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**Legislative Council**

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**Panel on Constitutional Affairs**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 17 July 2017**

**Operation of polling and counting stations of District Council and  
Legislative Council elections**

**Purpose**

This paper summarizes the past discussion of the Panel on Constitutional Affairs ("the Panel") and other Legislative Council ("LegCo") committees on issues relating to the operation of polling and counting stations of District Council ("DC") and LegCo elections.

**Background**

2. During the 2015 DC and the 2016 LegCo elections, 495<sup>1</sup> and 571<sup>2</sup> ordinary polling stations ("OPSs") were set up respectively in Hong Kong for electors to cast their votes. In addition, 21 dedicated polling stations were set up at the penal institutions of the Correctional Services Department and three dedicated polling stations at police stations during the 2015 DC and 2016 LegCo elections to enable electors who were imprisoned, remanded or detained by the law enforcement agencies on the polling day to vote. With the exception of small polling stations ("SPSs") allocated with a small number of electors, all OPSs were converted into counting stations after the close of poll.

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<sup>1</sup> According to the Electoral Affairs Commission ("EAC") Report on the 2015 DC Election, of the 495 polling stations, seven were designated as SPSs as they served an electorate of less than 200. A total of 466 polling stations were accessible to electors with mobility difficulties or who used a wheelchair, representing approximately 94% of the total number of polling stations.

<sup>2</sup> According to the EAC Report on the 2016 LegCo Election, of the 571 polling stations, 11 were designated as SPSs as they served an electorate of less than 500. A total of 538 polling stations were accessible to electors with mobility difficulty or those who used wheelchairs, representing approximately 94% of the total number of polling stations.

3. As advised by the Administration, difficulties have been encountered by the Registration and Electoral Office ("REO") in identifying suitable venues as polling stations. Apart from public facilities such as community centres/sports centres, schools are considered by REO as very suitable venues for use as polling stations in past elections as school premises are usually conveniently located and relatively spacious. However, successful procuring of the same venue depends largely on whether its management is willing to make it available for use as polling station, or whether the venue has already been reserved for other activities on the polling day.

4. At present, the polling hours for both DC and LegCo elections are from 7:30 am to 10:30 pm. In the 2016 LegCo election, REO engaged over 23 000 civil servants to serve as polling and counting staff at various polling stations as well as the Central Counting Station on the polling day.

### **Recommendations of the Electoral Affairs Commission on the 2015 District Council Election and the 2016 Legislative Council Election**

5. The Panel discussed the major findings and recommendations of the Electoral Affairs Commission ("EAC") Reports on the 2015 DC Election and the 2016 LegCo General Election at its meetings on 21 March 2016 and 25 January 2017 respectively. EAC's major recommendations contained in the EAC Report on the 2016 LegCo General Election are in **Appendix I**. Some of the recommendations seek to address issues relating to the operation of the polling and counting stations, particularly the issue of the lengthening of the vote counting time in recent years. As for the EAC Report on the 2015 DC Election, one of the major recommendations is also related to the vote counting arrangements:

"There was a delay in the counting work at several counting stations for various reasons. Nevertheless, the counting procedures were completed within 4.5 hours at most of the counting stations which was slightly longer than the 4 hours taken in 2011. The EAC considers that the REO should continue to explore practical measures to shorten the time for both the counting of votes and verification of results so that the election results can be announced as soon as possible."

## **Members' concerns**

### Polling stations and polling hours

6. During the deliberation of the Bills Committee on Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015, some members suggested that, given the importance of public elections, more polling stations should be set up to facilitate electors. Hon Emily LAU suggested that REO might make reference to overseas experience in the requisition of premises for use as polling stations with a view to increasing the number of polling stations to facilitate electors. Citing the example of public elections in Taiwan, she pointed out that the Taiwanese authority managed to set up a lot of polling stations, and she once saw a polling station set up in an on-street temple, which was small but convenient. The Administration explained that Hong Kong was very densely populated, and a too small polling station might not meet the need to serve an electorate up to 7 000 to 10 000 electors. Some members also considered that given the stringent requirements in respect of polling stations as laid down in the law, it would not be possible for Hong Kong to make similar arrangements.

7. In the discussion of the EAC Report on the 2015 DC Election at the Panel meeting on 21 March 2016, some members considered that the Administration should explore how to acquire more accessible venues for setting up polling stations to facilitate electors. They took the view that the voter turnout rate would be boosted if the polling stations were more conveniently located.

8. The Administration explained that for most of the venues concerned, it was necessary to obtain the consent of their owners or management bodies to make available their premises for use as polling stations. In the 2015 DC election, REO managed to secure 495 venues to be designated as polling stations and most of them were set up in private premises including schools. In order to secure suitable venues in time, REO had started to identify venues and conduct site inspections as early as in late 2014. The EAC Chairman had personally sent a letter to the management of some major school sponsoring bodies in early March 2015 to appeal to them to make available their school premises for use as polling stations. In future, REO would make sustained efforts in identifying suitable venues as polling stations and in liaising with the owners/management of venues concerned as early as practicable, which also included conducting visits to the school management to appeal for their support. REO also advised that after each poll, arrangements would be made as soon as possible to clean up the venues used for setting up polling stations.

9. Some members were of the view that the current polling hours which lasted for 15 hours (from 7:30 am to 10:30 pm) were too long. They noted that

the polling hours in other nearby countries or places were much shorter than those in Hong Kong. They considered that there was room for reducing the polling hours. The Administration advised that having regard to the voting habits of the public, REO considered it appropriate to proceed cautiously and, therefore, maintain the existing polling hours for the time being. Nevertheless, the Administration would further seek members' views and seriously consider whether the polling hours should be revised.

10. The Panel discussed the Administration's proposal to change the fallback day arrangements for LegCo, DC and Village Representative elections in the event that it was necessary to postpone an election or postpone/adjourn a poll or a count due to an occurrence which appeared to be a material irregularity relating to the election, the poll or the count at its meeting on 15 April 2013. Some members expressed a strong view that the postponed or adjourned election, poll or count should be held/resumed either on a Sunday or on a public holiday in order to facilitate voting by electors. The Administration advised that it was already an established practice to hold elections on Sundays for the convenience of electors, and REO would stick to this arrangement in holding/resuming the postponed/adjourned poll.

#### Central counting arrangement for the new District Council (second) Functional Constituency

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11. Members expressed concern that with the creation of the five new DC (second) functional constituency ("FC") seats, many electors would cast two votes in the 2012 LegCo election which would inevitably prolong the vote counting process. According to the Administration, REO had carefully examined the option of counting the votes of the DC (second) FC in individual polling stations similar to the arrangement adopted for counting the geographical constituency ("GC") votes. However, REO did not consider it operationally viable given the large number of additional staff required if both GC and the DC (second) FC votes were to be counted in the polling stations. Moreover, there was a need to return most of the polling stations (typically schools) to the venue management for normal business in the early morning of the following day. The Administration has explained the reasons for adopting the central counting arrangement but not a polling-cum-counting arrangement for the DC(second) FC in its paper submitted to the relevant bills committee [LC Paper No. CB(2)1388/11-12(01)].

#### Wider use of information technology in electoral process

12. Some members expressed concern that the time taken in the counting of votes in the 2015 DC election and the 2016 LegCo election was unduly long,

and that in the 2016 LegCo election, many electors were stranded in long queues outside some small polling stations. Some members also expressed concern that the existing manual counting arrangement did not keep pace with the development of modern technology. They queried the cost-effectiveness of engaging about 25 000 civil servants on the polling day for counting of over one million votes. Members urged the Administration to explore the use of information technology ("IT") to speed up the voting process. Some members suggested that the Administration should enhance the application of IT in the electoral process with a view to shortening the time required for counting and verification of results, and explore the use of vote counting machines to facilitate the counting process. The Administration advised that it agreed to EAC's recommendation that computerization of the electoral process should be the way forward. Nevertheless, more studies would still have to be conducted to address technical difficulties that might be encountered in actual operation, e.g. the time required for installing the relevant IT equipment in a large number of polling stations, and the provision of technical support on the polling day.

#### Polling arrangement and staff training

13. In the discussion of the EAC Report on the 2016 LegCo Election at the Panel meeting on 25 January 2017, some members suggested that REO should enhance the training of polling staff. Hon Frankie YICK pointed out that the Transport FC was amongst the four special FCs which adopted the preferential elimination system of voting. He requested REO to note that in the 2016 LegCo election, some electors were provided with the "✓" chops (provided for GC and ordinary FC elections) but not black pens for marking the special FC ballot papers. As a result, a total of seven such ballot papers for the Transport FC were ruled invalid even though the choices of the electors were clearly indicated. REO undertook to continue to strengthen its training for polling staff.

14. Concern was also raised that the efficiency of vote counting work overnight was affected due to fatigue of the polling staff concerned. It was suggested that the counting process could be suspended at late night and resumed at eight o'clock in the next morning. Candidates concerned might send representative(s) to monitor the ballot papers kept at the Central Counting Station. To avoid delaying the counting process, it was also suggested that all polling stations should be closed at the appointed time, and it was not necessary to extend the polling hours in order to let the queuing electors complete casting their votes. REO agreed to give thought to members' suggestions but advised that resuming the count in the next morning might have other operational implications.

### **Recent development**

15. The Administration will brief the Panel on its review of the operation of polling and counting stations of DC and LegCo elections at its meeting on 17 July 2017.

### **Relevant Papers**

16. A list of relevant papers which are available on the LegCo website is in the **Appendix II**.

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(Extract)

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**(B) EAC's Major Findings and Recommendations**

5. On the whole, the EAC considers that the LegCo election was conducted in an open, fair and honest manner, and is generally satisfied with the electoral arrangement. The EAC conducted a comprehensive review of all aspects of the electoral procedures and arrangement, and set out its review findings and recommendations in Chapter 14 of the Report. Major recommendations are highlighted in paragraphs 6 to 28 below.

**(a) Identification of Suitable Venues as Polling Stations**

6. The Registration and Electoral Office (“REO”) encountered great difficulties in identifying and acquiring suitable and sufficient venues for use as polling stations. For example, quite a number of schools were not made available for use as polling stations. As a result, some of the polling stations were eventually set up in less spacious venues or venues that were not accessible to electors with mobility difficulties. The EAC understands that the REO had made its best efforts to identify suitable venues for use as polling stations and considers that REO should continue its efforts in future elections. The EAC appeals to all schools, public bodies and local organisations to accede to the REO’s request for use of their premises as polling stations in future elections (paragraph 14.5 of the Report).

7. The EAC further observes that the ever-increasing voter turnout for the LegCo elections in recent years has led to a significant rise in the number of ballot papers to be counted, and as a result, the lengthening of the vote counting time. If the polling hours in future elections are to remain unchanged, the REO will need to procure the venues for three consecutive days (instead of two) in order to meet the operational needs (from setting up of the polling stations before the polling day to the completion of the count a day afterwards) under the existing polling-cum-counting arrangement for the geographical constituency (“GC”) elections.

8. The EAC therefore proposes looking into the operational details of the following alternative options –

- (a) if the polling day is still to be fixed on a Sunday, given that most of the polling stations are set up at school premises, the relevant authority may consider whether it is desirable to designate the day following the LegCo election polling day (i.e. Monday) a school holiday;

(b) the polling day may be scheduled on a Saturday in order to allow the count to be extended to Sunday at the same venue (although the setting up of the polling stations will have to be advanced to a Friday accordingly); and

(c) one or more regional counting station may be set up for each GC.

(paragraph 14.112 of the Report)

**(b) Design of Ballot Papers**

9. Under the existing legislation, the names and photos of candidates, as well as the registered names and emblems of prescribed bodies are printed on the ballot papers. With the growing number of candidates in recent elections, the sizes of ballot papers for GCs became exceedingly large. It hindered the printing, production, checking and delivery processes and the polling and counting workflows. Hence, the EAC appeals to the community to take note of the problem, and consider the possibility of containing the particulars of the candidates currently printed on ballot papers, e.g. by deleting the photos of candidates. If mainstream opinion in the community agrees with the adjustment, the Government should propose legislative amendments accordingly (paragraphs 14.12 and 14.110 of the Report).

**(c) Conveyance of the Ballot Papers**

10. Same as all previous public elections, the Presiding Officers (“PROs”) and their deputies collected some of the ballot papers for use at their respective polling stations about one week before the polling day and brought the same to the polling stations on the polling day. Concerns over the existing arrangement were raised by the public in this election.

11. The REO previously conducted studies on other methods of delivery of the ballot papers, such as sending them to the polling stations directly before the polling day. However, the REO considers this method impracticable owing to objective constraints including the large number of ballot papers and polling stations involved, the lack of proper storage facilities and the security of polling stations.



12. Besides, the REO considers that the existing arrangement has proven to be effective for the following reasons –

- (a) it is an appropriate arrangement to entrust the PROs and their deputies, who are all at officer grade or above in the government structure, with the custody and delivery of the ballot papers;
- (b) all ballot papers collected were put into sealed plastic bags with sealing strips bearing the signatures of staff concerned affixed and the sealed packets of ballot papers could only be opened at the polling stations on the polling day;
- (c) the PROs and their deputies had to undergo verification and receiving procedures when collecting the ballot papers and hence were held accountable;
- (d) the candidates or their agents might request checking the ballot papers before the poll began; and
- (e) polling staff were required to supervise different procedures involving the ballot papers before and during polling hours.

The EAC considers that while the REO should continue to look for other practicable methods to deliver the ballot papers, it would be undesirable to introduce any changes rashly in the absence of a better arrangement (paragraph 14.27 of the Report).

**(d) “Withdrawal of Candidature” During the Nomination Period and “Abandonment of Election” After the Nomination Period**

13. Under the electoral law, a candidate may only withdraw his/her nomination before the close of the nomination period. However, a number of candidates declared their so-called “abandonment of election” with cessation of their election campaigns after the close of the nomination period. There are concerns in the community that the claims of “abandonment of election” might give rise to confusing information about the election, thereby impairing the integrity of the election.

14. The existing legislative requirement of not allowing candidates to withdraw from the election after the close of the nomination period not only ensures that there will not be confusing information in the election, but also serves to facilitate various electoral arrangement. The EAC considers that

the society needs to take a serious view of the so-called “abandonment of election”, and to consider whether it is necessary to prohibit validly nominated candidates from publicly announcing “abandonment of election”, such that the relevant authority could study whether existing legislation needs to be amended to that effect, in order to uphold the spirit of the existing legislation (paragraphs 14.33 and 14.34 of the Report).

**(e) Voting Preference Surveys**

15. Under the electoral law, the EAC is only authorised to regulate exit polls conducted at the “no canvassing zones” outside polling stations on the polling day. There is at present no legislation to regulate so-called voting preference surveys conducted on the polling day but outside the “no canvassing zones”, or opinion polls relating to the election conducted on or before the polling day.

16. The EAC noticed that various surveys were conducted by different organisations to collect information on voter preferences on or before the polling day with announcement of the results. It also noticed from the media reports that some people intended to use the results of such survey to influence selected voter groups and for the matching of votes. In view of keen public concerns on various types of surveys on voters’ preference, the EAC considers that society should address and explore how this issue should be handled in future public elections (paragraph 14.39 of the Report).

**(f) Production of Photocopy of Hong Kong Identity Card to Apply for Ballot Papers**

17. There were media reports that a candidate and an elector were able to collect ballot papers by only producing photocopies of their Hong Kong Identity Cards (“HKIDs”) on the polling day. The EAC issued a press release in the afternoon of the polling day clarifying that under the existing legislation, an elector is required to produce a proper identity document in applying for ballot paper(s), but that document is not restricted to an HKID only. However, ballot papers would not be issued to any person who could only produce a photocopy of his/her HKID. The REO also reminded all polling staff of the same immediately.

18. The EAC recommends that the relevant authority should consider amending the legislation to set out expressly that an elector must produce the original copy of his/her HKID before a ballot paper can be issued. Before legislative amendments are made, the EAC recommends that the REO should enhance the training of polling staff. If an elector produces the HKID or Hong Kong Special Administrative Region Passport, ballot papers should be issued to him/her. However, if an elector could only produce other government documents carrying his/her name and photograph (e.g. Senior Citizen Card), that person must produce a copy of his/her HKID at the same time (paragraphs 14.53, 14.54 and 14.110 of the Report).

**(g) Voter Registration for the District Council (second) Functional Constituency**

19. The EAC received complaints from about 180 electors who claimed that they were not able to cast votes in the District Council (second) functional constituency (“DC (second) FC”) on the polling day. The REO, after checking the relevant records, found that all of the electors concerned have chosen not to be registered as an elector for the DC (second) FC when submitting their applications for voter registration or upon change of registration particulars earlier on. The REO thus acted in accordance with their wishes and did not include them in the final register for the DC (second) FC.

20. In the course of following up on the complaints, the REO found that many electors, when filling in the application forms, did not realise that the DC (second) FC was the commonly called “Super District Council” FC, and had therefore mistakenly given up the right to vote in that FC. The EAC is of the view that the REO should consider improving the design and content of the aforementioned application form, and provide clearer information for persons who wish to be registered in the DC (second) FC, so as to facilitate their understanding when filling in the form. In addition, the Government should strengthen the publicity on the registration procedures for the DC (second) FC when launching major voter registration campaigns in future, in order to enhance public understanding of that FC (paragraphs 14.57 and 14.58 of the Report).

**(h) Long Queues at Some Polling Stations**

21. In the early evening on the polling day, queues started to appear at some polling stations. After the close of poll, quite a number of electors were still queuing up to cast their votes at more than 30 polling stations. Four polling stations in Tai Koo Shing, Yau Tong, Lam Tin and Ngau Tau Kok respectively had a particularly large number of electors queuing. In the event, one of these polling stations could not be closed until all the queuing electors completed casting their votes at around 2:30 am on the following day. As a consequence, the counting of votes was delayed.

22. Although the REO already made assessment of the capacity of all the polling stations in advance, the EAC is of the view that insufficient space at some polling stations to accommodate a large number of electors was the main reason why queues were formed at those polling stations. Other factors include the marked increase in the number of electors and the fact that quite a number of electors cast their votes at a later time on the polling day.

23. The EAC has instructed the REO to review and improve the arrangement regarding the designation of polling stations, to conduct a more detailed estimation of the throughput of polling stations in advance in future elections, and to secure more and larger venues for use as polling stations as far as possible. The EAC also considers that the REO should strike a better balance between the size of the polling station and the accessibility of the location. Where necessary, the REO should look for appropriate venue at a location farther away to ensure that the polling station has sufficient space to accommodate the electors and handle the throughput of electors during peak hours (paragraph 14.76 of the Report).

**(i) Discrepancies between Voter Turnout Figures and the Number of Ballot Papers Actually Counted**

24. At the close of poll, the cumulative voter turnout released by five polling stations were found to fall short of the numbers of GC ballot papers issued by a margin of 100 to 300 because of statistical errors and omissions. The REO conducted detailed investigation into the cases and revealed that the polling officers concerned on duty at the ballot paper issuing desks of the five polling stations forgot to record on the control sheets a total of 100 to 300 GC ballot papers received from the PRO in the last one to two hours before the close of poll. This resulted in the obvious discrepancy between the cumulative voter turnout released and the number of ballot papers issued to the electors at the polling stations.

25. The EAC considers that the incidents reflect the problems of polling staff working very long hours, manpower shortage and issue of order at the polling stations. The EAC recommends a review and adjustment of the honoraria for the polling staff in order to attract more civil servants undertaking duties at polling stations. Moreover, consideration may be given to the possibility of dividing the current working hours into two shifts so as to avoid polling staff from making mistakes due to fatigue. Even if a two-shift system could not be implemented across-the-board due to the inability to recruit sufficient staff, consideration should still be given to implementing a two-shift system partially at specific polling stations so as to enhance the manpower there.

26. In respect of the statistical work, the REO should review the statistical forms with a view to strengthening the monitoring function of counter-checking and countersigning among different polling staff, and consider increasing the number of staff responsible for statistical work to alleviate their pressure (paragraphs 14.92, 14.93 and 14.111 of the Report).

**(j) Use of Information Technology to Enhance the Voting Process**

27. There were electors queuing up outside some polling stations on the polling day. Some views suggested that information technology (“IT”) should be introduced to expedite the voting process. Subsequent to the 2012 LegCo general election, the REO has commissioned an independent consultancy firm for feasibility study on facilitating the election process through the use of IT. The coverage of the study included making recommendations on the introduction of electronic voting. The consultancy report mentioned certain enhancement measures, while pointing out the difficulties that might be encountered in actual operation, e.g. whether the polling stations are already equipped with the relevant IT facilities, whether network coverage in the area concerned is well-established, the time required for installing the relevant IT equipment in a large number of polling stations, and the provision of technical support on the polling day, etc.

28. The EAC considers that computerisation of the electoral process should be the way forward. With the development of IT, the REO should continue to carry out comprehensive and in-depth feasibility studies to assess the use of IT in different aspects of the election process with a view to making better voting arrangement, also ensuring the technology adopted can provide an independent and visible audit function (paragraph 14.96 of the Report).

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## Appendix II

### Relevant documents on operation of polling and counting stations of District Council and Legislative Council elections

Committee	Date of meeting	Paper
House Committee	20.4.2012	<a href="#">Report of the Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2012</a>  <a href="#">Relevant paper</a> [LC Paper No. CB(2)1388/11-12(01)]
Panel on Constitutional Affairs ("CA Panel")	15.4.2013 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	15.6.2015 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Bills Committee on Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015	6.1.2016	<a href="#">Agenda</a> <a href="#">Minutes</a>
CA Panel	21.3.2016 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	18.4.2016 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	2.11.2016	<a href="#">Official Record of Proceedings Pages 23 – 29 (Oral question)</a>
CA Panel	25.1.2017 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>