

Guidelines for Election Committee Subsector Elections released today

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

The Electoral Affairs Commission (EAC) today (July 23) announced the Guidelines on Election-related Activities in respect of the Election Committee Subsector (ECSS) Elections according to the Electoral Affairs Commission Ordinance (Cap. 541).

"The Guidelines apply to the 2021 ECSS Ordinary Elections to be held this year and the ECSS by-elections afterwards," the Commission Chairman, Mr Justice Barnabas Fung Wah, said at a press conference.

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

"The Guidelines are prepared on the basis of the Guidelines on Election-related Activities in respect of the ECSS Elections released in 2016, with appropriate and necessary amendments. The Guidelines cover three areas: the first category reflects the amendments to relevant electoral laws, such as the Improving Electoral System (Consolidated Amendments) Ordinance 2021 enacted by the Legislative Council (LegCo) earlier which covers some major changes in the composition of the Election Committee (EC) and its subsectors, as well as introduces new electoral arrangements including the use of an electronic poll register (EPR) system to issue ballot papers and the setting up of a special queue at polling stations. The elaborations in the Guidelines are for candidates and other stakeholders to understand and comply with the relevant regulations; the second category reflects the amendments to electoral arrangements, which have been reflected in other election guidelines; and the third category is the elaboration of new electoral arrangements and procedures. For instance, seats may also be provided in a polling station for persons in need to rest, and to join the queue afterwards for collecting ballot papers."

The Ordinance has been published in the Gazette and came into effect on May 31. The composition of the EC will be expanded from 1 200 members comprising four sectors to 1 500 members comprising five sectors. The EC is responsible for nominating candidates for the Chief Executive (CE) election and electing the CE designate, as well as nominating candidates for the LegCo election and returning 40 LegCo members.

The EC is composed of five sectors, i.e. the first to fifth sectors, comprising industrial, commercial and financial sectors; the professions; grassroots, labour, religious and other sectors; LegCo Members and representatives of district organisations and other organisations; and

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. Each sector comprises a number of subsectors (40 in total). The members are returned by three methods, namely ex-officio members, members nominated by designated bodies of the relevant subsectors and members elected by eligible corporate voters or individual voters of the relevant sub-subsectors.

In addition, the Ordinance introduces the enhancement measures in electoral arrangements, including the use of an EPR system for the issuance of ballot papers and the setting up of a special queue at polling stations.

Election is a solemn matter and the electoral procedures are strictly governed by the relevant electoral law. It is the duty of the EAC to issue guidelines in accordance with the subsisting law to remind persons who wish to run for an election and other stakeholders that they must understand and comply with the legislative requirements so as to avoid committing any offence inadvertently.

Shortening of polling hours for better use of public resources

Considering that the number of registered voters of the 2021 ECSS Ordinary Elections has reduced to about 8 000, the EAC has decided to shorten the polling hours from 15 hours between 7.30am and 10.30pm to nine hours between 9am and 6pm for better use of public and human resources. The Registration and Electoral Office (REO) will enhance publicity for the new polling hours, and put a prominent message on the poll cards, envelopes for sending the poll cards and the Introduction to Candidates to remind voters of the new polling hours.

EPR system

In accordance with Section 53 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I), an EPR system will be used for the first time in the 2021 ECSS Ordinary Elections for issuing ballot papers at polling stations (except for dedicated polling stations) for more efficient and accurate issuance of ballot papers.

Upon entry to the polling station, a voter/authorised representative (AR) of a corporate voter will be directed to one of the ballot paper issuing desks to collect the ballot paper. The polling staff will check the voter/AR's Hong Kong identity card, and then scan the Hong Kong identity card with a tablet so as to verify whether the voter/AR is registered in respect of the subsector concerned and ascertain the types of ballot papers to be issued.

To ensure the accuracy of issuing ballot papers, the voter/AR may check his or her name, partial Hong Kong identity card number and types of ballot papers issued to him or her as shown on the screen of the EPR system during the issuance process. To safeguard the secrecy of voting, the EPR system will

record the number and types of ballot papers issued to the voter/AR and the time of issuance, but no record will be made as to which particular ballot paper is given to the voter/AR. No facial recognition devices will be installed in the polling station.

A study on the use of an EPR system was started by the REO in 2019. With the assistance of the Office of the Government Chief Information Officer, the EAC has appointed three professionals with profound experience in the information technology industry as the members of the EPR System Technical Advisory Committee (EPRSTAC). The convener of the EPRSTAC is Mr Sunny Lee. He is the Vice-President (Administration) of the City University of Hong Kong and the Board Chairman of the Hong Kong Applied Science and Technology Research Institute, while the other two members are Ms Susanna Shen, the Head of Corporate IT of the Hong Kong and China Gas Company Limited, and Mr Wilson Wong, the Chief Executive Officer of Hong Kong Internet Registration Corporation Limited.

Mr Justice Fung said, "The three members assist in reviewing various technical aspects of the EPR system, such as data and system security, operational efficiency and contingency arrangements. They also provide advice on security risk assessment and audits, privacy risk assessment, information system audits and more to ensure the safety and integrity of the EPR system. On behalf of the EAC, I would like to thank them for sharing with us their experience in the application of information technology in the business sector and public service organisations so that we can learn from them to improve the EPR system."

Safety measures in response to COVID-19

In response to COVID-19, the REO will implement a number of measures to prevent the spread of the virus in polling and counting stations, which include requiring all polling and counting staff to wear surgical masks or other protective equipment recommended by the Centre for Health Protection (CHP), and not allowing staff with fever symptoms to perform election duties.

Candidates, their agents and voters/ARs must wear their own surgical masks, use hand sanitiser and check their body temperature before entering polling and counting stations. Given that candidates or their agents will stay in polling and counting stations for a relatively long period of time, if they have fever symptoms, they will not be permitted to enter polling and counting stations, and they may assign an agent without fever symptoms as a replacement. A voter/AR with fever symptoms will be directed to a special voting compartment set up at a more secluded location of the polling station to vote as it will only take a short time. The special voting compartment will be disinfected after every use. Polling stations will be disinfected with cleaning supplies when necessary.

The REO will continue to maintain close contact with the Food and Health Bureau and the CHP, monitor the developments of the epidemic closely and make assessments based on the situations. Details and arrangements will be announced in due course after a decision is made.

Queuing arrangements at polling stations

As stipulated in the Section 49A of the Regulation, the Presiding Officers (PROs) may make special queuing arrangements for persons in need, including persons who are aged 70 or above, persons who have difficulties in standing for a long time to queue due to their physical condition and pregnant women.

All voters/ARs have to queue up to enter polling stations. The PRO may set up two queues outside the polling station, one for persons in need (i.e. persons who are aged 70 or above, persons who have difficulties in standing for a long time to queue due to their physical condition and pregnant women) and the other for the ordinary voters/ARs. Seats will also be provided in the polling station for persons in need to rest, and to join the queue afterwards for collecting ballot papers.

Having regard to the order and the overall situation of the polling station, the PRO will flexibly deploy the use of ballot paper issuing desks. When there is a long queue of persons in need, the PRO may assign more special ballot paper issuing desks so as to shorten the waiting time in that queue. The PRO may also direct people in the ordinary queue to use the special ballot paper issuing desks when those desks are free or when few people are in the special queue. The arrangement allows the issuing desks to be fully utilised and speeds up the diversion of voters/ARs to the issuing desks to collect ballot papers, thereby reducing the overall waiting time.

Election meetings

The EAC noticed that some LegCo members expressed their concerns at the meeting of the Panel on Constitutional Affairs held on June 21 about whether the groups/organisations to which candidates for the ECSS Elections belong could continue to organise and carry out regular activities. A brief explanation on election meetings is given as follows.

In accordance with the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), an election meeting is a meeting held to promote or prejudice the election of a particular candidate or particular candidates. Expenses incurred before, during or after the ECSS Elections on account of an election meeting organised for any of the purposes stated above are election expenses.

If the event or meeting is of a regular nature (such as regular meetings and festive celebrations), and there is no promotion of a particular candidate or particular candidates, the candidate may attend the event or meeting as usual if it is not for the purpose of promoting or prejudicing the election of a particular candidate or particular candidates. However, candidates should act cautiously and avoid the possibility of unnecessary doubts. For example, if someone "canvasses for him or her" during the event or meeting, the candidate should stop the canvassing and state that he or she is not involved, or even leave. Otherwise, it could be regarded as an election meeting and the candidate must estimate and declare the expenses by

himself or herself. Please refer to Chapter 10 of the Guidelines for the matters relating to organising election meetings.

Mr Justice Fung added, "The EAC has not conducted public consultation on the Guidelines this time. It is mainly because the Ordinance was enacted at the end of May, and the nomination period of the 2021 ECSS Ordinary Elections will commence on August 6. We are on a tight schedule. In addition, as mentioned above, the Guidelines are amended in response to the changes made in accordance with the amendments to the electoral laws which have been discussed and enacted in the LegCo; the remaining amendments are mainly the alignments with other election guidelines, while most amendments have been mentioned in the report released last year. Therefore, there is no need for public consultation on the Guidelines."

The Guidelines can be downloaded from the EAC's website (www.eac.hk). They are also available for viewing at the REO and the Home Affairs Enquiry Centres of District Offices.