election. The Administration has advised that relevant messages will be promoted to young people through the media which are popular among young people and the production of promotional videos targeted at young people.

Strengthening support for the work of District Council members

20. On the other hand, Members consider that the Administration may boost public support for DCs by giving members of the public a picture of how the work of the new-term DC members can enhance governance at the district level, so that the public will participate more actively in voting in future DC elections. In this connection, Members have requested the Administration to strengthen its support for the work of DC members, so that they can provide better services for the public. Members have put forward the following suggestions in this regard:

- (a) the Administration should endeavour to assist DC members in setting up their offices and, for example, consideration may be given to allocating the vacant premises of the dissolved mutual aid committees in housing estates, community halls and spaces in vacant schools to DC members for setting up their offices;
- (b) the Administration should provide sufficient resources for DC members to enable them to carry out their DC work more effectively and assist in the publicity for the next DC election; and
- (c) the Administration can involve members of the local community (e.g. members of owners' corporations and the District Services and Community Care Teams) to assist in promoting the district work and achievements of DC members to the public.

The Administration has advised that it will relay the views to the Home and Youth Affairs Bureau.

III. Polling and counting arrangements for public elections

21. The Subcommittee has received a briefing from the Administration on the polling and counting arrangements for public elections. Taking the 2023 DC Election as an example, the Administration has elaborated on the specific polling and counting arrangements, with highlights on the enhancement measures in the following areas:

Polling arrangements

Increasing the number of issuing desks and setting up special queues

22. Members note that REO arranged to set up a total of about 5 500 issuing desks in the 2023 DC Election, which represented a 70% increase compared to about 3 200 issuing desks in the 2019 District Council Ordinary Election (“the 2019 DC Election”) and the highest number of issuing desks among all DC ordinary elections ever held, with a view to shortening the queuing time for electors. Besides, a special queue was set up at each polling station in the 2023 DC Election to cater for electors with special needs.³

Voting facilitation measures arranged for civil servants

23. The Administration has advised that the Civil Service Bureau and REO implemented the following measures to facilitate civil servants to vote on the polling day of the 2023 DC Election:

- (a) all civil servants (including polling staff) who were required to be on duty on the polling day were allowed to go to their assigned polling stations to vote during their duty hours. If necessary, they might take taxi to the polling stations concerned, and the fares incurred could be reimbursed;

³ Electors with special needs include persons aged 70 or above, pregnant women and persons who are unable to queue for a long time or have difficulty in queuing due to illness, injury, disability or dependence on mobility aids.

- (b) polling staff and law enforcement officers who were required to perform duties on the polling day⁴ might even join the special queues at their assigned polling stations to collect ballot papers, so that they could return to duty as soon as possible after casting their votes; and
- (c) for polling staff who were assigned to work at the near-boundary polling stations (“NBPSs”) or other nearby polling stations, REO made special arrangements for them to cast their votes at NBPSs.

Installation of the ballot paper checking system at the polling stations of the District Committees constituencies

24. Member note that to facilitate relevant electors to make sure that they voted for the correct number of candidates,⁵ REO equipped each DCC polling station with the ballot paper checking system, which used artificial intelligence to scan the ballot papers marked by electors, thus enabling them to check if the number of candidates selected on the ballot paper was equal to the number of DC members to be returned for their constituency. The

⁴ The following law enforcement officers, subject to verification by their departments, might present the approval letters issued by their departments to the polling staff at their assigned polling stations to gain entry and join the special queues to collect ballot papers, so that they could return to duty as soon as possible after casting their votes:

- (a) members of the disciplined services (including members of the Hong Kong Police Force, the Immigration Department, the Customs and Excise Department, the Correctional Services Department, the Fire Services Department, the Auxiliary Medical Service, the Civil Aid Service and the Government Flying Service) who were required to work long hours on the polling day to perform related security duties for the election, maintain public order or perform other special/emergency duties, or those who worked in locations far away from their assigned polling stations (e.g. outlying islands); and
- (b) officers of the Independent Commission Against Corruption who were required to work long hours on the polling day to assist Presiding Officers in handling complaints and enquiries related to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and take immediate intervention or law enforcement actions as and when necessary.

⁵ In the 2023 DC Election, the “block vote” voting system was adopted for the DCC election in the 18 districts, with the number of seats in each district ranging from 4 to 16.

use of the aforesaid system was voluntary, and the system did not record or count the choices made by electors.

Polling hours

25. The Administration has advised that with the continuous enhancement of the election process and due consideration given to various pros and cons from the perspectives of electors' right to vote and the efficiency of the election, the polling hours for the DCC and GC elections in the 2023 DC Election were set to run from 8:30 am to 2:30 pm and from 8:30 am to 10:30 pm respectively.⁶

Counting arrangements

26. Members note that the “polling-cum-counting arrangement” was adopted for both the DCC and GC elections in the 2023 DC Election to reduce the time and risks involved in transporting ballot papers to counting stations, and such arrangement was more efficient than the central or regional counting arrangement. Members also note that based on the number of electors for each constituency, the Administration put appropriate manpower deployment and duty assignment in place for reviewing ballot papers, counting votes and determining questionable ballot papers, so as to minimize the overall time required for vote counting.

Setting-up of near-boundary polling stations

27. To facilitate voting by Hong Kong people working and living on the Mainland, and enable them to return to the Mainland promptly to attend to their business after voting in Hong Kong, REO set up a total of four NBPSs at two schools near the Sheung Shui MTR Station (i.e. Hong Kong Taoist Association Tang Hin Memorial Secondary School and Tung Wah Group of Hospitals Kap Yan Directors' College) in the 2023 DC Election. Such arrangement was applicable to all registered GC electors in the 2023 DC Election. All electors participating in the aforesaid arrangement were required to make prior registration online,⁷ and the maximum number of registration quota was 38 000. In case of changes in the registered electors' itineraries on the polling day, they might cancel their registrations online during the registration period and cast their votes on the polling day at their

⁶ Due to the failure of the Electronic Poll Register system, the polling hours for the GC election in the 2023 DC Election were eventually extended to 12:00 midnight, so as to allow the affected electors to vote.

⁷ During the registration period, the online registration system was open from 9:00 am on 20 November 2023 to 6:00 pm on 5 December 2023.

originally assigned polling stations. If the registration period already expired when changes were made to the itineraries, the electors concerned might contact REO direct for appropriate arrangements.

28. On the polling day, REO not only put up road signs along the footpaths between the Sheung Shui MTR Station and NBPSs, but also arranged shuttle buses to carry the electors concerned to and from the Sheung Shui MTR Station and NBPSs, so as to facilitate electors' access to the polling stations.

Concerns raised by Members

Polling stations

29. Members note that about half of the polling stations in major public elections are set up in schools. Members are concerned about whether school sponsoring bodies in general are willing to cooperate by making their school premises available for the setting up of polling stations. The Administration has advised that the Improving Electoral System (Consolidated Amendments) Bill 2021 passed by LegCo in May 2021 provides, among other things, that the Chief Electoral Officer is empowered to require schools and non-government organizations receiving grants from the Government to make their properties available for the setting up of polling stations in public elections. With the coordination of the Education Bureau, all the relevant schools were willing to make their school premises available to support the 2023 DC Election.

30. Members note that REO sets up polling stations in each district based on the demographic distribution of Hong Kong, and allocates electors to their respective polling stations in accordance with their principal residential addresses. Some Members have suggested that in the long run, the Administration should consider allowing GC electors to choose to cast their votes at any of the polling stations in the 18 districts according to their needs (e.g. their itineraries or places of work), so as to provide more convenience and flexibility for electors and make polling activities simpler and more time-efficient. For the short term, the Administration should first consider allowing electors to cast their votes at any of the polling stations in their constituencies for their convenience. The Administration has explained that as GC elections involve millions of electors, it needs to ensure that the elections are conducted in a safe and orderly manner, and prevent excessive crowds from gathering at some polling stations. Taking into account the waiting time for electors casting votes and the manpower arrangements for polling staff, the Administration considers that it is more

appropriate to allocate electors to their respective polling stations in accordance with their principal residential addresses.

Polling hours

31. Some Members are of the view that polling hours in Hong Kong are too long, causing delays in vote counting and the announcement of election results. Members note that the polling hours for the 2023 DC Election were one hour shorter than those for the previous DC elections. Members have suggested that the Administration may, based on relevant polling data, explore whether there is room for further shortening the polling hours. The Administration has indicated that the current polling hours are determined upon due consideration of various pros and cons from the perspectives of electors' right to vote and the efficiency of the election. As the polling days of elections all fall on Sundays at present, during which some electors still need to go to work, it may not be appropriate to further shorten the polling hours. However, the Administration notes Members' suggestion, and has indicated that it will review the polling hours in due course to make appropriate arrangements.

Polling arrangements

32. Members have suggested that the Administration should, by making reference to the experience of other countries, allow electors to vote by post or via applications instead of in person and explore the feasibility of setting a polling day on a weekday, so as to further facilitate and motivate more electors to vote. Moreover, Members consider that with more and more Hong Kong people living and developing their careers on the Mainland, external voting may be introduced in the Mainland cities of the Guangdong-Hong Kong-Macao Greater Bay Area ("GBA") on a trial basis. Members are of the view that introducing external voting firstly on a trial basis can test the capacity of the Government's information technology infrastructure. The Administration has advised that it will need to examine in detail the issues involved in external voting at the policy and legal levels, as well as on the aspect of collaboration with the Mainland authorities before making a decision. The Administration has stressed that any proposed arrangements for voting outside Hong Kong must be critically examined to ensure that elections are conducted in a fair, open and honest manner. For example, there is a need for effective monitoring during the voting process to ensure that electors cast their votes voluntarily and without interference, with a view to preventing election corruption.

Counting arrangements

33. Members are of the view that the counting time for the 2023 DC Election was too long. In this connection, Members have suggested that electronic counting should be adopted to enhance efficiency. The Administration has advised that REO made a lot of enhanced counting arrangements for the 2023 DC Election, but the progress of counting of DCGC votes was affected to a certain extent due to the failure of the relevant system. A review will be conducted to ensure the smooth operation of the relevant system in the future. The Administration has also confirmed that electronic counting is a key study item. It will study how to further enhance the counting process and apply the experience gained from the use of electronic counting in the EC subsector elections to other elections as far as practicable.

School holidays

34. Members note that starting from the 2020-2021 school year, schools must designate the day following the polling day of a major public election as a school holiday. Members are concerned about whether such holidays will encourage some parents to leave Hong Kong with their children, thus affecting the turnout rates of elections. The Administration has advised that as far as the 2023 DC Election is concerned, many schools arranged extra-curricular activities for their students on the day following the polling day, so the situation of students and parents leaving Hong Kong due to such holiday was not commonly seen. The Administration has further advised that it will expedite vote counting as far as possible in the future, so as to minimize the impact on schools.

Near-boundary polling stations

35. Members are concerned about the Administration's measures to publicize the arrangements to Hong Kong people on the Mainland and assist them in registering to vote at NBPSs. The Administration has advised that its 16 Mainland offices and liaison units have widely publicized the arrangements to Hong Kong people on the Mainland through channels such as social media and assisted them in registration.

36. Members have suggested that NBPSs should not only be set up near the Sheung Shui MTR Station in the future. Members are of the view that the Administration may consider setting up NBPSs near major immigration control points (e.g. the Hong Kong-Zhuhai-Macao Bridge) in the future to facilitate Hong Kong people working and living on the Mainland to cast their votes. The Administration has advised that it will,

in the light of the experience of setting up NBPSs in the 2023 DC Election, further enhance the relevant arrangements in future elections. Moreover, Members have suggested that polling stations be set up in the airport to facilitate Hong Kong people flying back from overseas to cast their votes. The Administration notes Members' suggestions.

IV. Electioneering arrangements for public elections

37. The Administration has briefed the Subcommittee and sought Members' views on various electioneering arrangements for public elections, including the declaration of election expenses⁸ and election donations⁹, the submission of election advertisements ("EAs") and consent of support¹⁰, the appointment of agents, digitalized services for candidates' convenience, as well as relevant enhancement measures and future developments.

Measures to facilitate candidates' completion of election returns

38. Members note that REO has enhanced its Central Platform, whereby candidates who login to the platform can download a spreadsheet containing all the particulars of the EAs they have submitted through the platform. Candidates only need to fill in the spreadsheet with the relevant EA expenses, and the spreadsheet will then be incorporated into the election return for consolidated submission, which makes the overall declaration procedure simpler and more efficient. In addition, REO has produced a guideline on the completion of the return, a short video and frequently asked questions, which have been uploaded onto the dedicated election websites for candidates' reference.

⁸ Common election expenses include candidates' personal expenses, as well as expenses relating to the conduct of electioneering activities, the appointment of agents and election assistants, the publication of election advertisements ("EAs"), the renting of office accommodation, etc.

⁹ According to the Guidelines on Election-related Activities, goods or services obtained free of charge must be declared as election donations, and their estimated value must also be declared as election expenses.

¹⁰ Under section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance, if the EA of a candidate includes the name of a person or the name, logo or pictorial representation of an organization in such a way that implies the support of that person or organization for the candidate, the candidate must obtain the written consent of the person or organization before publishing the advertisement. The candidate must also upload the consent of support onto the Central Platform, the Candidate's Platform, or make it available to the RO concerned within the period of EA submission for public inspection.

Arrangements for the submission of election advertisements and consent of support

39. Members note that in the 2023 DC Election, in view of candidates' heavy workload in electioneering, the Electoral Affairs Commission ("EAC") relaxed the submission deadline for EAs and relevant documents from within one working day to within three working days after candidates' publication of EAs. The Administration has advised that such arrangement allow candidates relatively adequate time to submit EAs and relevant documents, and the transparency of EAs is maintained as the public may continue to inspect such advertisements through different channels in a timely manner.

40. In line with the aforesaid relaxation on the submission deadline for EAs, EAC has also relaxed the deadline for candidates' submission of the consent of support to within three working days after the publication of EAs. In addition, REO has enhanced the workflow for candidates to upload EAs and consent of support onto the Central Platform. Candidates uploading EAs will receive a reminder that relevant consent of support should be submitted to comply with the statutory requirements.

Digitalized services for candidates' convenience

41. Regarding the submission of election-related forms, the Administration has advised that REO has set up the REO e-Form Upload Platform for candidates of the CE elections, the EC subsector elections, the LegCo elections and the DC elections to upload and submit forms relating to the appointment of various types of agents in elections electronically.

42. In addition, the Administration has advised that candidates can also upload the details of their EAs and relevant documents through the Central Platform. The Administration will continue to explore the digitalization of more election-related documents (e.g. the form for submitting the content of the Introduction to Candidates), with a view to achieving as far as possible the aim of fully digitalizing the processing of election-related forms. Members also note that with the prevalence of electronic payment methods, REO is actively exploring with the Treasury the use of the Faster Payment System for candidates' payment of election deposits, making the procedure for submitting candidate's nomination forms more convenient and efficient.

Concerns raised by Members

Election donations

43. Members are concerned that candidates may need to determine the monetary value of election donations (including goods or services) when declaring such donations in their election returns. In this connection, some Members have expressed concern about the practical difficulties faced by candidates in assessing the monetary value of such donations, which may give rise to mistakes in the declaration of election expenses.

44. The Administration has explained that where the free services or goods are furnished by a person who deals in similar services or goods with the public, the estimated value of such services or goods should be assessed at the normal market prices which the person charges the public. Where such services or goods are furnished by a person who does not deal in similar services or goods with the public, the estimated value should be assessed at the normal market prices of such services or goods furnished by other persons. The Administration has further explained that the difference between the market/regular prices of the services or goods and the prices paid by the candidate is a donation, which must be declared and included as a donation, and the estimated value of the services or goods must be included as an election expense in the return. The Administration has added that a candidate may consult his/her legal advisor if he/she has doubts about the estimation of the value of an election expense/donation item.

45. Members note that according to section 19 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“the Ordinance”), if an election donation (including goods or services) exceeds HK\$1,000 in value (“the existing threshold”), the candidate must issue a receipt to the donor, in which the name and address of the donor must be specified. Members have pointed out that there are views that the threshold beyond which candidates are required to issue donation receipts to donors should be raised to a higher amount, so as to reduce candidates’ workload in elections.

46. The Administration has explained that as the legislation concerning the existing threshold is applicable to different public elections, and the maximum amounts of election expenses¹¹ that may be incurred by a candidate vary from election to election, any adjustment to the existing threshold may have varying degrees of impact on different elections. In

¹¹ Depending on the requirements and the scale of various elections, the maximum amounts of election expenses that may be incurred by a candidate in different elections range from \$13,000 to \$17.6 million.

this connection, some Members have suggested that the Administration may consider specifying a uniform percentage of the maximum amounts of election expenses prescribed for different elections as the threshold for election donation amounts. The Administration has advised that it has considered similar suggestions but is concerned that the proposed arrangement will result in different election donation thresholds for different elections, thus causing confusion to candidates. The Administration has undertaken that REO will continue to actively discuss with the Independent Commission Against Corruption (“ICAC”) and carefully consider how the threshold for election donation amounts can be suitably adjusted to alleviate candidates’ workload in elections on the premise that the original intent of such threshold is upheld.

Digitalized services for candidates’ convenience

47. Members are of the view that the Administration should explore the full digitalization of the processing of election-related forms in future elections to suit the convenience of candidates and reduce costs and manpower. The Administration has advised that it will endeavour to fully digitalize the processing of election-related forms in the next election, and make good use of information technology to devise more enhancement measures, ensuring that elections will be conducted in a more efficient, user-friendly, safe and orderly manner.

48. Members have suggested that the Administration should design and provide a mobile application for candidates to upload photos of publicity materials (e.g. photos of banners and posters), and allow candidates to submit EAs and relevant documents by simply providing links to relevant social media. The Administration has advised that it is receiving views from different experts and sectors on the enhanced electoral arrangements proposed to be implemented, and will launch a study of relevant arrangements in some overseas jurisdictions with a view to exploring appropriate enhanced arrangements for future elections.

Election advertisements

49. Members are concerned that candidates are required to display EAs at designated spots in accordance with the existing requirements, including that the relevant EAs should not exceed the height and length of the railings or fences there, and that roll-up banners and vertical flags should not be displayed at or near the railings and fences of the designated spots. However, it appears that the Administration did not take rigorous enforcement actions on relevant cases of non-compliance during the 2023 DC Election. In addition, Members have suggested that the Administration

should review the designated spots allocated to candidates for displaying EAs, and avoid allocating some rarely frequented and remote spots to candidates for displaying EAs. The Administration has advised that it will follow up the above matters.

Election-related complaints

50. Some Members are of the view that complaint cases merely involving relatively minor and technical non-compliance with the Ordinance may not need to be referred to ICAC¹², and may instead be handled by REO in accordance with simplified procedures to avoid wasting ICAC's resources. Members have enquired about the number of election complaints received by ICAC in the 2023 DC Election as compared with those in the past. Representatives of ICAC have advised that after the Government improves the electoral system and implements the relevant enhanced electoral arrangements, the 2023 DC Election recorded a much lower number of complaints than the 2019 DC Election, mainly because of a decrease in the number of complaints against relevant offences under the Ordinance.

51. Members have further suggested that the Administration may consider putting in place a central coordinating mechanism for handling various types of election complaints, so that such complaints can be handled more effectively under uniform criteria. In addition, Members take the view that false complaints may be lodged with malicious intent to attack rivals in elections, and therefore have suggested that the Administration should entertain named complaints only. The Administration has advised that it will consider Members' suggestions.

Applications for using government land to organize electioneering activities

52. To facilitate candidates' applications for using government land to organize electioneering activities, Members have suggested that the Administration should allow candidates to submit applications one day prior to the activities and, under special circumstances, allow the submission of urgent applications which the Administration should not refuse to handle on the grounds of late submission. The Administration has advised that candidates are required to submit applications to the relevant District Lands Offices in accordance with the specified deadlines set out in the guidelines issued to them by the Lands Department. Candidates who organize

¹² The statutory duty of ICAC is to investigate any alleged or suspected offence under the Independent Commission Against Corruption Ordinance (Cap. 204), the Prevention of Bribery Ordinance (Cap. 201) and the Ordinance.

electioneering activities in the premises managed by the Housing Department and the Hong Kong Housing Society (i.e. housing estates) are required to obtain prior approval from the relevant estate managers or officers-in-charge. The Administration has advised that according to both the Lands Department and the Housing Department, there are practical operational difficulties in postponing the deadlines for submitting the aforesaid applications. In response to Members' views, the Administration has advised that REO will explore with the relevant departments enhancement measures to facilitate the submission of such applications.

Recommendations

53. In the course of its deliberation, the Subcommittee has recommended that the Administration should study and consider:

Nomination and publicity arrangements for public elections

- (a) how to further facilitate prospective candidates for DC elections to approach District Committee members to seek nominations; and
- (b) Members' suggestions regarding publicity for public elections as set out in paragraphs 17(a) to 17(d).

Polling and counting arrangements for public elections

- (a) allowing electors to choose a polling station according to their needs (e.g. their itineraries or places of work) by first allowing electors to cast their votes at any of the polling stations in their constituencies in the short term, and allowing them to choose to cast their votes at any of the polling stations in the 18 districts in the long term;
- (b) by making reference to the experience of other countries, allowing electors to vote by post or via applications and exploring the feasibility of setting a polling day on a weekday, so as to further facilitate and motivate more electors to vote;
- (c) based on the polling data from the 2023 DC Election, exploring whether there is room for further shortening the polling hours;
- (d) expediting the adoption of electronic counting;

- (e) in the light of the actual operational experience, further enhancing the arrangements for NBPSs, and setting up NBPSs near major immigration control points (e.g. the Hong Kong-Zhuhai-Macao Bridge); and
- (f) exploring the introduction of external voting on a trial basis in the Mainland cities of GBA.

Electioneering arrangements for public elections

- (a) raising the threshold for election donation amount and specifying a uniform percentage of the maximum amounts of election expenses prescribed for different elections as the threshold for election donation amounts;
- (b) fully digitalizing the processing of election-related forms;
- (c) providing a mobile application for candidates to upload photos of publicity materials (e.g. photos of banners and posters), and allowing candidates to submit EAs and relevant documents by simply providing links to relevant social media;
- (d) putting in place a central coordinating mechanism for handling various types of election complaints, and entertaining named complaints only; and
- (e) facilitating candidates' applications for using government land to organize electioneering activities by allowing candidates to submit applications one day prior to the activities and, under special circumstances, allowing the submission of urgent applications which the Administration should not refuse to handle on the grounds of late submission.

Advice sought

54. The Panel is invited to note the deliberations and recommendations of the Subcommittee.

Panel on Constitutional Affairs

Subcommittee on Improving the Practical Arrangements for Elections

Terms of reference

To comprehensively review and study the laws and administrative measures relating to the existing practical arrangements for elections, and make recommendations for improvement.

Panel on Constitutional Affairs

Subcommittee on Improving the Practical Arrangements for Elections

Membership list

Chairman Hon CHAN Yung, BBS, JP

Deputy Chairman Ir Hon LEE Chun-keung, JP

Members Hon Paul TSE Wai-chun, JP
Dr Hon Junius HO Kwan-yiu, BBS, JP
Hon Holden CHOW Ho-ding, JP
Dr Hon TIK Chi-yuen, SBS, JP
Hon Nixie LAM Lam
Hon TANG Fei, MH

(Total : 8 members)

Clerk Ms Joanne MAK

Legal Adviser Miss Quincy NG

* Change in membership is set out in Annex.

Panel on Constitutional Affairs

Subcommittee on Improving the Practical Arrangements for Elections

Change in membership

Member	Relevant date
Hon LEUNG Man-kwong, MH	Up to 9 January 2024

Nomination Arrangements for District Council Election**Nomination Requirement**

Pursuant to section 7 of the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547A), irrespective of whether they are candidates for District Committees constituencies (“DCCs”) or District Council geographical constituencies (“DCGCs”), both must be subscribed by at least 3 but not more than 6 members in each of the District Committees¹ (viz. the Area Committees, the District Fight Crime Committee and the District Fire Safety Committee, collectively “the Three Committees”) in the relevant district in their capacity as DCC electors. In addition, DCGC candidates must also be subscribed by at least 50 but not more than 100 electors in the relevant DCGC.

2. The relevant nomination thresholds are briefly set out as follows -

Formation Method	Nomination Threshold	
	Nominations from DCC electors in the relevant district	Nominations from DCGC electors
DCC	at least 3 but not more than 6 electors in each of the District Committees	N.A.
DCGC	at least 3 but not more than 6 electors in each of the District Committees	at least 50 but not more than 100 electors in the relevant DCGC

¹ If there are two or more Area Committees in a district, those Area Committees are to be regarded as one District Committee in the district.

Maximum Number of Nominations

3. Pursuant to section 8 of the District Councils (Subscribers and Election Deposit for Nomination) Regulation, a DCGC elector may only nominate 1 candidate in respect of his/her own DCGC. Each DCC elector, who is also a DCGC elector, may subscribe multiple nomination forms under their two elector capacities. The maximum number of nomination forms that an elector may nominate under different capacities in accordance with the relevant statutory provisions is tabulated below -

Constituency	As an elector of a DCC	As an elector of a DCGC
DCC	Up to the number of members to be returned for the DCC in the district	
DCGC	Nominate 1 candidate for each DCGC in respect of his/her own district	Nominate 1 candidate in respect of his/her own DCGC

Nomination Arrangements for Legislative Council Election

Nomination Requirement

Pursuant to section 7 of the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542C), candidates for the Election Committee (“EC”) constituency (“ECC”), functional constituencies (“FC”) or geographical constituencies (“GC”) must be subscribed by not less than 10 but not more than 20 EC members, and there must be not less than 2 but not more than 4 members representing each of the 5 sectors of the EC. Prospective candidates standing for election in a GC and FC must also be subscribed by –

- (i) **Geographical constituencies:** Not less than 100 but not more than 200 registered electors for that GC.
- (ii) **Functional constituencies:** Not less than 10 but not more than 20 registered electors for that FC.

2. The relevant nomination thresholds are briefly set out as follows -

Formation Method	Nomination Threshold	
	Nominations from EC / relevant FC or GC	Nominations from EC
ECC (40 seats)	10-20	2-4 from each of the 5 sectors ¹
FC (30 seats)	10-20 ²	2-4 from each of the 5 sectors ³

¹ Each EC member can only subscribe 1 nomination form in respect of an ECC election.

² An elector is entitled to subscribe a number of nomination forms up to the number of seats in the FC concerned. Thus, an elector for the Labour FC may subscribe up to 3 nomination forms because there are 3 seats in that FC. For other FCs with 1 seat each, an elector may only subscribe 1 nomination form.

³ An EC member is entitled to subscribe only 1 FC nomination form in his/her capacity as an EC member. In case the EC member is also an FC elector, he/she is also entitled to subscribe for the FC concerned 1 nomination form (or up to 3 nomination forms in the case of the Labour FC).

Formation Method	Nomination Threshold	
	Nominations from EC / relevant FC or GC	Nominations from EC
GC (20 seats)	100-200 ⁴	2-4 from each of the 5 sectors ⁵

Maximum Number of Nominations

3. The maximum number of nomination forms that a GC, FC, and EC elector can subscribe is as follows –

- (i) **GC elector:** Can only subscribe 1 nomination form in respect of his/her own GC.
- (ii) **FC elector:** Can only subscribe the number of nomination forms up to the number of seats in the FC concerned.
- (iii) **EC member:** Can subscribe up to 5⁶ nomination forms in different capacities in total, except EC members who are also an elector in the Labour FC.

⁴ An elector is entitled to subscribe only 1 nomination form in respect of his/her own GC.

⁵ An EC member is entitled to subscribe only 1 GC nomination form in his/her capacity as an EC member. Also, in his/her own capacity as a GC elector, the EC member is entitled to subscribe 1 nomination form in respect of his/her own GC.

⁶ An EC member who is also the authorized representative (“AR”) of a corporate elector may sign 1 more nomination form in his/her capacity as that corporate elector’s AR.

4. The detailed arrangements regarding the nominations each **EC member** can subscribe to in different capacities are as follows -

Constituency	Subscription as an EC member	Subscription as a GC/FC elector	Maximum number of forms that an EC member may subscribe in different capacities
GC	For any GC: 1	For his/her own GC: 1	2 ⁷
FC	For any FC: 1	For his/her own FC: 1 (Labour FC: 3)	2 ⁸ (EC member cum Labour FC elector: 4)
ECC	1	N.A.	1

⁷ Specifically, an EC member can nominate 1 candidate for his/her own GC in his/her capacity as a GC elector, and also nominate another candidate within or outside his/her own GC in his/her capacity as an EC member. Alternatively, an EC member can exclusively nominate 1 candidate only for his/her own GC by using both his/her capacities as an EC member and a GC elector to subscribe that single candidate's nomination form.

⁸ Specifically, an EC member can nominate 1 candidate for his/her own FC in his/her capacity as an FC elector (or up to 3 candidates in the case of the Labour FC), and at the same time nominate another candidate within or outside his/her own FC in his/her capacity as an EC member. Alternatively, an EC member can exclusively nominate 1 candidate only by using both his/her capacities as an EC member and an FC elector to subscribe that single candidate's nomination form.

(Extract)

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(c) Chief Executive Election

4. In accordance with section 16 of the Chief Executive Election Ordinance (Cap. 569), prospective candidates for the office of the Chief Executive shall be nominated by not less than 188 members of the Election Committee, of which the number of members from each of the five Election Committee sectors ¹ should not be less than 15.

(d) Election Committee Subsector Elections

5. In accordance with section 8 of the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569C), prospective candidates of the Election Committees Subsector Election shall be nominated by five electors in the respective subsector. Each elector may only nominate a number of candidates not exceeding the number of seats to be elected in the respective subsectors.

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Source : Paper provided by the Administration in November 2023
(LC Paper No. CB(2)971/2023(01))

¹ The five sectors of the Election Committee include the (i) industrial, commercial and financial sectors; (ii) the professions; (iii) grassroots, labour, religious and other sectors; (iv) LegCo Members, representatives of district organisations and other organisations; and (v) Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress, HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference and representatives of Hong Kong members of relevant national organisations.

Publicity Highlights of 2023 DC Election

The Government has placed cardinal importance of the publicity of this election and has adopted novel means to bring joy to the public, creating a lively election atmosphere. Continued for over three months till the polling day, relevant promotional activities include:

1. The organization of “Improving district governance Building a better community” seminar, which was attended by representatives from various sectors of the community, leaders of the political groups with affection for the country and Hong Kong, authoritative experts and scholars and government officials. The seminar was also broadcast live;
2. The production of over 1.5 million of promotional posters and flyers for distribution to public rental housing (“PRH”), Home Affairs Department, kaifong and community associations and other organisations, etc.;
3. The installation of 359 large signboards and electronic advertising hoarding panels, covering all major thoroughfares, sizeable shopping malls and building exteriors, government venues and prime locations with high visitor flow;
4. The hanging of nearly 99 000 buntings and 19 500 banners at various spots across the territory to build up election atmosphere;
5. The distribution of promotional flyers at various districts by departmental volunteer teams led by all Secretaries of Departments, Directors of Bureaux and civil service organisations. All government officials also took part in shooting promotional short clips, which were broadcast on all TV channels at a high frequency of at least once per hour. The clips were also broadcast at all PRHs, hospitals, major postal offices, MTR train compartments and government’s social media platforms;
6. The launch of a large-scale publicity campaign at various spots in major transportation systems across the territory, including 3 000 spots along different lines of MTR and light rails, 1 000 locations at bus stops and bus bodies, as well as other spots at piers, ferries and tramways. Starting from 9 November 2023, voice-overs promoting the election day were broadcast at all cross harbor tunnels;
7. The enhancements of all electronic promotion via primary social media, attaining a daily impression rate of 1.2 million impressions and a total of over 38 million impressions over the whole course

of the publicity campaign;

8. The broadcast of multiple short clips featuring celebrities of different sectors to appeal to electors for casting their votes on the polling day. Government officials also called for public support at various occasions;
9. The publication of sizeable advertisements on 20 newspapers and publications in Hong Kong on multiple key dates within the election period;
10. The organization of a total of 13 “Night Vibes DC Election” with promotional game stalls, and nearly 170 “DC Election into the Community” events, featuring exhibitions, parent-child interactive workshops, mobile publicity vans and mobile game stalls, which covered all 44 District Council geographical constituencies, to introduce to the public the new system of the reformed DC and encourage them to vote;
11. The production of a series of over 30 installments of TV programmes to introduce the policy of improved district governance, electoral arrangements of the DC election and election-related fun facts for broadcasting through all TV stations;
12. The introduction of multiple infographics covering a wide range of topics such as nomination procedures, points to note for candidates, DC geographical constituency boundaries, near boundary polling stations, etc.;
13. The organization of seminars in all 18 districts across the territory to elucidate the nomination mechanism and voting arrangements to members of the three district committees;
14. The issuance of TV and Radio announcements since 4 December for a countdown to the polling day on 10 December and remind the public to vote;
15. The organization of “District Council Election Fun Day” on 9 December, featuring a variety of events across different districts in Hong Kong such as carnivals, sport activities, parent-child activities, mobile game stalls, free admission to museums and exhibitions, so as to further heighten public awareness of the election and the overall election atmosphere;
16. The organization of the “Build a Better Community” gala, which was a large-scale outdoor concert on the eve of the polling day at the West Kowloon Cultural District (“WKCD”) with concurrent telecasting at two satellite sites in Wan Chai and Sha Tin. Apart from the telecasting, live performances and game booths were set up at these satellite sites for public enjoyment. In addition, “Winter Harbourfront Pyrotechnics” and drone show were also staged at the neighbouring waters of the WKCD. All of the above programmes were broadcast by seven electronic media of

Hong Kong, enabling viewing by members of the public who could not join the event on site, in celebration of the DC election and in support of building a better community; and

17. The implementation of heartwarming arrangements on the polling day, including issuing thank you cards to voters after casting their votes and setting up "check-in" spots next to the polling stations for the public to take photos.