

Guidelines for Legislative Council Election released today

The following is issued on behalf of the Electoral Affairs Commission:

The Electoral Affairs Commission (EAC) today (June 18) issued the Guidelines on Election-related Activities in respect of the Legislative Council Election according to the Electoral Affairs Commission Ordinance (Cap. 541). The guidelines apply to the 2020 Legislative Council General Election to be held this year and Legislative Council by-elections afterwards.

The guidelines cover two different aspects, namely, (1) to explain the relevant legislative provisions; and (2) to promulgate a code of conduct in election-related activities based on the fair and equal treatment principle.

"Electors rely on fair and orderly elections to elect their representatives. Election is a solemn matter and the electoral procedures are strictly governed by the relevant electoral legislation. Persons who wish to run for an election and other stakeholders must understand and comply with the legislative requirements so as to avoid committing any offence inadvertently. Candidates and stakeholders should also make reference to the best practices provided in the Guidelines in order to ensure that the elections are conducted in an open, fair and honest manner," a spokesman for the EAC said.

During the public consultation period of the proposed guidelines, the EAC received about 108 000 written representations. Areas that drew public attention include arrangements for queuing at polling stations, collection of ballot paper(s) by electors and maintaining order at counting stations. After thorough consideration of the representations received, the EAC has set out the arrangements concerned in the guidelines:

(I) Arrangements for queuing at polling stations

For the sake of fairness and equality, each elector has to queue up for entry to the polling station to cast vote(s). A number of ballot paper issuing desks are set up in a polling station and each issuing desk is responsible for serving electors with a designated group of alphabetical prefix in the HKID number. Each elector can only go to the issuing desk allocated according to the alphabetical prefix of his/her HKID number to collect the ballot paper(s). At the same time, the polling arrangement must also have regard to electors who have difficulties in standing for a long time in the queue to collect ballot papers due to their physical conditions (e.g. the elderly, pregnant women and persons with disability and mobility difficulties). In light of this, the EAC after consideration, has decided to adopt arrangements made during the District Council Ordinary Election held last year where the Presiding Officers (PROs) will, as far as practicable,

arrange for the elector concerned to sit down inside the polling station and wait for collecting his/her ballot paper(s) with the elector's position in the queue properly marked. When it comes to the elector's turn, the polling staff will direct him/her to collect the ballot paper(s) at the relevant issuing desk.

On the other hand, when electors are queuing up for entry outside the polling station and there is any ballot paper issuing desk not serving any elector, the polling staff will hold a signboard outside the polling station to direct those electors with the corresponding alphabetical prefix of the HKID number served by that issuing desk to enter the polling station forthwith to collect their ballot papers. This arrangement is also applicable to electors who need to sit down while queuing as mentioned above. The spokesman said that while similar arrangements were made at some polling stations on previous polling days, it will be implemented across all polling stations in the coming Legislative Council General Election. Having regard to the actual situation of the polling station, the PRO may also flexibly adjust the designated group of alphabetical prefixes in the HKID number served by the issuing desks, and set up additional issuing desks during peak voting periods if reasonably practicable, in order to speed up the handling of electors in the queue.

"Queuing up for the collection of ballot papers is a common phenomenon, which is also found in other places. Apart from complying with the principle of fairness, the above polling arrangements can take care of electors with special needs and also speed up the streaming of electors to their issuing desks so as to reduce the overall waiting time," the spokesman said.

On the other hand, according to past experience, when the polling staff request to go to vote in their assigned polling stations, the PROs will make arrangement as far as practicable, normally during lunch time or such time where the polling stations are less crowded. However, some polling stations are busy with stringent manpower, and the operation of the polling station may be affected. Therefore, in order to enable the polling staff to return early to their work posts to serve the electors, if there is a queue of electors outside their assigned polling stations, they may present to the polling staff of the relevant polling station their polling staff identification for admission into the polling station to queue up for collecting the ballot paper(s) and to cast their votes. This arrangement aims to allow them to return to the polling station where they work and continue to serve the electors as soon as possible.

(II) Checking of personal entry on the copy of register by electors

According to the law, when the polling staff issue ballot papers to electors, they will draw a line in the copy of register of electors across the name and the identity document number of that elector to denote that ballot paper(s) have been issued to him/her to avoid duplicated voting. To enhance transparency of the process, the elector concerned can observe the polling staff to draw the line, while at the same time the entries of other electors in the copy of the register will be covered up to ensure other

electors' personal data are protected.

(III) Maintaining the order at counting stations and enhancing the public's knowledge of counting arrangements

Members of the public and the media have the rights to observe the count at the counting stations. All along the PRO will not allow further entrants to the counting station when the area designated for the public is full. To let members of the public know the maximum capacity of the public area in an earlier stage, a notice will be displayed outside each counting station and the central counting station by the PRO and the Chief Returning Officer respectively, setting out the capacity of the public area in the counting station.

"In fact, depending on the actual area and other constraints of the venues, there has all along been a maximum number of entrants to counting stations allowed. The above arrangement aims to keep a balance between the public's right to know and maintaining order at the counting stations," the spokesman added.

Photography and/or video-recording is allowed inside the counting stations. Members of the public and the media can take photographs and/or videos inside the public area (excluding the counting zone). For record purposes, recording facilities will be installed in each counting station and the central counting station (including the counting zone) to record the actual situation of the counting stations. The arrangement aims to maintain a safe environment for members of the public and staff inside the counting stations.

Apart from the above arrangements as stated in the guidelines, to ensure that counting work of PROs is free from threats or interference, if any persons clamor or shout in the counting stations, the EAC will instruct the PROs to immediately suspend the counting process until the order is restored. If the persons concerned refuse to abide by the PRO's order and that disruptive acts continue, the count will resume only after the persons concerned are removed by staff or police.

As the problems of order at certain counting stations on the polling day of the 2019 District Council Ordinary Election may be attributed to the public's insufficient knowledge of the determination of validity of questionable ballot papers, apart from the established practice of displaying samples of clearly valid, invalid and questionable ballot papers inside the counting zone for reference by the PROs, candidates, election agents and counting agents, those samples will also be displayed in the public area of the counting stations in order to enhance the public's knowledge in this aspect.

Regarding the suggestion of adopting an electronic mode of ballot papers distribution, i.e. making use of electronic poll registers to verify the identity of electors and distribute ballot papers in the polling stations, the spokesman pointed out that launching of electronic poll registers

involves various procedures including tendering, amending relevant legislations, repeated validation and system testing. It is not feasible to apply the electronic mode of ballot papers distribution in the Legislation Council General Election to be held this September in terms of time, legislative procedures and technical aspect.

As far as the technical aspect is concerned, since the system will process personal data of more than four million electors, stringent security measures should be in place to prevent accidental data leakage. Before its implementation, the system must pass information technology (IT) security risk assessment and audit to earn public confidence. A stable and reliable system is of paramount importance to avoid any possible errors on the polling day.

"In fact, the Government has all long been actively studying the electronisation of different electoral procedures. However, any arrangement must strike a balance between the application of IT, efficiency, security risks, privacy protection and public confidence, etc. The REO plans to implement electronic poll registers in the 2021 Election Committee Subsector Elections and will continue to actively study the introduction of different technologies in public elections to improve the electoral process and efficiency," the spokesman added.

The EAC also received some representations during the consultation period expressing concerns over the definition of "candidate" mentioned in Chapter 16 of the proposed guidelines on Election Expenses and Election Donations. The definition of "candidate" is stipulated clearly in the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO). "Candidate": (1) means a person who stands nominated as a candidate at an election; and (2) also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election.

The spokesman reiterated that the definition of "candidate" in Chapter 16 follows what is stipulated in the ECICO and had all along been set out in the election guidelines released by the EAC in the past. The EAC has no intention or authority to change that definition. Besides, the ECICO also clearly sets out provisions regulating election expenses and prescribes the maximum amount of election expenses. It also requires candidates to submit election returns setting out all election expenses and election donations, in order to ensure that the candidates do compete on a level playing field and within a reasonable level of expenditures. The EAC has the responsibility to remind those who intend to run for elections of the requirements in relevant laws, especially when a court case setting out some objective criteria for election expenses is available for reference, in order to avoid them from breaking the law inadvertently.

The spokesman urged those who intend to run for the election to read carefully the guidelines and the relevant electoral legislation, and strictly abide by the relevant legislation and guidelines. The guidelines can be downloaded from the EAC's website (www.eac.hk). They are also available for

viewing at the Registration and Electoral Office and the Home Affairs Enquiry Centres of District Offices.