

Legislative Council Election candidates briefed on electoral guidelines and legislation (with photos)

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

The Chairman of the Electoral Affairs Commission (EAC), Mr Justice Barnabas Fung Wah, conducted an online briefing tonight (November 19) for the candidates of the 2021 Legislative Council General Election on important points to note in running their election campaigns.

"The seventh Legislative Council General Election will be held on December 19. A total of 154 nomination forms were received by Returning Officers during the nomination period that ended on November 12. The validity of the nominations is determined by the Candidate Eligibility Review Committee (CERC). The CERC has published the notices of valid nominations in the Gazette today to declare the particulars of the candidates who are determined to be validly nominated. Polls will be conducted for all constituencies, a total of 90 seats, in which there are contested elections," Mr Justice Fung said at the briefing.

"The Returning Officers have drawn lots yesterday (November 18) to determine the order in which the names of candidates appear on a ballot paper and the designated spots of election advertisements allocated to the candidates. The candidate numbers of the relevant candidates have been promulgated in the notices of valid nominations.

"An election is a solemn matter. The EAC will strive to ensure that the election will be conducted in an open, fair and honest manner as in the past. I would also like to appeal to eligible electors to vote on December 19," he said.

Composition and formation of the Legislative Council

Pursuant to the amended Annex II of the Basic Law and the Improving Electoral System (Consolidated Amendments) Ordinance 2021 (the Ordinance) which was published in the gazette and came into effect on May 31, there are significant changes in the composition and formation of the Legislative Council. Legislative Council elections are regulated by relevant laws and the Guidelines on Election-related Activities in respect of the Legislative Council Election formulated by the EAC.

The composition of the new term of the Legislative Council will be expanded from 70 to 90, composing members returned by Geographical Constituencies (GCs), Functional Constituencies (FCs) and the Election

Committee Constituency (ECC). The 40 seats of the newly established ECC will be elected by the 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.

A total of 30 seats shall be returned by electors/authorised representatives of corporate electors (ARs) 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 GCs, Hong Kong is divided into 10 GCs. They are Hong Kong Island East, Hong Kong Island West, Kowloon East, Kowloon West, Kowloon Central, New Territories South East, New Territories North, New Territories North West, New Territories South West and New Territories North East. 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.

Mr Justice Fung briefed the candidates on the arrangements for polling and counting of votes in the elections.

Polling stations and polling hours

The Registration and Electoral Office (REO) plans to set up over 620 ordinary polling stations and not more than 24 dedicated polling stations. Given the use of the Electronic Poll Register (EPR) system (except for dedicated polling stations, polling stations without satisfactory network coverage or allocated for relatively few electors) for issuing ballot papers, the polling staff need more time to prepare for the opening of polling stations, including checking the computer equipment and network connection. Therefore, the polling hours of ordinary polling stations have been changed to between 8.30am and 10.30pm (14 hours in total). An elector may vote only at the polling station allocated to him/her, and the relevant list of polling stations will be published in the gazette later. Electors are reminded to check the name and address of the polling station assigned to them in the poll card.

Eligible electors can cast all the votes which he/she is entitled to cast at the same polling station. The electors of GCs must use the chop provided by the polling station to stamp a tick in the circle opposite the name of the candidate of their choice on the ballot paper inside a voting compartment, and then insert the GC ballot paper into the blue ballot box with the marked side facing down. As for FCs, an elector or AR should insert the FC ballot paper into the red ballot box with the marked side facing down.

"It is noted that the Ordinance has amended the composition and electorates of the FCs, in which the former District Council (Second) FC has been deleted. As such, I would like to point out that different from the 'one-person-two-votes' arrangement in the past, the majority of the registered electors will only have one vote in the GC election in this

Legislative Council General Election. In other words, most of the registered electors will only be issued with one ballot paper for the relevant GC," Mr Justice Fung said.

On the other hand, the ECC electors will be allocated to the polling station at the Hong Kong Convention and Exhibition Centre (HKCEC) to cast all the votes which he/she is entitled to cast.

"Optical mark recognition (OMR) machines will be set up in the polling station at the HKCEC for electors to verify whether the number of candidates against whom he/she marked on the ballot paper is equal to 40. Staff will assist electors in using the OMR machines. ECC electors are encouraged to use the OMR machines to make sure that the number of candidates marked on their ballot paper is 40 before inserting it into an envelope provided by the polling station and putting the envelope with the ballot paper into the white ballot box. I must emphasise that the OMR machines will never record or count electors' choices marked on their ballot papers.

"To ensure that electors understand the proper voting procedure, the REO will prepare a guide to the voting procedures which will be sent to every elector along with the poll card at least 10 days before the polling day. In addition, we have produced a short video on the polling procedures and preventive measures against COVID-19 to be implemented in the polling stations. The video has been uploaded to the websites of the EAC (www.eac.hk), the REO (www.reo.gov.hk) and the election website (www.elections.gov.hk) for reference," he added.

"In addition, on whether polling station(s) are to be set up at boundary control point(s), we learnt that the Constitutional and Mainland Affairs Bureau (CMAB) is liaising with the Mainland authorities concerned on how to facilitate registered electors in the Mainland to vote in Hong Kong. The REO is making necessary preparations. However, whether the polling station(s) are to be set up at border control points or the operational arrangements, we mainly rely on the CMAB, specialising in Mainland affairs, to coordinate. We will announce any update when available."

Queuing arrangements

Two queues will be set up at the polling station, one special queue 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 will be for the ordinary electors. Relevant signage will be set up at the polling station. Seats will also be provided in the polling station for any electors in need of rest, and to join the queue afterwards for collecting ballot papers as instructed. While the REO will increase the number of ballot paper issuing desks in the polling stations as far as possible, the Presiding Officers (PROs) will flexibly deploy the ballot paper issuing desks, with a view to reducing the overall waiting time.

On the polling day, electors can check the approximate waiting time of

each ordinary polling station on the election website (www.elections.gov.hk). Relevant signage will also be placed outside the polling stations for electors' reference. Depending on their schedule, electors can make their own arrangement to vote during the polling hours or choose to vote when fewer electors are waiting.

"According to past election experience, more electors vote in the first two hours of the polling hours. If many electors vote during the first two hours, the waiting time will generally be longer. In order to avoid the long queues at polling stations resulting from too many electors voting at the same time, electors should try to avoid voting during the first two hours of the polling hours, but vote at noon or in the afternoon when fewer electors go to vote. However, if electors can only vote in the morning, they will inevitably have to wait for a longer period of time," Mr Justice Fung said.

Electronic Poll Register system and other polling arrangements

With the assistance of the Office of the Government Chief Information Officer, the Electronic Poll Register (EPR) system will be used for issuing ballot papers at polling stations (except for dedicated polling stations, polling stations without satisfactory network coverage or allocated for relatively few electors) in this Legislative Council General Election. Electors must show his/her Hong Kong identity card and temporarily pull his/her mask aside at the ballot paper issuing desk as instructed. The polling staff will scan the elector's Hong Kong identity card with an EPR tablet and issue ballot paper(s). The elector may check his/her name, partial Hong Kong identity card number and type(s) of ballot papers issued to him/her as shown on the tablet on the ballot paper issuing desk during the issuance process. Instead of the EPR system, the printed copy of the final register will be used for issuing ballot papers at polling stations without satisfactory network coverage or allocated for relatively few electors, and the dedicated polling stations.

Mr Justice Fung said, "At present, there is no electoral law requiring electors to use the 'LeaveHomeSafe' mobile application before entering the polling stations; and there is no electoral law stating that electors cannot enter the polling stations without using the 'LeaveHomeSafe' mobile application. In addition, electors only stay inside the polling stations for a short period of time, and they have to comply with safety measures which include keeping social distance, wearing a mask and no discussion between electors. We try to strike a balance between voting rights and disease prevention. As such, all electors are not required to use the 'LeaveHomeSafe' mobile application or other alternative measures when entering polling stations to cast their vote(s). The REO will coordinate with the government departments or venue managers of the building where polling stations are located, and post a notice to remind electors that if they enter the relevant buildings solely to vote, they do not need to use the 'LeaveHomeSafe' mobile application.

The ballot is autonomous and secret. An elector must mark the ballot paper(s) on his/her own in the voting compartment. If in need, an elector may

request the PRO or the PRO's deputy to mark the ballot paper on his/her behalf according to his/her voting preference in the presence of one polling staff as a witness. No facial recognition device will be installed in the polling stations. It is an offence for any elector to disturb others, use electronic devices for communication, take photographs, or make video or audio recordings at a polling station."

Safety measures in response to COVID-19

The REO will implement a number of measures to prevent the spread of COVID-19 in the 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); not allowing staff with fever symptoms to perform election duties; placing transparent partitions at ballot paper issuing desks to separate the staff and electors; requiring electors, candidates, their agents and the members of the public who observe the count to wear their own masks, use hand sanitiser and have their body temperature checked before entering polling and counting stations; and ensuring that electors maintain social distancing.

"Given that candidates or their agents will stay in the 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. An elector with fever symptoms will be directed to a special voting compartment in the polling station to vote as it will only take a short time. The special voting compartment will be disinfected by staff after each use. Polling stations will be disinfected by staff with cleaning supplies when necessary," Mr Justice Fung said.

The REO has formulated a plan for setting up a polling station at the Penny's Bay Quarantine Centre (PBQC). Whether it will be activated is subject to if there is any elector under compulsory quarantine in the PBQC on the polling day. The relevant details and arrangements will be announced in due course. The REO will continue to monitor closely the development of the epidemic, seek advice from the Food and Health Bureau and the CHP, make assessments and work out different plans based on the situations.

"I would also like to appeal to electors who intend to vote but are currently not in Hong Kong to 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, so that they can exercise their voting right on the polling day."

No canvassing zone and no staying zone

On the polling day, a no canvassing zone will be designated outside each polling station to ensure that electors can gain access to the polling station without interference. In addition, a no staying zone, in which no one is allowed to stay or loiter, will also be designated immediately outside the entrance or exit of a polling station to avoid any obstruction of the entry

or exit.

Counting arrangements

After the close of the poll, the ordinary polling stations (except for the ECC polling station and the small polling stations at which less than 500 electors are assigned to vote) will be changed to counting stations for the counting of GC votes. The ballot boxes of all FCs and the ECC will be delivered to the central counting station at the HKCEC for counting.

"Except the exempted persons (i.e. persons who are aged below 12 or aged 65 or above, and those with disabilities that render use of the 'LeaveHomeSafe' mobile application difficult), every candidate, agent and the public who observe the count entering the counting stations, the central counting station and its media centre must use the 'LeaveHomeSafe' mobile application as in general they will stay there for a relatively long period of time. The exempted persons are required to complete a record form to register their names, the first four digits or letters of their identification documents, their contact numbers and the date and time of their visits.

"All election results will be announced at the media centre in the central counting station. Members of the public can observe the counting process at the designated area of the media centre. Given the limited seats, admission to the public gallery will be on a first come, first served basis. To facilitate admission control, members of the public admitted to the public gallery will be required to wear a wristband provided by the REO for identification purpose."

Election expenses

The law stipulates that election expenses are the expenses used for the purpose of promoting or prejudicing the election of a candidate. Only candidates and their authorised election expense agents may incur election expenses, otherwise it is an offence. The setting of a maximum limit of election expenses is to ensure that the candidates of the same constituency do compete on a level playing field and within a reasonable level of expenditures. It is an offence for a candidate to incur election expenses in excess of the prescribed maximum limit. The candidate must, in accordance with the law, submit an election return before a deadline set after the election to declare all the election expenses incurred by him/her and election donations.

Displaying and dismantling election advertisements

When using election advertisements for publicity, candidates should pay attention to the provisions of the electoral laws concerned, including that candidates should obtain prior written permission before displaying their election advertisements on government or private land and properties. The display of election advertisements at the designated spots assigned by the Returning Officers must comply with relevant regulations and conditions. For

example, candidates shall not hang vertical banners on street railings and fences in light of road safety concerns. As for private land and properties, candidates must obtain written approval from the relevant owners or owners' organisations before displaying election advertisements. As stated in the Guidelines on Election-related Activities in respect of the Legislative Council Election, candidates must remove all of their election advertisements displayed on government land or properties within 10 days following the election. Otherwise, relevant authorities will remove them and issue demand notes to the candidate concerned. The cost of removal will be construed as election expenses and the candidates must include all these election expenses in their election returns.

Election meetings

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 Legislative Council General Election 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/her" during the event or meeting, the candidate should immediately stop the canvassing and state that he/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/herself.

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Clean elections

According to the law, it is an offence if a person uses force or duress, or threatens to use force or duress, against another person to induce the other person to stand, or not to stand, as a candidate at the election. The latest amendments to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) provide that it is an illegal conduct to incite any person not to vote, to cast a blank or invalid vote by any activity in public during an election, and that it is a corrupt conduct if a person willfully obstructs and prevents another person from voting at an election. In addition, the polling staff will report to law enforcement agencies if any person is suspected to queue up repeatedly or use other ways to obstruct others from voting.

"If candidates question an election result, he/she may make election petitions through judicial proceedings. Regarding complaints outside the law, the EAC will seriously examine whether there are any violations of the principles of justice and equality. In addition, for any criminal, illegal or

corrupt conduct, candidates or members of the public can lodge a complaint with law enforcement agencies such as the Police or the Independent Commission Against Corruption."

Candidates may call the election hotline at 2891 1001 if they have any enquiry on the electoral arrangements. Information on the nominees and the election is available on the election website (www.elections.gov.hk).

