

Guidelines for Legislative Council Election released today

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

The Electoral Affairs Commission (EAC) today (October 25) 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 2021 Legislative Council General Election to be held in December this year and Legislative Council by-elections afterwards," the EAC Chairman, Mr Justice Barnabas Fung Wah, said at a press conference.

"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.

"The Guidelines are prepared on the basis of the edition released in June 2020, with appropriate and necessary amendments. About 50 major amendments are primarily classified into three areas: the first category reflects the amendments to relevant electoral laws, mainly the Improving Electoral System (Consolidated Amendments) Ordinance 2021 (the Ordinance) enacted by the Legislative Council in May this year which covers the composition of the Legislative Council, the method of its formation and the nomination process of candidates. Most of the amendments in the Guidelines fall into the first category; 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, such as the voting arrangements and the requirements on media reporting in relation to the newly established Election Committee constituency (ECC)."

An election is a solemn matter and the electoral procedures are strictly governed by the relevant electoral legislation. It is the duty of the EAC to issue guidelines in strict 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.

Composition and formation of the Legislative Council

The Ordinance has been published in the Gazette and came into effect on May 31. The composition of the Legislative Council will be expanded from 70 members to 90 members returned by Geographical Constituencies (GCs), Functional Constituencies (FCs) and the ECC.

As for GCs, Hong Kong is divided into 10 GCs. They are Hong Kong Island East (comprising Eastern District and Wan Chai District), Hong Kong Island West (comprising Central and Western District, Southern District and Islands District), Kowloon East (comprising Kwun Tong District and south-eastern part of Wong Tai Sin District), Kowloon West (comprising Yau Tsim Mong District and Sham Shui Po District), Kowloon Central (comprising Kowloon City District and north-western part of Wong Tai Sin District), New Territories South East (comprising Sai Kung District and eastern part of Sha Tin District), New Territories North (comprising North District and north-western part of Yuen Long District), New Territories North West (comprising Tuen Mun District and south-eastern part of Yuen Long District), New Territories South West (comprising Kwai Tsing District and Tsuen Wan District) and New Territories North East (comprising Tai Po District and western part of Sha Tin District). The 20 GC members will be returned from 10 GCs by the "double seats and single vote" voting system (each constituency returns two members, and each elector can vote for one candidate). The two candidates who obtain the greatest number of votes shall be returned for the respective GC.

A total of 30 seats shall be returned by electors/authorised representatives of corporate electors from the 28 FCs. All 28 FCs adopt the "first past the post" voting system. Except the Labour FC which will return three members, all other 27 FCs shall return one member each.

As for the newly established ECC, the 40 seats will be elected by the 1 500 Election Committee members by the "block vote" voting system. Every member must select exactly 40 candidates, and the 40 candidates who obtain the greatest number of votes shall be returned in the election.

The 2021 Legislative Council General Election will be held on December 19. The Registration and Electoral Office (REO) plans to set up more than 620 ordinary polling stations across the territory. Also, an ECC polling station will be set up in the Hong Kong Convention and Exhibition Centre for ECC electors to cast their ECC, GC and FC (if any) votes.

Nomination of candidates

The Ordinance has amended the nomination methods for candidates in a Legislative Council election. A GC candidate must be nominated by no less than 100 and no more than 200 electors in his/her GC, as well as by no less than two and no more than four Election Committee members from each of the five sectors; an FC candidate must be nominated by no less than 10 and no more than 20 electors in his/her FC, as well as by no less than two and no more than four Election Committee members from each of the five sectors. As for the ECC, a candidate must be nominated by no less than two and no more than four Election Committee members from each of the five sectors; and the candidate need not be an Election Committee member.

Pursuant to the Annex II to the Basic Law, the Candidate Eligibility Review Committee is responsible for reviewing and confirming the eligibility of candidates in the Legislative Council elections.

The nomination period for the 2021 Legislative Council General Election will start on Saturday (October 30) until November 12. Persons who wish to run for an election are advised to submit their nominations as early as possible to allow time to correct mistakes, if any, in the nomination forms before the deadline.

Shortening of polling hours

Given the use of the Electronic Poll Register (EPR) system and other improvement measures in the Legislative Council General Election, the polling hours will be changed from between 7.30am to 10.30pm (15 hours in total) to between 8.30am to 10.30pm (14 hours in total) to allow more time for polling staff to conduct a final check of equipment and other settings including data network connections. The polling hours are applicable to ordinary polling stations and the dedicated polling stations set up inside the police stations. As for the dedicated polling stations set up inside penal institutions, the polling hours will remain unchanged, i.e. from 9am to 4pm. The REO will enhance publicity for the new polling hours, and put a prominent message on the poll cards to remind electors of the new polling hours.

Mr Justice Fung said, "Given the experience of past elections, more electors chose to vote in the morning, resulting in a longer waiting time. The polling hours for the election last for 14 hours, and electors can arrange when to vote according to their own schedule, for example, voting after lunch or when there are generally fewer people waiting. If electors can only vote in the morning, they will inevitably have to wait for a longer time."

Polling and queuing arrangements

With the assistance of the Office of the Government Chief Information Officer and the EPR System Technical Advisory Committee, the EPR system will be used for issuing ballot papers at polling stations (except for dedicated polling stations and the polling stations not covered by broadband or telecommunication networks) for more efficient and accurate issuance of ballot papers. Upon entry to the polling station, an elector will be directed to one of the ballot paper issuing desks to collect the ballot paper. The polling staff will check the elector's Hong Kong identity card, and then scan the Hong Kong identity card with a tablet so as to verify whether the person is a registered elector and ascertain the types of ballot papers to be issued.

To ensure the accuracy of issuing ballot papers, the elector 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 elector and the time of issuance, but no record will be made as to which particular ballot paper is given to the elector. No facial recognition devices will be installed in the polling station.

On top of that, the Presiding Officers (PROs) will set up two queues outside the polling station, one for persons in need including persons who are aged 70 or above, pregnant women and persons who have difficulties in standing for a long time to queue due to their physical condition, while another one for the ordinary electors. Seats will also be provided in the polling station for persons in need of 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 ballot paper issuing desks, allowing the issuing desks to be fully utilised and thus speeding up the diversion of electors to the issuing desks to collect ballot papers, thereby reducing the overall waiting time.

"On the other hand, considering that the 'block vote' voting system is adopted for the ECC and electors must select exactly 40 candidates on the ballot paper, optical mark recognition (OMR) machines will be set up in the ECC polling station to avoid invalid ballots resulting from electors marking more or less than 40 candidates accidentally. ECC electors are encouraged to use the OMR machines to check whether the number of candidates marked on their ballot paper is 40 before putting into the ballot box. The OMR machines will never record or count electors' choices marked on their ballot papers," said Mr Justice Fung.

Arrangement for polling staff to vote

In the past, when the polling staff requested to vote in their assigned polling stations, the PROs will make arrangement as far as practicable. However, when there are long queues at the assigned polling stations of the concerned polling staff, it might take him/her a longer time to vote before returning to their work posts, which might affect the operation of the polling stations where they work. Therefore, an arrangement will be made this time in order to enable the polling staff to return early to their work posts to serve the electors. If there is a long queue of electors outside their assigned polling stations, they may present their polling staff identification to enter the polling station for priority queuing to collect ballot paper(s) and cast their vote(s), so that they can return to the polling station where they work and continue to serve the electors as soon as possible.

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 electors must wear their own 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 but they may assign an agent without fever symptoms as a replacement. An elector with fever symptoms will be directed to a special voting compartment 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.

Taking into account that people who are under compulsory quarantine at the Penny's Bay Quarantine Centre (PBQC) are required to stay there without being given any prior notice, and that there is a sufficient and suitable area to set up a polling station in the PBQC, after consulting the CHP, the REO plans to set up a polling station in the PBQC for electors who are undergoing compulsory quarantine therein to vote. The REO will adopt a series of safety measures in the polling station to minimise the risk of infection and spread of COVID-19.

Considering that the COVID-19 variants are highly contagious, the CHP from the perspective of risk assessment, opined that it was inappropriate to allow people who are undergoing home quarantine or compulsory quarantine at hotels to vote at polling stations. Therefore, special voting arrangements will not be arranged for those electors.

"The electors who intend to vote but are currently not in Hong Kong should take note of the quarantine measures for inbound travellers. They should plan their itinerary as early as possible and allow sufficient time for quarantine arrangements, such as returning to Hong Kong at least 21 days before the polling day, so that they can exercise their voting right at their designated polling stations on the polling day. The REO will continue to maintain close contact with the Food and Health Bureau and the CHP, and monitor the developments of the epidemic closely. Further arrangements will be made and announced in due course if necessary depending on the circumstances," said Mr Justice Fung.

The REO will produce a short video on the polling procedures and preventive measures against COVID-19 to be implemented in the polling stations. The video will be uploaded to the websites of the EAC (www.eac.hk) and the REO (www.reo.gov.hk) and the election website (www.elections.gov.hk) for reference.

Media reporting in relation to the ECC

The numbers of seats and candidates of the ECC are considerably large. When producing and publishing news reports and feature reports related to the election of a certain candidate, the media may face practical and operational difficulties if all other ECC candidates have to be mentioned in the same programme or publication. As such, the Guidelines state that the media can choose to provide audience or readers with the total number of candidates in the ECC and the platform(s) maintained by the media (i.e. the webpage of the organisation/programme/publication) in which other ECC candidates' names are mentioned.

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, the EAC and REO have to prepare and arrange for three public elections which are the Election Committee Subsector Elections, Legislative Council Election and Chief Executive Election in accordance with the amended electoral laws, putting us on a very tight schedule. In addition, the Guidelines are revised mainly to reflect the legislative amendments under the Ordinance, which have been discussed and passed by the Legislative Council. Therefore, we consider that there is no need to conduct 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.