



EAC Chairman speaks on Legco election report

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Following is the translation of the speech made by the Chairman of the Electoral Affairs Commission (EAC), Mr Justice Woo Kwok-hing, at a press conference today (December 15) on the "Report on the 2004 Legislative Council Election Held on September 12, 2004".

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Dear friends of the media,

- (1) Thank you for your presence at this press conference.
- (2) The Electoral Affairs Commission (EAC) has submitted the report on the 2004 Legislative Council (Legco) election to the Chief Executive of the Hong Kong Special Administrative Region Government, who has given his consent for the report to be made public so people can know how the election was conducted and other related issues.
- (3) This was a very demanding and challenging election for the commission, plagued by controversial issues and complicated problems. Nevertheless, more than 1.78 million people cast their votes in an open, fair and honest manner, bringing about an all-time high record turnout rate of 55.64%. This is an important milestone in Hong Kong's electoral development.
- (4) Having regard to public concern about these issues, the EAC submitted an interim report to the Chief Executive on November 8 and held a press conference two days later to give an account of the commission's investigations into certain issues. These issues included: (a) the insufficient supply of ballot boxes and the adoption of various related measures during the poll; (b) the legality of the emergency measures; (c) ballot discrepancies in four functional constituencies; (d) the eviction or exclusion of candidates or their agents from polling stations; and (e) the use of polling stations by disabled persons. The final report has continued its follow-up on individual cases carried in the interim report. For more details, please refer to the relevant appendices of the report.
- (5) The final report gives a comprehensive picture of how the commission supervised the election at its various stages. It also identifies major shortcomings and problems and puts forth recommendations for improving future elections. It also reports on some issues carried forward from the interim report, including the failure of the Interactive Voice Response System (IVRS).

Failure of the Interactive Voice Response System

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- (6) On polling day, an Interactive Voice Response System was deployed to automatically collect and process electoral statistics

transmitted through telephone calls from polling and counting stations in all the geographical constituencies. The statistical data included: (a) opening time of polling stations; (b) the hourly voter turnout figures of polling stations in all geographical and functional constituencies; (c) complaint statistics; and (d) counting results from all counting stations.

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(7) The IVRS had no problem in carrying out three of its functions in processing data for opening times of polling stations, complaint statistics and counting results. However, it did not function properly in the collection of voter turnout figures from polling stations, resulting in the failure of a number of polling stations to complete their reporting procedure. A subsequent investigation showed that this was caused by a shortfall in the IVRS programme. As the system was busy most of the time, incoming calls were cut off before the procedure in reporting statistics was completed. Tests were conducted before the system was committed but the simulation cases in the simulation tests were found to be inadequate. There was also no contingency plan to deal with the malfunctioning of the IVRS.

(8) Sometime before the first geographical constituency - New Territories East - completed its counting of votes, the commission's attention was drawn to a 69% voter turnout rate as indicated by the IVRS, which far exceeded the initially announced figure. The commission's investigation revealed that the erroneous turnout rate was caused by a problem of the IVRS. Because of the failure of the IVRS, the Registration and Electoral Office and the contractor had the voter turnout data verified manually with all 501 polling stations. The manually verified voter turnout data was input into the backup database, which was to be merged with the existing online database that contained data to be updated. As the old data would not be deleted until the merging of both databases was completed, both new and old data co-existed, making the voter turnout displayed much higher than the actual turnout. To avoid causing confusion, the commission decided to suspend the display of all data on the video walls as from 4am on September 13. About 6.30am on September 13, the verification of the voter turnout figures was completed and counting results were released one by one.

(9) The contractor, Continuous Technologies International Limited (CTIL), admitted that a system design shortfall was the root cause of the problem, in which the system became overloaded. This was aggravated by the failure to identify the bug during testing and the lack of a contingency plan to deal with a software failure. Based on the investigation findings, the Registration and Electoral Office (REO) is seeking legal advice from the Department of Justice on appropriate follow-up action, including the question of possible compensation, against CTIL.

(10) The EAC considers that the REO could have been more proactive in supervising the contractor, especially during the testing stage. The REO is in the process of setting up an information technology management unit, which will comprise professional IT contract staff. It will provide technical support for IT projects of the department. In future elections, the unit may provide technical advice on IT related projects that may be employed in the process of polling or counting.

(11) In view of various problems in using a computerised system to report and collect voter turnout statistics, the EAC suggests that in future elections, consideration be given to using other well-tested

means or reverting to the manual approach adopted in previous elections. Assistance of professional experts may need to be sought in reviewing the existing methodology or procedures in this aspect.

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## Review and recommendations

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(12) After the completion of our review, the EAC has come up with a number of recommendations in the final report. I am going to talk about a few major recommendations. The A3 size ballot papers for geographical constituencies clearly showing photographs and emblems of the bodies to which candidates belonged or which supported them seemed to have been well received. The EAC proposes that the same design of the ballot paper be retained, but should be tested to ensure that it is compatible with the design of the ballot boxes.

(13) The EAC proposes that the system of communication between each polling station and the Central Command Centre (CCC) as well as the logistics and contingency measures in the supply of election materials and equipment be reviewed. The EAC considers that one possible improvement option for the future will be to have a three-tier structure for the replenishment of supplies (eg. of ballot boxes, ballot papers, furniture) and the provision of additional staff. The structure can comprise a CCC, five regional centres in the five geographical constituencies and 18 district centres in the 18 administrative districts. These regional and district centres should each include a depot. The EAC considers that this arrangement can prevent all requests for support from various polling stations from directing towards one single contact point, thus enhancing the overall efficiency in the deployment of resources.

(14) The interim report has covered the issue of selecting polling stations. In this final report, the commission recommends that a pre-assessment on the adequacy of space of each prospective polling station be made with regard to an optimistic turnout rate for the election. Also every effort should be made to identify venues accessible to disabled people for use as polling stations in future elections.

(15) To prevent similar mistakes of evicting or excluding candidates or their agents from polling stations when they were being converted to counting stations, the commission recommends strengthening the training of polling staff in future general election so that they will have a better understanding of related legislation and regulations. It is also necessary for the REO to fully revamp the Operational Manual to make the contents fully compliant with electoral provisions and the election guidelines. If the arrangement of having polling stations turned into counting stations is retained in future elections, the EAC will consider that it may be more convenient to all parties concerned to merge the roles of polling and counting agents, so that all agents, except election expense agents, are entitled to remain and get into the station before or after the close of poll.

(16) The need for polling staff to perform polling and counting duties continuously for more than 24 hours proved to be impractical. For future elections, this method of staffing should be discarded. The EAC recommends that consideration be given to having two shifts, i.e. deploying another group of staff to handle counting duties. The

(17) The EAC also proposes the setting up of a working group to work on logistical arrangements of the election right at the preparatory stage, including the identification of possible crises, support from different parties in tackling various issues and drawing up of a comprehensive contingency plan in advance.

#### Concluding Note

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(18) The EAC's report affirms that the problems on polling day by no means compromised the integrity of the election. The EAC however expresses deep regret and tenders its sincere apology to the public, electors and candidates for their inconvenience during the election. For the election this year, a number of new measures were introduced with a view to improving and refining the electoral process, including the newly designed ballot papers and ballot boxes, the decentralised counting arrangement, and the use of IVRS. Although all the equipment and arrangements had been tested, they were tested on a smaller scale than required. This resulted in unforeseen problems affecting the smooth conduct of the poll in a number of polling stations. The EAC suggests that apart from fully testing any newly introduced equipment and arrangements to ensure that they work, special care needs to be taken to ensure their global satisfactory integration and performance. Suitable training for staff is also a must. The EAC notes that these lessons are regrettably learnt at a high price. However, looking to the future, they are valuable assets for the development and improvement of the electoral processes in Hong Kong.

(19) The EAC pledges to collaborate with the Independent Committee of Experts set up by the Chief Executive to review the management, planning and conduct of elections, to bring about better arrangements in future elections.

(20) Thank you. Any questions?

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