

CHAPTER 5

BEFORE THE POLLING DAY OF THE ELECTION COMMITTEE SUBSECTOR ELECTIONS

Section 1 – Appointment of Returning Officers and Assistant Returning Officers

5.1 For the 2011 ECSS Elections, 25 directorate officers of the policy bureaux and departments relevant to the EC subsectors concerned were appointed by the EAC as ROs for the 36 subsectors (excluding the NPC subsector and the LegCo subsector) concerned. To provide assistance to the ROs, 25 Assistant Returning Officers (“AROs”) who were senior officers of the policy bureaux and departments relevant to EC subsectors concerned were appointed. In addition, 28 government counsels (including two reserves) from the Department of Justice (“DoJ”) were also appointed to serve as the AROs(Legal) for providing legal advice to the ROs on the polling day and during the count on various matters, particularly in determining the validity of questionable ballot papers. The appointment of the ROs was published in the Gazette on 7 October 2011 and 4 November 2011. The list of ROs, AROs and AROs(Legal) is at **Appendix IV**.

5.2 Miss WONG Shuk-han, Diane, the RO of the Catering subsector, was also appointed as the Chief RO to supervise the operation of the central counting station.

Section 2 – Appointment of Nominations Advisory Committees

5.3 Four legal professionals, namely Mr WONG Ching-yue, SC, Mr HO Bing-kwan, Mr Kevin CHAN, and Mr LUI Kit-ling, barristers-at-law, were appointed as Nominations Advisory Committees (“NACs”) for the period from 19 August to 28 November 2011 to provide legal advice to the prospective candidates, the designated bodies and prospective nominees of the Religious subsector, and the ROs. Their appointments were published in the Gazette on 19 August 2011.

Section 3 – Nomination of Candidates

5.4 The nomination period for the non-DC subsectors of the 2011 ECSS Elections started on 8 November 2011 and ended on 15 November 2011. This one-week period was announced in a notice in the Gazette published on 7 October 2011. By the close of nominations, the ROs of the 33 subsectors (excluding the Religious subsector and the two DC subsectors) received a total of 1,451 nominations. Out of these 1,451 nominations, two were withdrawn (one each from the Tourism subsector and Chinese Medicine subsector), three were ruled invalid by the ROs concerned (one each from the Accountancy subsector, the Higher Education subsector and the Culture sub-subsector) and the remaining 1,446 were ruled valid by the ROs. Of these 1,446 validly nominated candidates,

- (a) 277 were returned uncontested to fill 277 seats in 11 subsectors; and
- (b) 1,169 were to contest for 639 seats in the remaining 22 subsectors.

As the number of validly nominated candidates for the Culture sub-subsector

fell short of the assigned number of members by one, one seat was eventually not filled in respect of the sub-subsector. The details were set out in **Appendix V**.

5.5 For the Religious subsector, the RO received a total of 108 nominations from the six designated bodies. Out of these 108 nominations, five (one from Hong Kong Christian Council, two from Catholic Diocese of Hong Kong and two from the Hong Kong Buddhist Association) were ruled by the RO as invalid. The following table shows the number of valid nominations made by each of the six designated bodies:

<i>Designated body</i>	<i>Assigned number of members</i>	<i>Number of valid nominees</i>
Catholic Diocese of Hong Kong	10	44
Chinese Muslim Cultural and Fraternal Association	10	12
Hong Kong Christian Council	10	12
The Hong Kong Taoist Association	10	13
The Confucian Academy	10	11
The Hong Kong Buddhist Association	10	11
Total	60	103

For the Chinese Muslim Cultural and Fraternal Association, Hong Kong Christian Council, Hong Kong Taoist Association, Confucian Academy and the Hong Kong Buddhist Association, the assigned number of members was made up according to the preference and/ or the order of priority as indicated by these

designated bodies in the nomination forms. As the Catholic Diocese of Hong Kong had not indicated which of the nominees were to be given preference, the RO determined which nominees of the body were to make up the assigned number by drawing lots, in the presence of a representative of the designated body and nominees who were able to attend the occasion. The result of the nominations was published in the Gazette on 22 November 2011 and is reproduced at **Appendix VI**.

5.6 The lists of all validly nominated candidates for each subsector/sub-subsector concerned (excluding the two DC subsectors), the list of all validly nominated nominees for the Religious subsector and the result of all uncontested subsectors/sub-subsectors (excluding the two DC subsectors) were published in the Gazette on 22 November 2011.

5.7 The nomination period for the DC subsectors of the 2011 ECSS Elections started on 18 November 2011 and ended on 24 November 2011. This one-week period was announced in a notice in the Gazette published on 7 October 2011. By the close of nominations, the RO of the DC subsectors received a total of 132 nominations. Out of these 132 nominations, one was ruled invalid by the RO concerned and the remaining 131 were confirmed valid by the RO.

5.8 The lists of all validly nominated candidates for DC subsectors were published in the Gazette on 30 November 2011.

Section 4 – Briefings for Returning Officers and Candidates

5.9 To enable all parties concerned to be familiarised with the rules and operation of the elections, a series of briefings were held.

5.10 A briefing session for the ROs and AROs, hosted by the EAC Chairman, was held on 21 October 2011 at the Leighton Hill Community Hall. Also present at the briefing session were the Chief Electoral Officer (“CEO”) of the REO and the representatives of the DoJ and the ICAC.

5.11 The EAC Chairman hosted briefing sessions for the candidates and their agents at the Kowloonbay International Trade and Exhibition Centre (“KITEC”) for the non-DC subsectors on 18 and 19 November 2011 and, for the DC subsectors, on 28 November 2011. In these sessions, the EAC Chairman briefed the candidates and their agents on the electoral arrangements of the elections and the major provisions of the electoral legislation and guidelines. He was accompanied by the CEO and the representatives from the DoJ, ICAC and Hongkong Post. These departmental representatives briefed the attendees and answered questions on matters relating to the elections which fell within their respective purview.

5.12 After the briefing sessions, the ROs met the candidates and their agents at the same venue and determined, by means of drawing lots, the order of the names of candidates on the ballot papers for different contested subsectors and the designated spots to be allocated to the candidates for display of their EAs.

Section 5 – Polling and Counting Arrangements

Recruitment of Polling and Counting Staff

5.13 As in previous ordinary elections, the REO conducted a service-wide recruitment exercise to invite suitable serving civil servants of various government departments to serve as electoral staff for the conduct of the elections. A total of about 3,400 staff were appointed as polling and counting staff for the conduct of the elections.

5.14 Those who were appointed PROs, Counting Supervisors, Deputy Presiding Officers (“DPROs”) and Assistant Presiding Officers (“APROs”)/Assistant Counting Supervisors were selected from senior government officers. Other electoral staff were appointed from the relatively junior ranks of government officers. Each appointee was required to disclose if he or she had any close relationship with any candidate, and if so, REO would consider if he or she was still appropriate for appointment as electoral staff. This arrangement would help maintain the neutrality and independence of the electoral arrangements and avoid the perception of collusion which might compromise the integrity of the election.

Training for Polling and Counting Staff

5.15 The polling and counting staff were strongly reminded of the importance in complying with all the electoral steps for upholding the openness, fairness and honesty of the election in the eyes of the public. Operational manuals were compiled for them for reference.

5.16 Polling management training was provided to electoral staff at PRO

and DPRO levels in October 2011 at the Queen Elizabeth Stadium to better prepare them for providing quality polling service to the public and coping with potential problems and crisis on the polling day. Topics included crisis management, quality polling service, training on emotional quotient and experience sharing.

5.17 All the PROs, DPROs, APROs and other polling staff were also required to attend a half-day general briefing session on 30 November 2011 at the Queen Elizabeth Stadium with a view to equipping them with the necessary knowledge for discharging their duties. The session covered polling procedures, compilation of statistical returns and introduction of the latest polling arrangements.

5.18 There was also a general briefing for the staff of the DPSs on the operation of these stations. The general briefing for DPSs was conducted at the Quarry Bay Community Hall on 29 November 2011.

5.19 For counting staff, training programme was mainly conducted from 16 to 25 November 2011. Counting staff had to attend a half-day general briefing session on the operation of the central counting station and a half-day session on hands-on practice of the counting procedures from 21 to 25 November 2011 at the Southorn Stadium, Wanchai. For better utilization of manpower, counting staff assigned to perform duties at the Unloading Area, Ballot Box Reception Area and the Ballot Box Deposit Area were also required to receive training on counting procedures as they might be redeployed to assist in vote counting upon completion of their assigned duties. Furthermore, a half-day practical training course was conducted on 16 and 17 November 2011 at the REO's office in Caroline Hill Road for counting staff assigned to operate the Optical Mark Recognition ("OMR") machines for vote counting.

5.20 All ROs and AROs were invited to join the training programme for counting staff. There was also a tailor-made training programme arranged for them, including a briefing session on counting arrangements and another session conducted by the staff of DoJ on the legal principles in determining questionable ballot papers on 2 December 2011 at Lecture Theatre of Central Library, Causeway Bay.

Identifying Venues as Polling Stations and Counting Station

5.21 110 venues were selected as polling stations for 237,000 voters of the 24 contested subsectors to cast their votes. These venues included schools, community centres and indoor games halls etc. at convenient locations. About 2,100 voters were assigned to each polling station on average. Depending on the geographical area and number of registered voters within each of the 18 districts, about four to ten polling stations were set up in each district. The basic criterion adopted for identifying these venues was that they should be easily and conveniently accessible to voters. All the 110 polling stations were accessible to people with disabilities.

5.22 The voters were allocated polling stations according to their residential address. Under the combined voting arrangement, a voter of a subsector who was also an AR (“authorised representative”) of a corporate voter of another subsector would also vote at the same polling station.

5.23 A central counting station was set up at Halls B, C, D and E (with a total area of about 15,000 m²) on Level 3 of the Hong Kong Convention and Exhibition Centre (“HKCEC”).

Polling Arrangements

5.24 On the day preceding the polling day, all polling staff, with the assistance of REO staff, set up the designated venues as polling stations for the elections.

5.25 Each ballot paper issuing desk at a polling station was given a complete booklet of ballot papers for each individual subsector for issue to eligible voters of the ECSS Elections. This measure was adopted in the 2006 ECSS Elections. It could reduce confusion on the issue of ballot papers for each subsector and facilitate the efficient compilation of statistics on the issue of ballot papers and effective supervision of the conduct of poll.

5.26 A voter was required to mark the ballot paper by shading the ovals printed next to the names of the candidates of his choice. The ballot paper bore the name of the subsector at the upper-right corner and was printed in different colours to facilitate easy distinction.

5.27 Outside each polling station, specific areas were designated by the RO as NCZ and NSZ to provide the voters with a free and safe environment on their way to the station. A notice was displayed at a conspicuous spot at or near the station, notifying the public of the delineation of the related NCZ and NSZ.

5.28 Apart from overseeing the nomination and related matters for the subsector assigned to him, each RO was also tasked with overseeing the operation of four to six polling stations on the polling day. The PRO, assisted by the DPRO and APROs, was responsible for ensuring the smooth and efficient operation of the polling station under his charge during the poll and to

work closely with the RO concerned.

Special Polling Arrangements for Imprisoned, Remanded and Detained Voters

5.29 To enable registered voters who were imprisoned or remanded by the CSD on the polling day to vote, nine DPSs were set up in the penal institutions of the CSD. Owing to security reasons, the poll at these DPSs was conducted from 9:00 am to 4:00 pm. Two DPSs were set up at police stations for the registered voters who were remanded or detained by the law enforcement agencies (“LEAs”) (other than the CSD) on the polling day and expressed their wish to vote. Since the LEAs might arrest persons who happened to be registered voters any time on the polling day, these DPSs were open from 7:30 am to 10:30 pm as with other ordinary polling stations.

5.30 The venue set-up at all the DPSs was basically the same as that of the ordinary polling stations (“OPSs”), except that the polling materials were specially designed for security reasons.

The Fast Response Team

5.31 In line with the practice since the 2008 LegCo Election, a Fast Response Team (“FRT”) comprising experienced personnel was appointed to conduct random checks on the operation of the polling stations and the performance of the polling staff to ensure that the stipulated electoral procedures and requirements were strictly followed.

5.32 The FRT comprised two members. Apart from conducting audit inspection of polling stations and advising PROs to take remedial or

improvement measures where necessary, the FRT was also tasked to deal with enquiries on electoral arrangements made by the ROs and PROs, and to render immediate advice and assistance to them. The FRT had to report to the Central Command Centre (“CCC”) on any major irregularities and problems observed, and to handle emergency cases relating to polling stations as directed by the CCC.

Counting Arrangements

5.33 In view of the large number of seats (ranging from 17 to 60 for different contested subsectors) and candidates on each ballot paper (ranging from 19 to 164 candidates for different contested subsectors) for the ECSS Elections, the Voting Validation and Counting Automation System (“VVCAS”) was used to facilitate the counting of votes, as in the previous ECSS Elections. The REO procured the VVCAS and OMR machine service and other related goods from an outside service provider. To ensure the smooth operation of the OMR system, the ballot papers were specially designed so that they could be read by the OMR machines and accommodate names of up to 178 candidates in clearly legible words. For ease of operation, each ballot paper would contain no more than one sheet. To facilitate OMR reading of the votes marked on the ballot papers, voters were asked to shade the ovals by the felt pens provided at the polling stations, and placed the marked ballot papers in envelopes to better prevent the ballot papers from being folded. To ensure the reliability and integrity of the VVCAS, the service of an independent information technology firm was engaged to design and conduct an user acceptance test, and another independent audit firm was also hired to audit the test result. A total of 14 sets of OMR machines were used while two extra sets of machines were put in the central counting station as standby machines.

5.34 All ballot papers cast at different polling stations were transported to the central counting station for counting after the close of poll. The central counting station comprised two parts, namely the Ballot Box Reception Area and the Ballot Box Deposit Area at Hall B on Level 3 and the counting zones at Halls C and D on Level 3 where the actual counting of votes on the ballot papers took place. There were a total of 38 counting zones and each counting zone was composed of a sorting section, a general section and a visual screening section, overseen by one to two Counting Supervisors.

5.35 The counting process started with the opening of ballot boxes and sorting of ballot papers. Since there were ballot papers of different subsectors in each ballot box, they needed to be sorted by subsectors at the sorting section. The sorted ballot papers were then streamed to the general section of different counting zones which were dedicated to process ballot papers of different subsectors. The counting staff then conducted visual screening to separate ballot papers to be processed manually from those to be scanned by the OMR. The latter group of ballot papers was scanned by the OMR machines for computer reading and tabulation by the VVCAS. The OMR machines with the computer were designed to read the shaded ovals, record the number of votes marked thereon and add up the total. For questionable ballot papers, their validity was determined by ROs, and votes marked on ballot papers and ruled to be valid were keyed into the VVCAS manually.

5.36 Apart from the counting zones, Hall E on Level 3 included an area for candidates and their election/ counting agents to observe the declaration of election results, a press area for the media to cover the event and a public stand for the public to observe the count. As in previous elections, candidates and their election/counting agents were allowed to stand around the counting tables to observe the count from a close distance.

5.37 Based on the experience from the 2006 ECSS Elections, the following measures were adopted to streamline and speed up the vote counting process and the subsequent declaration of election results by ROs:

- (a) the new Ballot Box Tracking System (“BBTS”) was used to expedite the process of depositing and tracking the ballot boxes;
- (b) more counting staff were deployed to the Sorting Section. Each Sorting Section was manned by 12 Counting Officers (“COs”) instead of 8 COs as deployed in 2006 ECSS Elections. As such, 2 additional pairs of COs could be formed to separate ballot papers from envelopes and to sort ballot papers into different subsectors, thus speeding up the whole process;
- (c) the number of visual screening tables for large subsectors (e.g. Education subsector) was increased having regard to the number of voters of the respective subsectors;
- (d) a special team, comprising six officers, was formed to tour around the counting desks to conduct checks on the operation and to render advice and assistance to individual counting teams on the spot; and
- (e) to save time, when declaring the election results on stage, the ROs only announced the number of votes received by the elected candidates and full information on the number of votes given to each candidate, elected or defeated, was shown on the notices of election results displayed on a notice board outside the central counting station.

Compilation of Voter Turnout Statistics

5.38 Each polling station was required to send the hourly voter turnout statistics to the REO Statistical Information Centre (“SIC”) by fax on the polling day (or by telephone in the event of machine failure). The voter turnout figures were made available to the public through press release and such information was also uploaded to the 2011 ECSS Elections dedicated website on the polling day.

Contingency Measures

5.39 To cater for any unforeseen circumstances such as inclement weather or other emergencies such as fire or power failure, preparations were made for the following contingencies, as in previous elections:

- (a) the possibility of any postponement or adjournment of the poll in one or more polling stations, or the count in the central counting station;
- (b) in relation to (a) above, the need for resumption of an adjourned poll or an adjourned count, as the case may be; and
- (c) the possibility of requiring alternative polling stations when access to a polling station was blocked by flooding, fire or other emergencies that rendered the polling station inoperable.

5.40 To ensure the smooth conduct of the poll, the REO had put in place enhanced contingency measures to cater for unforeseen circumstances:

(a) Emergency depots

An emergency depot was set up in each of the following five regions: Hong Kong Island, Kowloon East, Kowloon West, New Territories East and New Territories West to ensure quick replenishment of supplies where necessary. Each emergency depot was equipped with a reserve pool of stand-by vehicles for delivery of additional supplies and a reserve stock of ballot papers, ballot boxes and other electoral equipment to cater for unexpected situations;

(b) Reserve polling and counting staff

In addition to about 1,600 polling staff appointed for the 110 polling stations, a reserve pool of about 110 polling staff was also appointed to station at the five emergency depots to fill in any places left by polling staff due to unforeseen circumstances. For the counting of votes at the central counting station, a reserve shift of counting staff (about 60 in number) was formed and would be deployed in case the count in respect of some subsectors experienced serious delay and had to go beyond noon of the day following the polling day.

(c) Counting process

To cater for the unlikely event of the breakdown of the VVCAS, a contingency plan was formulated for switching the counting process from computer to manual mode within a short period of time, if necessary;

(d) Back-up electricity supply

Back-up electricity supply by the Electrical and Mechanical Services Department (“EMSD”) was secured to ensure that the count could be continued in the HKCEC in case of power disruption; and

(e) Announcements for emergency arrangements

Full preparation for making public announcements of the implementation of any emergency arrangements was made.

5.41 On the polling day, there was no need to deliver any reserve stock of ballot papers or ballot boxes from the regional depots as a sufficient quantity of electoral equipment had already been provided to each polling station before the poll.

Notification to Voters

5.42 In accordance with section 31 of the EAC(EP)(EC)Reg, poll cards were sent out to registered voters of the 24 contested EC subsectors informing them where and how to vote at the polls on 11 December 2011 at least 5 days before the polling day. The poll card, together with the Introduction to Candidates of the relevant subsector(s), a map indicating the location of the polling station with a voting guide printed overleaf, a publicity leaflet with clear illustrations on the proper procedures on voting and another leaflet from the ICAC on clean and fair elections were sent to the voters from 28 November to 3 December 2011. For those subsectors with Special Member seats, a supplementary voting guide was also included to remind voters that a ballot paper would be rendered invalid if they vote for more than the number of

ordinary seats allocated to the relevant subsectors. Four mock polling stations at the Causeway Bay Community Centre, Henry G. Leong Yau Ma Tei Community Centre, Exhibition Gallery of Tuen Mun Town Hall and the Tai Po Community Centre were open from 8 to 10 December 2011 for voters to get familiar with the voting procedures. Details of the mock polling stations were contained in the above-mentioned leaflet sent to voters. (Please see paragraph 5.44(g) below.)

5.43 As polls were not required for the 11 uncontested subsectors, a notice of uncontested election, including the relevant Introduction to Candidates, were sent to the registered voters in these subsectors, informing them that they needed not go to the poll.

Publicity

5.44 The major events of the elections were extensively covered by the print and electronic media. Apart from issuing press releases on the various key events of the elections, the REO also implemented the following publicity measures for the elections:

- (a) two sets of TV and radio Announcements in the Public Interest (“APIs”) were produced to publicise the 2011 ECSS Elections. One set was to announce the nomination period of the non-DC subsector elections and invite nominations. It was broadcast from 7 to 15 November 2011 in local TV and radio channels, after the 2011 DC Election on 6 November 2011 in order to avoid causing confusion to members of the public. Separately, all elected DC Members were informed by letter issued on 15 November 2011 of the nomination period of the DC subsector elections. Another set was to encourage

voters to turn up for voting and to illustrate the proper procedures to cast a vote. It was broadcast from 16 November to 11 December 2011 in local TV and radio channels. To enhance awareness of the elections among ethnic minority communities, a radio API to encourage voter turnout was also broadcast in ethnic minority languages;

- (b) two newspaper advertisements were placed in local newspapers to reinforce messages of the APIs. The advertisement on nomination, covering both the non-DC and the DC subsectors, was placed in six newspapers on 8 November 2011. Another advertisement, which encouraged voter turnout and illustrated how to cast a vote properly, was placed in a total of 17 newspapers from 8 to 11 December 2011;
- (c) a dedicated website was set up to provide information on the elections, such as the EAC Guidelines in respect of the ECSS Elections, introduction to the candidates, voter turnout, election results, publicity materials, etc. To facilitate voters of ethnic minorities, election briefs and voting procedures in six ethnic minority languages were uploaded onto the dedicated website. Similar information was also sent to the six support centres for ethnic minorities to enhance awareness of the elections;
- (d) posters which were produced to reinforce messages of the APIs were printed and distributed to the 358 umbrella organisations of different subsectors, primary and secondary schools, tertiary institutes, hospitals and government departments;
- (e) posters were placed in the Mass Transit Railway (“MTR”) escalator

crowns of the East Rail, West Rail and Ma On Shan Rail Lines from 16 November to 11 December 2011 to encourage voter turnout and to illustrate the proper procedures to cast a vote. Escalator crown posters were placed in MTR Island, Tsuen Wan, Kwun Tong, Tseung Kwan O and Tung Chung Lines from 25 November to 8 December 2011;

- (f) four mock polling stations were set up at Causeway Bay Community Centre, Henry G. Leong Yau Ma Tei Community Centre, Tuen Mun Town Hall and Tai Po Community Centre from 8 to 10 December 2011 to let registered voters and ARs familiarise themselves with the proper procedures in casting votes. The EAC Chairman also met the media on 7 December 2011 to introduce the electoral arrangements and demonstrate the voting procedures at the mock polling station set up at the Causeway Bay Community Centre; and
- (g) a leaflet introducing the details of the mock polling stations and explaining the proper procedures in casting votes was printed and delivered to registered voters and ARs.