

2022 Legislative Council Election Committee Constituency By-election By-election Brief

Polling Arrangement for 2022 Legislative Council Election Committee Constituency By-election

- Polling date: 18 December 2022 (Sunday)
- Polling hours: 9:00 a.m. to 11:30 a.m. (The polling hours of dedicated polling station(s) to be set up at the penal institutions (if any) and the Penny's Bay Polling Station are from 9:00 a.m. to 10:30 a.m.)

Nomination Period

- Nomination period: 1 November to 14 November 2022
- Nomination forms can be downloaded from the Registration and Electoral Office ("REO") website (www.reo.gov.hk), or collected free of charge at the following offices:
 - District Offices; or
 - Home Affairs Enquiry Centres; or
 - Office of the Returning Officer (13/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong); or
 - Offices of REO (10/F, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong or Unit 2301-03, 23/F, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon)

Number of Members to be Elected

- Four Members of the Election Committee Constituency ("ECC")

Nomination and Candidature

- A candidate must be 21 years of age or over; be registered as an elector for a Geographical Constituency; not be disqualified from being elected by virtue of section 39 of the Legislative Council Ordinance (Cap. 542); have ordinarily resided in Hong Kong for the 3 years immediately preceding the date of his/her nomination; and be a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China. A candidate needs not be a member of the Election Committee ("EC").
- Each candidate shall be nominated by no less than 10, but no more than 20, members of the EC, including no less than 2 but no more than 4 members from each of the 5 sectors of the EC.
- Each member of the EC can only nominate 1 candidate.

Polling

- The EC members shall, on the basis of the list of nominees, cast their votes by secret ballot. A ballot paper is only valid if the number of votes contained in the ballot paper is equal to the number of members to be returned. The four candidates who obtain the greatest number of votes shall be returned in the By-election.

Who can Vote

- Members whose names have been included in the final register of the EC members are eligible to nominate and vote.

Where to Vote

- An ECC polling station will be set up for electors to cast the vote.
- Electors in custody will be arranged to vote at a dedicated polling station in a penal institution or a police station as appropriate.
- The Penny's Bay Polling Station will be set up for the electors who are unable to cast their votes at the ECC Polling Station on the polling day due to local isolation or quarantine measures to vote.
- A poll card showing information about the designated polling station will be issued to the elector at least 10 days before the polling day.
- The polling stations are accessible to persons with special needs (wheelchair users or persons who have mobility difficulty).
- If electors require assistance in interpreting the information on voting, they can call the Centre for Harmony and Enhancement of Ethnic Minority Residents ("CHEER") through the following hotlines.

Language	Hotline No.
Bahasa Indonesia	3755 6811
Hindi	3755 6877
Nepali	3755 6822
Punjabi	3755 6844
Tagalog	3755 6855
Thai	3755 6866
Urdu	3755 6833
Vietnamese	3755 6888

How to Vote

- Bring along the original of your Hong Kong Identity Card (“HKID card”) or other specified alternative document(s) (please refer to the section “Document(s) Required for Collecting Ballot Paper(s)” below for details) to your designated polling station on 18 December 2022 (Sunday) during the polling hours (9:00 a.m. to 11:30 a.m.) (The polling hours of dedicated polling station(s) at the penal institutions (if any) and the Penny’s Bay Polling Station are from 9:00 a.m. to 10:30 a.m.) and present it to the polling staff inside the polling station. The polling staff will request you to pull aside your face mask temporarily and conduct a visual checking. The polling staff will use a tablet of the Electronic Poll Register (“EPR”) system to scan your HKID card to check whether you are an elector of the ECC. After verification, the polling staff will give you the ballot paper and the EPR system will record the issuance of ballot paper to you.
- You will also be given a black pen. After that, you should immediately proceed to one of the voting compartments.
- Please follow the instructions given by polling staff as well as those printed on the ballot paper and notices inside the voting compartment, and mark the ballot paper inside a voting compartment.
- You should vote for **not more than or less than** four candidates on the ballot paper. You should use the black pen provided by the polling station to fill in black the ovals on it opposite the names of the candidates of your choice.
- Each voting compartment is to be used by one elector at a time only. Based on the principles of the autonomy of voting and secrecy of votes, it is prohibited under the law to have anyone (even if he/she is an elector’s relative or friend) to accompany or assist the elector to cast his/her vote. An elector who has difficulty in marking the ballot paper by himself/herself may, in accordance with the law, ask the Presiding Officer (“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. You must not fold your ballot paper. After marking a ballot paper, you may choose to use an Optical Mark Recognition machine installed in the polling station to check whether the number of candidates against whom you marked on the ballot paper is **not more than or less than** four. The Optical Mark Recognition machine installed in the polling station will not record or count your choices marked on the ballot paper.
- You should then insert the ballot paper into an envelope provided by the polling station and put the ballot paper contained in the envelope into the ballot box.
- If you make an error in marking a ballot paper or have inadvertently spoiled a ballot paper, you may return that ballot paper to the PRO and ask for a replacement.

Document(s) Required for Collecting a Ballot Paper

- Under the prevailing legislation, a person applying for a ballot paper should produce the original of his/her HKID card or the following specified alternative document(s):

- the original of a valid HKSAR Passport; or
- the original of Certificate of Exemption; or
- the original of an acknowledgement of application for the HKID card; or
- the original of the person's valid seaman's identity book; or
- the original of the person's valid document of identity for visa purposes; or
- a document evidencing a report to a police officer of the loss or destruction of the person's HKID card or the Certificate of Exemption or the acknowledgement of application for the HKID card (commonly referred to as "a memo of lost property"), together with the original of a valid passport* or similar travel document (e.g. a passport other than the HKSAR Passport or the Home Return Permit) showing his/her name and photograph.

* British National (Overseas) (BN(O)) passport is not a valid travel document and proof of identity.

- For details, please refer to Section 50 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D).

Special Queue for Electors in Need

- Only electors are allowed entry into a polling station.
- Under the "fair and equal treatment" principle, electors must queue to vote. If the PRO is satisfied that a person who arrives at, or is present in, the polling station to vote falls within the following descriptions, the PRO will direct the person to immediately proceed to the designated area or the end of the queue if there is a queue extending from that area, to apply for a ballot paper –
 - who is not less than 70 years of age*;
 - who is pregnant; or
 - who, because of illness, injury, disability or dependence on mobility aids, is not able to queue for a long time or has difficulty in queuing.

* Including the following person –

- whose document shows the year of birth, without the month and day of birth, of the person which is 70 years earlier than the year within which the polling day falls;
- whose document shows, without the day of birth, the year of birth of the person which is 70 years earlier than the year within which the polling day falls and the month of birth of the person which is same as the month within which the polling day falls.
- The PRO will also designate a seating area inside the polling station for the above electors to take a rest, if they so wish. After rest, they can queue up along the special queue before being directed to the ballot paper issuing desks.
- Based on the principles of the autonomy of voting and secrecy of votes, the law prohibits anyone (even if he/she is an elector's relative or friend) from accompanying or assisting the elector to cast his/her vote. An elector who has difficulty in marking the ballot paper by himself/herself may, in accordance with the law, ask 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. The PRO has been allowed to exercise discretion, where appropriate, to allow accompanying persons to use the special queue together with electors who have a genuine need to be accompanied by others.

Checklist for Electors

- According to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) enforced by the Independent Commission Against Corruption (“ICAC”), an elector MUST NOT conduct the following acts within Hong Kong or elsewhere:
 - Incite any person not to vote, to cast blank or invalid votes by way of public activity during an election period.
 - Willfully obstruct and prevent another person from voting at an election.
 - Solicit or accept any advantage (including money, gift, etc.), food, drink or entertainment from any person for not voting at an election, or voting or not voting for a particular candidate or particular candidates.
 - Offer any advantage (including money, gift, etc.), food, drink or entertainment to any person as an inducement to or a reward for the latter not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates.
 - Use or threaten to use force or duress against any person for inducing the latter to vote or not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates.
 - Induce any person by deception to vote or not to vote for a particular candidate or particular candidates at an election, or not to vote at an election, or obstruct or prevent any person by deception from voting at an election.
 - Vote at an election knowing that he/she is not entitled to do so.
 - Vote at an election after having knowingly or recklessly given false or misleading information (e.g. false principal residential address) to an electoral officer.

The following actions are also prohibited in a polling station:

- Communicate with other electors including showing your vote on the ballot paper to others or use mobile telephones or any other device for electronic communication.
- Film, take photographs or make any audio or video recording.
- Ask other electors to mark your ballot paper. In case of need, you may, in accordance of the law, request the PRO to mark your ballot paper in the presence of a polling officer.
- Interfere with other electors who are casting their votes.
- ICAC has set up a Clean Election Website and provides relevant information (in both English and Chinese). Please visit www.icac.org.hk/elections.

Anti-epidemic Measures in response to COVID-19 in Polling Stations and Central Counting Station

- To prevent the spread of COVID-19, the REO will implement the following arrangements.

Polling Stations

- All polling staff in the ECC Polling Station are required to wear surgical masks. Transparent partitions would be erected on ballot paper issuing desks, the PRO desk, etc. to separate staff and electors.
- Different suggested timeslots will be assigned to the electors according to the five EC sectors for them to cast their vote.
- Electors, candidates and their agents are required to wear their own masks and clean their hands with hand sanitisers provided at entrance before entry to the ECC Polling Station.
- Electronic thermometers are set up at all polling stations to check the body temperature of electors, candidates and agents upon their arrival at polling stations.
- All polling staff are required to undergo COVID-19 Rapid Antigen Test in the morning of the polling day and obtain a negative result before reporting for work at the polling stations. Polling staff with fever or respiratory symptoms, or sudden loss of taste/smell will not be allowed to discharge electoral duties while candidates / agents will not be allowed to enter the polling stations but the candidates can authorise another representative to observe the poll.
- Electors with fever or respiratory symptoms or sudden loss of taste/smell will be assigned to vote at the designated compartments at the polling stations.
- Handheld placards and signage reminding electors to keep social distance will be displayed at the polling stations.

Central Counting Station¹

- All staff of the Central Counting Station are required to wear surgical masks and have their body temperature checked. Transparent protective screens will also be erected on the Registration and Enquiry counters. Social distancing measures will be strictly implemented with maximum capacity set for the public gallery.
- All persons entering or staying in the Central Counting Station (including EC members), save for those who hold specified medical exemption certificates or other exempted persons, will be required to have received at least 3 doses of COVID-19 vaccine and to comply with the relevant “Vaccine Pass” requirements.
- All counting staff are required to undergo a COVID-19 Rapid Antigen Test in the morning of the polling day and obtain a negative result before reporting for work at the Central Counting Station. Counting staff with fever or respiratory symptoms, or sudden loss of taste/smell will not be allowed to discharge counting duties.
- Electronic thermometers are set up at the Central Counting Station to check the body temperature of candidates and their agents, the media and the members of the

public upon their arrival at the Central Counting Station. Any person (including candidates and agents) with fever or respiratory symptoms, or sudden loss of taste/smell will not be allowed to enter the Central Counting Station. If candidates/agents have fever or respiratory symptoms, or sudden loss of taste/smell, the candidates can appoint another agent to observe the count.

- Hand sanitisers will be provided inside the Central Counting Station.
- The REO will arrange to use diluted bleach to disinfect the non-metallic surface furniture in the Central Counting Station before the opening of the Central Counting Station (such as counting desks, reception counters, chairs, etc.).

¹ The proposed safety measures for the Central Counting Station will also be adopted for the Media Centre.