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2 December 2016

The Honourable C Y Leung, GBM, GBS, JP  
The Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
Chief Executive's Office  
Hong Kong

Dear Mr Leung,

Pursuant to section 8(1) of the Electoral Affairs Commission Ordinance, we have the pleasure in submitting to you a report on the 2016 Legislative Council General Election held on 4 September 2016.

Yours sincerely,



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Barnabas Wah FUNG, Chairman



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Arthur Yee-shun LUK, Member



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Fanny Mui-ching CHEUNG, Member

## ABBREVIATIONS

APIs	Announcements of Public Interest
APRO, APROs	Assistant Presiding Officer, Assistant Presiding Officers
AR, ARs	authorised representative, authorised representatives
ARO, AROs	Assistant Returning Officer, Assistant Returning Officers
AWE	Asia World-Expo
BPSS, BPSSs	ballot paper sorting station, Ballot Paper Sorting Stations
CAS	Civil Aid Service
CC	Complaints Centre
CCC	Central Command Centre
CCm	Complaints Committee
CCS	Central Counting Station
CE	Chief Executive
CEO	Chief Electoral Officer
CMAB	Constitutional and Mainland Affairs Bureau
CSD	Correctional Services Department
CS, CSs	Counting Supervisor, Counting Supervisors
DC, DCs	District Council, District Councils

DC (first) FC	District Council (first) Functional Constituency
DC (second) FC	District Council (second) Functional Constituency
DO, DOs	District Office, District Offices
DoJ	Department of Justice
DPRO, DPROs	Deputy Presiding Officer, Deputy Presiding Officers
DPS, DPSs	Dedicated Polling Station, Dedicated Polling Stations
EA, EAs	election advertisement, election advertisements
EAC	Electoral Affairs Commission
EACO	Electoral Affairs Commission Ordinance (Cap. 541)
EAC (EP) (LC) Reg	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D)
EAC (FA) (APP) Reg	Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541N)
EAC (NAC) (LC) Reg	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C)

EAC (ROE) (FCSEC) Reg	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B)
EAC (ROE) (GC) Reg	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A)
ECICO	Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)
EE (LC) Reg	Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554D)
election website	website of the 2016 Legislative Council General Election
ERO	Electoral Registration Officer
FC, FCs	Functional Constituency, Functional Constituencies
FR	Final Register of Electors
FRT, FRTs	Fast Response Team, Fast Response Teams
GC, GCs	Geographical Constituency, Geographical Constituencies
Guidelines	Guidelines on Election-related Activities in respect of the Legislative Council Election
HAD	Home Affairs Department

HD	Housing Department
HKHS	Hong Kong Housing Society
HKSAR	Hong Kong Special Administrative Region
ICAC	Independent Commission Against Corruption
ISD	Information Services Department
KITEC	Kowloonbay International Trade and Exhibition Centre
LCO	Legislative Council Ordinance (Cap. 542)
LCSD	Leisure and Cultural Services Department
LEAs	law enforcement agencies
LegCo	Legislative Council
MC	media centre
MCS, MCSs	main counting station, main counting stations
NACs	Nominations Advisory Committees
NCZ, NCZs	No Canvassing Zone, No Canvassing Zones
NSZ, NSZs	No Staying Zone, No Staying Zones
NTE	New Territories East
NTW	New Territories West
OL	omissions list
OPS, OPSs	ordinary polling station, ordinary polling stations

ORO	Official Receiver's Office
PCBP (LC & DC) Reg	Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541M)
PCPD	Office of the Privacy Commissioner for Personal Data
PEO	Principal Electoral Officer
PO, POs	Polling Officer, Polling Officers
PR	Provisional Register of Electors
PRO, PROs	Presiding Officer, Presiding Officers
REO	Registration and Electoral Office
RO, ROs	Returning Officer, Returning Officers
RTHK	Radio Television Hong Kong
SIC	Statistical Information Centre
SPS, SPSs	small polling station, small polling stations
VR	voter registration

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# **PART ONE**

## **PROLOGUE**

## CHAPTER 1

### OVERVIEW

#### Section 1 – Introduction

1.1 A general election was held on 4 September 2016 to return 70 Members of the Legislative Council (“LegCo”) for the sixth term of four years commencing on 1 October 2016, upon the prorogation of the fifth term of LegCo on 16 July 2016.

#### *Number of Members Returned*

1.2 The sixth term of LegCo is composed of 70 Members, amongst whom 35 were returned by Functional Constituencies (“FCs”) and the other 35 were returned by Geographical Constituencies (“GCs”). The number of Members returned for the five GCs and the 29 FCs respectively are listed in **Appendix I**.

#### *This Election*

1.3 The 2016 LegCo General Election was keenly contested with 213 candidates of 84 candidate lists validly nominated for 35 GC seats, 55 candidates validly nominated for 28 traditional FCs<sup>1</sup> for a total of 30 FC seats and 21 candidates of nine candidate lists validly nominated for five District Council

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<sup>1</sup> Traditional FCs refer to all FCs other than the District Council (second) Functional Constituency in this report.

(second) Functional Constituency (“DC (second) FC”) seats. For GCs, contest was most keen in the New Territories East (“NTE”) GC where 22 lists totalling 66 candidates contested for nine seats. As for FCs, contest was most keen in the Social Welfare FC where five candidates contested for one seat in the FC.

1.4 A total of 2,202,283 GC electors and 172,820 traditional FC electors cast their votes on the polling day, representing 58.28% and 74.33% of the total electorate of 3,779,085 for GCs and 232,498 for the 18 contested traditional FCs respectively. For the DC (second) FC, a total of 1,983,049 electors cast their votes on the polling day, representing 57.09% of the total electorate of 3,473,792. The turnout rates were higher than those of the two previous LegCo general elections held in 2012 and 2008 (53.05%, 69.65% and 51.95% for GCs, the traditional FCs and the new DC (second) FC respectively in 2012; 45.20% and 59.76% for GCs and the traditional FCs respectively in 2008).

## **Section 2 – Report to the Chief Executive**

1.5 The Electoral Affairs Commission (“EAC”) is required under section 8(1) of the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”) to submit a report on the election to the Chief Executive (“CE”) within three months of the conclusion of an election.

1.6 This report aims to give a comprehensive picture of how the EAC conducted and supervised the election at various stages. It gives a detailed account of the electoral preparatory work, the implementation of the electoral arrangement and handling of complaints as well as, having reviewed the effectiveness of the



electoral arrangement and taking into account the experience gained from this Election, puts forth the EAC's recommendations for improvements in future elections.



## **PART TWO**

### **BEFORE THE POLLING DAY**

## **CHAPTER 2**

### **DELINEATION OF GEOGRAPHICAL CONSTITUENCIES**

#### **Section 1 – Legal Requirements**

2.1 One of the important tasks that the EAC has to undertake during the preparation stage of the election was the delineation of GCs. According to section 4(a) of the EACO, the EAC has to make recommendations on the boundaries and names of GCs for a LegCo general election. Under section 18 of the EACO, the EAC is required to submit to the CE a report on its recommendations within 36 months after the preceding general election was held. As the last general election was held on 9 September 2012, the EAC was required to submit the report to the CE by 8 September 2015.

2.2 The delineation exercise was based on the population forecast prepared by the inter-departmental Ad Hoc Subgroup (“AHSG”) formed under the Working Group on Population Distribution Projections led by the Planning Department. The EAC requested AHSG to provide a population forecast as at 30 June 2016 for the 2016 LegCo General Election to ensure the population distribution figures were projected at a date as close to the election date as practicable.

2.3 The number of Members of the LegCo to be returned by GCs in the 2016 LegCo General Election is 35. According to sections 18 and 19 of the Legislative Council Ordinance (Cap. 542) (“LCO”):

- (a) there are to be five GCs;
- (b) 35 Members are to be returned for all GCs; and
- (c) the number of Members to be returned for each GC is to be a number not less than five nor greater than nine.

2.4 Provisional recommendations were then drawn up based on the stipulated number of GCs and Members to be returned by each of them, the statutory criteria stipulated in section 20 of the EACO as well as the working principles adopted by the EAC. Reference would also be made to the comments of the Home Affairs Department (“HAD”) from the perspectives of community identities, local ties and physical features and developments of the GCs in drawing up the provisional recommendations. The delineation exercise was basically composed of two parts. The first part concerned determination of boundaries of GCs and the second part concerned allocation of seats among the proposed GCs having regard to their projected population.

## **Section 2 – Provisional Recommendations and Public Consultation**

2.5 After considering a number of options, the EAC decided to adopt the boundaries and names of the existing GCs, and the number of Members to be returned by each GC was determined as follows:

<u>GC</u>	<u>No. of Members to be Returned</u>
Hong Kong Island	6
Kowloon West	6
Kowloon East	5
New Territories West	9
New Territories East	9
Total:	<u>35</u>

2.6 The above provisional recommendations, together with the corresponding maps, were made available for public consultation from 21 May to 19 June 2015 in accordance with section 19 of the EACO. A public forum was held on 11 June 2015 to receive oral representations on the provisional recommendations from the public.

### **Section 3 – Final Recommendations**

2.7 During the public consultation period, representations received were mainly related to the following issues:

(a) Request for Re-delineation of Boundaries

- (i) a number of representations considered that the population of New Territories West (“NTW”) would continue to increase and it was estimated that the percentage deviation of population

from the resulting number<sup>2</sup> would be getting larger. Therefore, they proposed re-delineation of the boundaries of NTW and other GCs so as to achieve a more even population distribution among the GCs. In the past delineation exercises, the EAC also received similar representations. In view of this, the EAC considered possible options of transferring a single District<sup>3</sup> adjacent to NTE from NTW to NTE. The EAC considered the options of transferring the Islands District, Tsuen Wan District, Kwai Tsing District or Yuen Long District to NTE respectively. However, if the above recommendation was adopted, the size of NTE would become extremely large, the Lantau Island would need to be split into two GCs which would adversely affect the long-established community identities of the area or the percentage of deviation for the NTE GC would exceed the statutory permissible upper limit. The EAC was therefore of the view that the options of transferring the above-mentioned four Districts were either not viable or not desirable; and

- (ii) some representations proposed re-delineation of the existing GC boundaries to form GCs that comprised some areas of the New Territories and the Hong Kong Island or Kowloon, on grounds of continuing urbanisation and gradual development of community infrastructure and transportation in the New

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<sup>2</sup> According to the EACO, the resulting number refers to the number which results when the population quota is multiplied by the number of Members to be returned to the LegCo by that GC. For LegCo general election, the population quota refers to the total population of Hong Kong divided by the total number of Members to be returned for all GCs.

<sup>3</sup> District refers to the 18 districts as listed in Part II under Schedule 1 to the District Councils Ordinance (Cap. 547).

Territories. The EAC was of the view that although the abovementioned development might better connect the concerned districts in the long run, the existing community identities and local ties should at present be maintained. Therefore, the delineation exercise should be based on the boundaries of the existing GCs having regard to the long-established community identities and local ties in the existing GCs and avoid causing unnecessary confusion to electors. Moreover, given that the percentages of deviation from the resulting number of the existing GCs all fell within the statutory permissible range and in the absence of wide consensus in the society, there were not enough grounds in support of re-delineating the existing boundaries. In fact, the EAC noted that many of the representations received were in support of maintaining the existing boundaries of the five GCs intact. It was therefore considered not appropriate to take this proposal at that stage.

(b) Number of Geographical Constituencies and Seats

- (i) some representations proposed increasing the number of GCs to six and re-delineating the New Territories into three GCs having regard to the growing population of NTE and NTW. There were also representations suggesting merging the existing five GCs into one GC. These proposals were not accepted as the EAC had to comply with section 18(1) of the LCO which stipulates that there are to be five GCs;



- (ii) with the growing population of NTW, ten seats should be allocated to NTW according to its population. Some representations therefore proposed amending the maximum number of Members to be returned for each GC or increasing the total number of seats of both GCs and FCs to 40 respectively so that more seats could be allocated to NTW. However, as explained above, the LCO stipulates that 35 Members are to be returned for all GCs and the number of Members to be returned for each GC is to be a number not less than five nor greater than nine. The aforesaid proposal was therefore not accepted as the EAC could not change the statutory requirement under the LCO; and
- (iii) some representations proposed that the number of seats of each GC should be the same. Given that the population was unevenly distributed among the existing five GCs, there would be substantial changes to the boundaries of the existing GCs if on the one hand, an even distribution of the 35 seats among GCs was to be achieved and on the other hand, the existing statutory criteria concerning the percentage of deviation from the resulting number of each GC were to be complied with. As the existing GC boundaries have been adopted since the first term of LegCo in 1998, the public were generally well accustomed to them in elections. Any suggestions to re-delineate their boundaries would definitely risk upsetting the long-established identities and community ties within each of

the GCs and cause unnecessary confusion to electors in the coming election. Therefore, the EAC considered that this proposal should not be accepted.

Having carefully considered all the public representations, the EAC considered that it was not necessary or appropriate to make any alteration to its provisional recommendations which should be adopted as its final recommendations. In accordance with section 18 of the EACO, the EAC submitted a report on its recommendations for delineation of the GCs and the names proposed for each GC to the CE on 28 August 2015. The above proposals concerning the number of GCs and seats have already been passed to relevant bureau for consideration.

2.8 That report contained a detailed account of the EAC's work in the delineation exercise, representations received during the public consultation period and EAC's deliberations on them. The recommendations in the report were accepted and approved by the CE in Council on 13 October 2015 and the report was tabled at the LegCo on the following day. The CE in Council made the Declaration of Geographical Constituencies (Legislative Council) Order 2015 (Cap. 542L) on 13 October 2015 which was then tabled at the LegCo for negative vetting on 28 October 2015. The Order came into operation on 1 January 2016 and the finalised set of maps with the delineations was published by the EAC in January 2016 for general information of the public.

## CHAPTER 3

### REGISTRATION OF ELECTORS

#### Section 1 – Qualification for Registration

3.1 Only a registered elector, i.e. a person whose name appears on the Final Register of Electors (“FR”) published in July 2016, is eligible to vote in this Election. The qualifications for registration as electors of the GCs and FCs are provided in the LCO.

#### *Geographical Constituencies*

3.2 An individual is eligible to be registered as a GC elector if he/she:

- (a) is aged 18 or above as at 25 July 2016;
- (b) is a permanent resident of Hong Kong;
- (c) at the time of applying for registration, ordinarily resides in Hong Kong and his/her residential address provided in the application form for registration is his/her only or principal residence in Hong Kong;
- (d) holds a valid identity document or has applied for a new/replacement identity document; and

(e) is not disqualified from being registered as an elector.

3.3 Section 24(2) of the LCO provides that a person is not, by virtue of being registered as an elector in an existing FR of GCs, entitled to be included as an elector in any subsequent register if the Electoral Registration Officer (“ERO”) is satisfied on reasonable grounds that the person no longer resides at the residential address recorded against the person’s name in that existing register and the ERO does not know the person’s new principal residential address (if any) in Hong Kong. While it is widely recognised that it is an elector’s civic duty to report changes in his/her residential address for the purpose of updating the register, the law currently does not make it mandatory for electors to update their addresses or impose a criminal sanction on an elector for not reporting changes in the registered residential address. Therefore, notwithstanding that an elector has failed to report changes in the registered residential address but so long as his/her registration remains in the register, the elector remains eligible under the law to vote in the GC according to the principal residential address as recorded against his/her name in the register.

### ***Functional Constituencies***

3.4 The LCO provides for the qualification for registration as electors of the 29 FCs. The electorates of the 28 traditional FCs are from particular professional, industrial or trade groups, etc. The electorate of the DC (second) FC is composed of persons who are registered as electors for GCs but are not registered as electors for any of the other 28 traditional FCs.

3.5 The FC electorate consists of both natural persons and bodies. A requirement for a natural person to be an FC elector is that the person must be a GC elector, whose address must conform to the requirements for registration as a GC elector. Among the 29 FCs, 18 of them consist of corporate electors. There are no specific requirements for the addresses of corporate electors. A corporate elector is required to cast its vote through an authorised representative (“AR”) who is a natural person and a GC elector appointed by the corporate elector to vote on its behalf.

3.6 The appointment or replacement of the AR must be registered with the ERO. A FC elector cannot be an AR for the same FC, but can be an AR for another FC. Besides, an AR of a corporate elector cannot be appointed as the AR of another corporate elector at the same time. A person who is qualified to be an elector of more than one FC can only become an elector of one of the FCs of the person’s choice. If a person is eligible to be registered as an elector for the District Council (first) Functional Constituency (“DC (first) FC”), the person can only be registered as an elector of that FC. If a person is eligible to be registered as an elector in one of the four special FCs<sup>4</sup>, the person can only be registered as an elector of that special FC unless he/she is eligible for registration in the DC (first) FC.

## **Section 2 – Registration Regulations**

3.7 Two sets of regulations are in place for the purpose of implementing the procedure relating to the registration of electors. The Electoral Affairs

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<sup>4</sup> The four special FCs are Heung Yee Kuk FC, Agriculture and Fisheries FC, Insurance FC and Transport FC.

Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) (“EAC (ROE) (GC) Reg”) governs the registration of GCs electors, whereas the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) (“EAC (ROE) (FCSEC) Reg”) caters for the registration of FC electors.

3.8 In view of the concerns expressed by members of the public on matters relating to voter registration (“VR”) in the 2015 VR cycle, the Government embarked on a review of the existing VR system and the relevant arrangement, and issued the Consultation Document on Enhancement of Voter Registration System on 26 November 2015 to collect views from the public regarding further enhancement of the VR system. The Government also sought the views of LegCo Members on the proposed measures at a meeting of the LegCo Panel on Constitutional Affairs on 21 December 2015. Members’ views were in general supportive of taking necessary measures for enhancement of the VR system, including advancing the statutory deadline for change of registration particulars to the same statutory deadline for new registrations, and changing to use surface mail for sending all inquiry letters and notifications. The consultation period ended on 8 January 2016. The Government published the Consultation Report on Enhancement of Voter Registration System on 21 January 2016.

3.9 In light of the outcome of the public consultation exercise, the EAC made amendments to the relevant regulations under the EACO in early 2016 to advance the statutory deadline for change of registration particulars to align with

that for new registrations, i.e. moving forward from 25 June to 2 May for a non-District Council election year and from 25 August to 2 July for a District Council (“DC”) election year. The arrangement was implemented in the 2016 VR cycle. Taking the 2016 VR cycle as an example, the relevant statutory deadline was set on 2 May 2016. The statutory deadline for publication of the Provisional Register of Electors (“PR”) and FR remained the same.

3.10 The primary purpose of the original arrangement is to reduce the time gap between the deadline for change of registration particulars and the polling day so that the registration particulars of electors can be brought more up-to-date before the election. However, the relevant arrangement prevents the public from inspecting the updated addresses of electors in the PR, thereby undermining the transparency and effective public scrutiny of the register. If a fraudster impersonates an elector to update the latter’s particulars after the publication of the PR, the elector concerned might only be aware of such after the publication of the FR, and therefore would be deprived of the chance of lodging a claim to correct his/her registration particulars in accordance with the statutory procedures.

3.11 By advancing the statutory deadline for change of registration particulars to align it with the deadline for new registration, all requests for updating of registration particulars filed in that VR cycle can be reflected in the PR for public inspection. It can not only enhance the overall transparency of the VR system but also prevent electors’ addresses from being maliciously amended by a third party after publication of the PR.

3.12 Another legislative amendment concerns the use of surface mail instead of registered post for sending inquiry letters and notifications issued by the ERO. According to the arrangement of the Hongkong Post, if nobody is present on the spot to acknowledge receipt of a registered mail when it is delivered, the Hongkong Post would issue a notification of collection of registered item and request the addressee to collect the registered mail from the post office within two weeks. If the addressee fails to collect the registered item within the prescribed time limit, the Hongkong Post will return the item to the sender. In case the elector misses the deadline for collecting the registered mail, he/she will not be able to respond to the inquiry process in time and therefore may risk losing his/her registration status in the next FR. As whether a correspondence is sent by surface mail or registered post would not result in any difference in its legal effect, it is considered appropriate, for the convenience of electors, to use surface mail for sending inquiry letters and notifications.

3.13 During the VR campaign launched in March 2016, the Government promoted the new statutory deadline for change of registration particulars and reminded the public and electors that the statutory deadline for new VR applications and change of registration particulars both fell on 2 May 2016 in this cycle.

### **Section 3 – The Voter Registration Campaign**

3.14 The Government conducted a large-scale VR campaign from 5 March to 25 June 2016. The VR campaign was coordinated by the Constitutional and Mainland Affairs Bureau (“CMAB”) with the joint efforts of the Registration and



Electoral Office (“REO”), HAD, Information Services Department (“ISD”), Radio Television Hong Kong (“RTHK”) and Independent Commission Against Corruption (“ICAC”). The overall objectives of the VR campaign were to:

- (a) promote general awareness of the 2016 LegCo General Election;
- (b) call upon eligible electors of all age groups to register and to stress the importance of providing true and correct information when applying for registration;
- (c) impress upon registered electors the importance of updating their particulars (especially their residential addresses) with the REO;
- (d) promote the Online Voter Information Enquiry System ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) and the service of the REO hotline (2891 1001) to facilitate the electors’ checking their own registration status and particulars;
- (e) encourage registered electors or persons who would like to register as electors to provide their telephone numbers and email addresses for the REO to contact the electors by different means; and
- (f) remind electors to reply to the inquiry letters issued by the REO by the statutory deadline, i.e. 2 May 2016; otherwise, their registration would be cancelled with their names included in the omissions list

(“OL”) and hence they would not be able to cast their votes in the subsequent public elections.

3.15 The launching ceremony of the 2016 VR Campaign was held on 5 March 2016. Throughout the campaign period, a wide range of publicity activities were staged to achieve the objectives set out in paragraph 3.14 above. They included broadcasting Announcements of Public Interest (“APIs”) on television and radio; placing advertisements on newspapers/corporate journals, at major MTR stations, bus stops and other public transport systems, on websites and mobile device applications, and at government and non-government venues; as well as displaying posters, buntings and banners.

3.16 Throughout the campaign, roving registration counters were set up at various popular spots, including major MTR stations and shopping malls, where VR assistants assisted members of the public in registering as electors or updating their registration particulars. The VR assistants also distributed to the public a leaflet prepared by the ICAC on the importance of providing the REO with true and correct information when applying for registration as electors or reporting changes in registration particulars, as well as the consequences of voting in an election after knowingly or recklessly giving false or misleading information to the REO.

3.17 To encourage more young people to register as electors, registration counters were also set up at all Registration of Persons Offices of the Immigration Department to assist young people reaching the age of 18 in registering when they turned up at these offices to apply for or to collect their adult identity cards. VR

assistants were also deployed to tertiary institutions to encourage eligible students to register as electors.

3.18 In addition, the REO sent appeal letters to households who had moved into new housing estates reminding them to report their change of addresses. In case they had not yet registered as electors, they were invited to do so before the statutory deadline (i.e. 2 May 2016). The REO continued to conduct cross-matching of particulars with the Housing Department (“HD”) and the Hong Kong Housing Society (“HKHS”) with a view to assisting registered electors in updating their registered addresses based on the records kept by these two government department/organisation.

3.19 The REO also sent letters to encourage eligible persons to register as FC electors. The REO also appealed to specified bodies under the LCO to encourage eligible members to register in FCs.

3.20 With the objective of reducing paper consumption in elections, the REO set up a platform on the GovHK website for registered electors to provide or update their email addresses used by candidates to send election advertisements (“EAs”) to electors during elections. In addition, VR assistants at the Registration of Persons Offices and roving registration counters made efforts to encourage registered electors and persons who wished to register as electors to provide their email addresses in their registration forms.

## **Section 4 – Enhancement of Checks on Voter Registration**

3.21 The REO has stepped up publicity efforts since the 2012 VR cycle to remind the public of the importance of providing true and accurate information for registration and updating their registration particulars, especially the principal residential address provided. To enhance the accuracy and integrity of the registration particulars of electors, the REO implemented various checking measures, including verification checks on electors' information through cross-matching of particulars with other government departments and conduct of inquiry process. The relevant checking measures included inquiries on cases of undelivered poll cards for the previous elections, verification checks on the registered residential addresses of electors through cross-matching with the HD, HKHS and HAD, checks on registered addresses with multiple electors or multiple surnames of electors, random sample checks on existing and newly registered electors, checks on incomplete or suspected non-residential addresses, and checks on addresses situated at demolished buildings or buildings pending demolition.

3.22 Apart from the aforementioned checking measures, the REO further strengthened verification of address information through cross-matching with other government departments in the 2016 VR cycle to enhance the accuracy of the registration particulars of electors. Measures taken included:

- (a) enhancing liaison with the Buildings Department to obtain the latest list of demolished buildings or vacated buildings pending demolition;

- (b) liaising with the Urban Renewal Authority to obtain the information on buildings which have completed acquisition and occupier relocation; and
- (c) implementing collaborative arrangement with various District Offices (“DOs”) to identify buildings to be demolished or vacated buildings.

3.23 In the 2016 VR cycle, the number of electors covered by various checking measures implemented by the REO totalled about 1.65 million. Based on the checking results and in accordance with the relevant electoral legislation, the REO issued inquiry letters to about 103,800 electors, requesting them to confirm whether their registered addresses in the FR were still their only or principal residential addresses, as the REO had reasonable grounds to believe that the registered addresses of these electors were no longer their only or principal residence in Hong Kong. The REO received about 30,500 replies from these electors by the statutory deadline. Consequently, entries of the remaining approximately 73,300 electors who failed to respond under the inquiry process were included in the OL. In accordance with the electoral law, electors whose names were included in the OL and who wished to reinstate their VR had to reply to the reminding letters issued by the REO or lodge a claim by the statutory deadline of 25 June 2016 for consideration by the Revising Officer. Out of the 73,300 electors on the OL, about 5,800 electors replied to the reminding letters by the statutory deadline and, with the approval of the Revising Officer, their names were eventually put back onto the FR. The entries of the rest of approximately 67,500 electors were not included in the FR because they failed to provide the

information in accordance with the electoral law. The outcome of the checking exercise showed that the inaccuracies detected in respect of registered addresses were mostly because of the failure on the part of electors to provide an updated address in a timely manner after moving home.

3.24 Apart from enhancing the accuracy of electors' registered addresses for the GCs, the REO continued to verify the registration particulars of electors in the traditional FCs in the 2016 VR cycle. The electorates of traditional FCs consist of individual and corporate electors. Apart from listed bodies and licence/registration holders under all specified ordinances, the relevant persons or organisations must be members or staff of the bodies as specified under the LCO in order to be eligible for registration as electors in the relevant FCs.

3.25 In order to maintain the credibility of the VR system of FC and the accuracy of the registration particulars, the REO collects from the relevant specified bodies in every VR cycle the information about their members or staff so as to verify and ascertain the registration eligibility of individuals in the FCs concerned, and to remove those who are no longer eligible for registration. During the checking process, if it is confirmed that the registration eligibility of individuals/bodies do not fulfil the relevant statutory requirements, the REO will issue inquiry letters to the individuals/bodies concerned in accordance with the electoral law and request them to present proofs that they are still eligible for registration before the statutory deadline for submission of VR particulars. If the individuals/bodies concerned fail to provide the requested information before the deadline, the REO will include their names in the OL of the FCs. The REO has all along been taking strict procedures to handle each and every VR application to

ensure that the applicants/electors are eligible for registration. For the purpose of VR, all specified bodies are obliged to provide the REO on request with information about their members who meet the eligibility requirements in the relevant FCs under the LCO. The information provided must be true and accurate and failure to do so will constitute a breach of the relevant electoral law.

3.26 The eligibility for registration is closely tied to designated membership of the specified bodies. There are views on the lack of sufficient transparency in membership administration of some of the specified bodies, as reflected in arrangement such as the interchange of membership with other bodies, which may result in manipulation in the membership for registration in respective FCs. Generally speaking, if an elector of a particular FC is a member of a specified body, this means that he/she/it is entitled to vote at the general meetings of the specified body as provided by its constitution. In other words, although there may be more than one way to become a member of the specified body, or the specified body may have more than one type of membership, and so forth, the individual/body concerned still has to meet the eligibility requirements under the LCO in order to be registered as an elector in the relevant FC. There are clear provisions governing the registration of FC electors under the LCO. The specified bodies should strictly follow the application criteria and approval procedures as stipulated in their constitutions when processing applications for membership. The REO has started, since the 2012 VR cycle, issuing letters to the specified bodies annually to appeal to them to strengthen their membership administration and comply with their constitutions, and to adopt proper procedures to ensure propriety in membership administration, as well as enhancing transparency and exercising due diligence in providing up-to-date membership information to the REO. Besides, the ICAC has

started to visit specified bodies from mid-2013 to provide corruption prevention advisory services to further drive home the message of good corporate governance and the importance of transparent membership administration. In late 2015, the ICAC also issued to the relevant specified bodies through the REO guidelines on the prevention of corruption relating to membership administration to assist them in strengthening their membership administration system.

3.27 In addition, corporate electors for FCs are registered on an organisational basis. The relevant bodies can be registered as FC electors if they comply with the statutory requirements regarding the FC concerned. According to the prevailing electoral law, there is no direct relationship between the business address and the eligibility of corporate FC electors. The electoral law does not impose any requirement as to whether the relevant bodies are under the same business group or use the same business address as their correspondence address. Individual organisations or companies may use the same business address for VR and communication without affecting their registration eligibility. If there is any change in a corporate elector's business address, the body concerned should promptly provide the latest address information to the REO for updating. Generally speaking, the body concerned must have been in operation throughout the 12 months prior to its VR application. If there is information or evidence showing that individual registered corporate electors have dissolved and are no longer in operation, the REO will initiate statutory inquiry process for such electors and strike off their registration if they fail to give a valid reply.

3.28 The FR is valid for one year, during which the registration eligibility of individual FC electors may change. To maintain the integrity of the election, the



REO wrote to about 280 specified bodies<sup>5</sup> again in August 2016 to request them to keep the REO updated on any latest changes concerning the registration eligibility of their members/staff and to remind their members/staff not to vote in the 2016 LegCo General Election in case they had lost their registration eligibility for any reasons subsequent to the publication of the FR. In this updating exercise, the REO identified some 1,420 FC electors who might have been disqualified from voting in this Election owing to the loss of registration eligibility. These electors were mainly from the Information Technology FC, Education FC, Accountancy FC, Textiles and Garment FC and Social Welfare FC. With the updated information from the specified bodies, the REO wrote to the electors concerned to inform them of the change in their registration eligibility and remind them of the statutory provision that it would be an offence for engaging in corrupt conduct under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”) if a person voted in an election knowing that he/she was not entitled to do so. These electors should not vote in the 2016 LegCo General Election unless they had presented proof to clarify their registration eligibility in their respective FCs before the poll. If such electors turned out to vote on the polling day, the REO had no power to stop them from voting according to the prevailing electoral legislation as their names were still included in the existing FR despite their loss of eligibility to vote. However, if such electors requested to be issued with the relevant FC ballot paper at the polling station on the polling day, the polling staff would remind them of their loss of eligibility to vote in the election. If they insisted to vote, the polling staff would give a verbal warning to remind them that voting in an election knowing that they were not entitled to do so may constitute a breach of the ECICO.

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<sup>5</sup> The some 280 specified bodies belonged to contested FCs. Specified bodies of individual uncontested FCs were not included.

Polling staff would record such cases and the REO would refer them to the law enforcement agencies (“LEAs”) for investigation afterwards.

3.29 The CMAB, the REO and the ICAC will review the effectiveness of the measures implemented in connection with the VR in FCs to ensure that the specified bodies understand their obligation in maintaining a proper and transparent membership administration system so as to maintain the integrity of the VR system for FCs. It was agreed that sustained and more rigorous efforts were required to continue driving home the message of the importance of a transparent membership administration regime for VR and providing specified bodies with suitable advice or assistance.

## **Section 5 – The Registers**

3.30 Of the 320,049 and 22,930 GC and FC VR forms received respectively as at the statutory cut-off date on 2 May 2016, 233,810 (73.05%) and 21,570 (94.07%) GC and FC VR forms were received respectively during the eight-week VR campaign period. In the 2016 FR, 177,503 (4.70%), 164,273 (4.73%) and 17,077<sup>6</sup> (7.12%) were newly registered electors for GCs, DC (second) FC and traditional FCs respectively.

3.31 The REO published the PR for GCs and FCs on 1 June 2016. Information in the PR for GCs and FCs included the names and principal residential addresses of those whose names were included in the previous FR and

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<sup>6</sup> The number of newly registered electors for traditional FCs does not include the number of electors transferred from one traditional FC to another traditional FC.

this information had been updated by the REO on the basis of information reported by electors concerned or obtained from other sources. The PR also included the particulars of those eligible applicants who had applied for registration on or before 2 May 2016 (i.e. the deadline for registration).

3.32 An OL was published in conjunction with the publication of the PR on 1 June 2016. The OL contained the particulars of persons who were formerly registered in the 2015 FR but were not included in the 2016 PR and were proposed to be omitted from the 2016 FR on the grounds that the ERO had reasons to believe that these persons had been disqualified or had ceased to be eligible for registration (e.g. persons who had passed away, persons who had informed the ERO that they did not wish to be registered, or persons who had changed their principal addresses but the new addresses were not known to the ERO, or persons who were no longer qualified members of the specified bodies of the relevant FCs).

3.33 Both the PR and the OL were made available for public inspection at the REO and all DOs (that section of the register relevant to the district) between 1 and 25 June 2016, during which members of the public might lodge with the ERO objections to any entries in the PR. Any persons whose particulars had not been recorded in the PR or whose name had been put on the OL might also lodge claims with regard to such cases to reinstate their registration.

3.34 By the end of the public inspection period (i.e. 25 June 2016), the ERO received two notices of claims and one notice of objection. The hearings in respect of these claims and objection cases were held on 29 June, 30 June and 4 July 2016 respectively. After the hearings, the Revising Officer dismissed the two claims.

Regarding the objection case, the Revising Officer directed that the objection be allowed because there was evidence to show that the elector concerned no longer resided in his registered address.

3.35 The FR was published on 16 July 2016. For the 2016 LegCo General Election, the total numbers of electors for GCs, DC (second) FC and traditional FCs who were eligible to cast vote were 3,779,085, 3,473,792 and 239,724 respectively. A breakdown of electors by GCs and traditional FCs is at **Appendices II to IV**.

## **CHAPTER 4**

### **LEGISLATION GOVERNING THE ELECTION**

#### **Section 1 – Ordinances and Subsidiary Legislation**

4.1 The supervision and conduct of the 2016 LegCo General Election were governed by the following ordinances:

- (a) the EACO which empowers the EAC to perform its various functions in the supervision and conduct of the election;
- (b) the LCO which provides the legal basis for conducting the election; and
- (c) the ECICO which prohibits election-related corrupt and illegal matters and is administered by the ICAC.

4.2 The above ordinances are complemented by the following nine pieces of subsidiary legislation which stipulate the detailed procedures for the conduct of the election:

- (a) the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) (“EAC (EP) (LC) Reg”);

- (b) the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C) (“EAC (NAC) (LC) Reg”);
- (c) the EAC (ROE) (GC) Reg;
- (d) the EAC (ROE) (FCSEC) Reg;
- (e) the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542C);
- (f) the Legislative Council (Election Petition) Rules (Cap. 542F);
- (g) the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541M) (“PCBP (LC & DC) Reg”);
- (h) the Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541N) (“EAC (FA) (APP) Reg”); and
- (i) the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554D) (“EE (LC) Reg”).

## **Section 2 – Electoral Legislation (Miscellaneous Amendments) Bill 2014**

4.3 The Government introduced the Electoral Legislation (Miscellaneous Amendments) Bill 2014 to the LegCo on 11 April 2014, proposing amendments to improve the VR arrangement and electoral procedures. The amendments relating to the LegCo elections include the following:

- (a) introducing specific provisions in the relevant electoral legislation to clarify that the statutory deadlines which fall on a working day should be extended to the following working day when a gale warning or black rainstorm warning is in force throughout or for any part of the ordinary business hours of the relevant authorities on the day of the deadline, so as to compensate for the time lost for completing the relevant acts or proceedings;
- (b) inclusion of electors who have voluntarily requested voter de-registration in the OL. If the elector subsequently changes his/her mind and wants to be included in the FR, he/she may lodge a notice of claim to request reinstatement of his/her VR after publication of the OL in accordance with the existing procedures. A voluntarily de-registered elector may also apply for registration as an elector again any time in future;
- (c) amending the EAC (ROE) (FCSEC) Reg to provide for applications by existing GC electors for registration in the DC (second) FC;

- (d) only requiring a polling agent or a counting agent so appointed by a candidate to submit a duly completed notice of appointment direct to the specified polling staff onsite for inspection and retention when the agent first seeks admission to a polling station (other than a Dedicated Polling Station (“DPS”) situated in a prison) or to a counting station on the polling day before polling/counting of votes at the relevant station is completed. For revocation of appointment of polling/counting agents, the candidate concerned may serve a notice of revocation any time on the polling day to the Chief Electoral Officer (“CEO”) (rather than the Presiding Officers (“PROs”) or Returning Officers (“ROs”)), who will act as the central coordination point to deliver the information to the PROs or ROs of the polling or counting stations concerned;
- (e) making clear that an elector who is entitled to cast two or more votes in a LegCo election will be issued with all the ballot papers simultaneously, and must cast the ballots in the same visit unless permitted under special circumstances that are already provided for in the current statute;
- (f) a review of the electoral law revealed that the current provisions detailing the counting steps at a main counting station (“MCS”) require the counting of the number of ballot papers in each ballot box and verification of the ballot paper account in respect of the MCS before counting of votes. As this requirement was not in line with the objective of the counting steps laid down in the 2012



legislative amendments<sup>7</sup>, amendments were made to the relevant provisions of the subsidiary legislation under the EACO to rationalise the counting steps at MCSs;

- (g) clarifying that the acts which an election agent is authorised to perform on behalf of a candidate are those acts which the candidate is required to do under the respective electoral procedure regulation. The signing of election return as required under the ECICO is hence excluded;
- (h) specifying that in the event of an occurrence which appears to be a material irregularity relating to the election, the poll or the counting of votes, the fallback period for the postponed or adjourned election, poll or count should be within 14 days (not within two days as originally required) from the date on which it would have been held. This is to provide sufficient flexibility in conducting or resuming the relevant event and to be in line with the fallback timeframe for postponement or adjournment of an election due to a typhoon/tropical cyclone or other climatic condition of a serious nature, and riot, open violence or other occurrence of public danger;
- (i) making provisions to cater for postponement/adjournment of an election, poll or counting of votes owing to an occurrence of public

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<sup>7</sup> The PRO of an MCS must mix the ballot papers received from small polling stations (“SPSs”) and DPSs with the ballot papers in at least one of the ballot boxes at the MCS polling station when counting the votes at the MCS, so as to enable the PRO of the MCS to start the vote counting process as early as practicable without waiting for the arrival of all the ballot boxes from SPSs and DPSs.

health danger of such severity as to obstruct, disrupt, undermine or seriously affect an election, poll or count;

- (j) extending the claims and objections period by advancing the deadline for VR application by 14 calendar days, i.e. the VR deadline be advanced from 16 May to 2 May in a non-DC election year, and from 16 July to 2 July in a DC election year. In order to allow sufficient time for the Revising Officer to complete his/her review process, in extending the claims and objections period by 14 calendar days, ten calendar days be provided for the public to inspect the PR and the OL, and four calendar days be provided for the Revising Officer to process the expected increase in claims and objections as a result of the extension of the claims and objections period;
- (k) removing the six-month prosecution time bar applicable to the relevant provisions on making false or incorrect statement knowingly or recklessly or making material omission knowingly in relation to VR under the relevant electoral legislation by making these offences indictable; and
- (l) a few minor or technical amendments including:
  - (i) amending the definition of “ordinary business hours” in the relevant electoral legislation to better reflect and accommodate practical needs. The existing definition of

“ordinary business hours” under the statute, which includes Saturday mornings, would only apply to the period from the date of gazettal of an election notice to the date of gazettal of election result or the date of declaration of the failure or termination of the election. For other times, the CEO’s and the RO’s offices would open for business from Monday to Friday (other than a general holiday);

- (ii) specifying the deadline (at least ten days before polling day) for publishing a list of polling stations, counting stations and ballot paper sorting stations (“BPSSs”) in the Gazette and indicating on the list the special polling stations suitable for disabled voters; and advancing the deadline for the RO to give notice to candidates about place(s) of counting from at least one working day before polling day to at least ten days before polling day;
- (iii) adding transmission by electronic mail as an acceptable means of delivery for certain notices between the CEO or the ROs and candidates, and certain applications to the CEO. Besides, following the launch of a platform for receiving electronic submission of certain electoral documents by the REO, removing the relevant items from the Electronic Transactions (Exclusion) Order (Cap. 553B);

- (iv) updating the reference to the Supreme Court Ordinance and its subsidiary legislation in the Legislative Council (Election Petition) Rules by replacing “Supreme Court” with “High Court”; and
- (v) tallying the Chinese translation of “printed election advertisement” under different provisions in the ECICO.

4.4 In June 2014, the Government introduced Committee Stage Amendments to the above-mentioned Bill. The amendments relating to the LegCo elections include the following:

- (a) proposing to change the Chinese title of OL from “遭剔除者名單” to “取消登記名單” to better reflect the nature of the OL, i.e. the list consists of (i) electors for whom the ERO is satisfied that they have ceased to be eligible for registration, and (ii) electors who have voluntarily requested the ERO to remove them from the voter register;
- (b) spelling out clearly that the ERO, upon receipt of a signed written notice of de-registration from an elector, will issue a notice by registered post to the elector to inform him/her that his/her entry will be omitted from the next FR; and setting out the general principle for handling electors’ request for de-registration voluntarily, i.e. the ERO will include an elector’s entry in the OL on the basis of his/her request for de-registration if, in the ERO’s

opinion, the elector concerned has been informed of the ERO's intention to omit his/her entry from the next FR;

- (c) proposing to withdraw the amendment relating to the removal of the requirement for prior notice of appointment of polling and counting agents in the above-mentioned Bill (see paragraph 4.3(d)), and maintain the status quo regarding the service of notices of appointment/revocation of appointment of polling and counting agents; and
- (d) other refinements to improve the clarity of the provisions.

4.5 The Electoral Legislation (Miscellaneous Amendments) Bill 2014 was passed by the LegCo on 10 July 2014. Except for the amendments to the Electronic Transactions (Exclusion) Order, which were implemented on 1 January 2015, other amendments came into operation on the day of publication in the Gazette (i.e. 18 July 2014).

### **Section 3 – Electoral Legislation (Miscellaneous Amendments) Bill 2015**

4.6 The Government introduced the Electoral Legislation (Miscellaneous Amendments) Bill 2015 to the LegCo on 17 April 2015. The Bill makes technical amendments concerning the electorate of the FCs, the name of FC, counting procedures and textual errors for the 2016 LegCo General Election. The amendments include the following:

- (a) updating the names of certain bodies and deleting the bodies which are inoperative in certain FCs;
- (b) improving the formulation of the definition of some electors;
- (c) adding new electors to update the prevailing situation of the FCs concerned;
- (d) amending the name of the “Architectural, Surveying and Planning FC” to the “Architectural, Surveying, Planning and Landscape FC”;
- (e) it was originally required that the counting of the number of DC (second) FC ballot papers from each polling station and verification of the ballot paper account should take place before counting of such votes. To remove possible procedural ambiguities and better align with the policy objectives to speed up the counting process and to protect secrecy of votes, amendments were made to the relevant provisions of the subsidiary legislation under the EACO to make clear that verification of the ballot paper account (other than a small polling station (“SPS”) or a DPS) will be done after the counting of votes. For an SPS or a DPS, counting of the number of ballot papers and verification of the ballot paper account of that station will be done first. Such ballot papers will then be mixed with the ballot papers from another polling station (not an SPS or a DPS) before counting of the votes. After completion of counting of votes, verification of the ballot paper account of that polling station

will be done; and

- (f) rectifying the Chinese text of “main counting stations” in section 74AA(h) of the EAC (EP) (LC) Reg.

4.7 The Electoral Legislation (Miscellaneous Amendments) Bill 2015 was passed by the LegCo on 13 July 2015. The amendments came into operation on the day of publication in the Gazette (i.e. 17 July 2015).

#### **Section 4 – Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015**

4.8 The Government introduced the Electoral Legislation (Miscellaneous Amendments) No. 2 Bill 2015 to the LegCo for making necessary technical amendments to various pieces of electoral legislation on 11 December 2015. The amendments relating to the LegCo elections include the following:

- (a) aligning the deadlines for submitting the return and declaration of election expenses and election donations for all candidates in the same election; and
- (b) updating the electorate of the FCs.

4.9 The Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015 was passed by the LegCo on 2 June 2016. The amendments came into operation on the day of publication in the Gazette (i.e. 10 June 2016).

## **Section 5 – Amendment Regulations Made by the Electoral Affairs Commission**

4.10 On 26 November 2015, the CMAB issued the Consultation Document on Enhancement of VR System to consult the public on a series of proposed measures to enhance the VR system. In the light of the outcome of the public consultation exercise, the EAC has made amendments to three regulations under the EACO.

4.11 The following amendments made to two regulations, namely the EAC (ROE) (GC) Reg and EAC (ROE) (FCSEC) Reg, are related to the LegCo elections:

- (a) aligning the deadline for change of registration particulars with the deadline for new registration, and using surface mail, instead of registered post, for sending all inquiry letters and notifications to electors; and
- (b) repealing certain spent provisions in the EAC (ROE) (FCSEC) Reg.

4.12 The Amendment Regulations were tabled at the LegCo on 27 January 2016 for negative vetting and came into operation on 18 March 2016.



## **Section 6 – Legislative Council Ordinance (Amendment of Schedule 5) Order 2015 and Maximum Amount of Election Expenses (Legislative Council Election) (Amendment) Regulation 2015**

4.13 On 18 November 2015, the Government introduced the Legislative Council Ordinance (Amendment of Schedule 5) Order 2015 and the Maximum Amount of Election Expenses (Legislative Council Election) (Amendment) Regulation 2015 to the LegCo, proposing that, starting from the 2016 LegCo General Election, the subsidy rate of the financial assistance for eligible candidates of a LegCo election be increased from \$12 per vote to \$14 per vote<sup>8</sup>. In addition, it was proposed that the maximum amount of election expenses that could be incurred by a candidate or list of candidate in a LegCo election be increased to the following amounts:

<u>GCS</u>	<u>Election Expenses Limits</u>
(a) Hong Kong Island	\$2,428,000
(b) Kowloon West	\$1,821,000
(c) Kowloon East	\$1,821,000
(d) New Territories West	\$3,035,000
(e) New Territories East	\$3,035,000

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<sup>8</sup> Under the existing scheme, candidate or list of candidates standing in LegCo elections who gets elected or who has received 5% or more of valid votes cast in the constituency concerned will be eligible for financial assistance. The amount payable would be the lowest of the following –

- (a) the amount obtained by multiplying the specified rate by the total number of valid votes cast for the candidate or list of candidates (if the election is contested) or 50% of the number of registered electors for the constituency concerned (if the election is uncontested);
- (b) 50% of the election expenses limits applicable to the constituency concerned; and
- (c) the declared election expenses of the candidate or list of candidates.

<u>FCs</u>	<u>Election Expenses Limits</u>
(a) Heung Yee Kuk, Agriculture and Fisheries, Insurance, and Transport FCs	\$121,000
(b) Traditional FCs other than those in (a) above	
(i) FCs with not more than 5,000 registered electors	\$194,000
(ii) FCs with 5,001 to 10,000 registered electors	\$388,000
(iii) FCs with over 10,000 registered electors	\$583,000
(c) DC (second) FC	\$6,936,000

4.14 Following the completion of the negative vetting process by the LegCo on 6 January 2016, the Legislative Council Ordinance (Amendment of Schedule 5) Order 2015 and the Maximum Amount of Election Expenses (Legislative Council Election) (Amendment) Regulation 2015 came into operation on 8 January 2016.

## **CHAPTER 5**

### **THE GUIDELINES**

#### **Section 1 – The Preparatory Work**

5.1 The EAC is empowered under section 6(1)(a) of the EACO to issue electoral guidelines to facilitate the conduct or supervision of an election. The purpose of issuing the electoral guidelines is to ensure that all public elections are conducted in an open, fair and honest manner. The electoral guidelines give guidance in layman's language on compliance with the relevant electoral legislation. They also provide a code of conduct based on the principle of fairness and equality for conducting election-related activities.

5.2 The EAC has at all times made its best endeavours to refine the electoral arrangement. Before each general election, the EAC will update the electoral guidelines. The updating is done on the basis of the existing guidelines, taking into account amendments to the electoral legislation as well as the experience of previous elections. Before the issuance of each set of guidelines, a public consultation will be conducted in accordance with the EACO (a 30-day public consultation period in general), during which representations on the proposed guidelines are invited from the public and all parties concerned. A public forum, at which the EAC will listen to the views from members of the public, will also be held. The views received during the public consultation period will be taken into account before finalising the guidelines for issuing to the public.

5.3 In October 2015, the EAC started updating the Guidelines on Election-related Activities in respect of the Legislative Council Election (“Guidelines”) applicable to the 2016 LegCo General Election. The proposed Guidelines were prepared on the basis of the most recent version of the Guidelines (June 2012 edition) and by making reference to the Guidelines on Election-related Activities in respect of the DC Election published in September 2015. Apart from reflecting the legislative amendments in respect of the LegCo election as mentioned in Chapter 4, the revisions also took into account the operational experience gained from previous elections, including the 2015 Rural Ordinary Election and 2015 DC Ordinary Election, as well as suggestions in respect of these elections from the public and other parties concerned.

## **Section 2 – The Proposed Guidelines**

5.4 The major changes made in the proposed Guidelines, as compared with the Guidelines issued in June 2012, include:

### *(I) Changes caused by amendments to electoral legislation*

- (a) updating the number of Members to be returned from the five GCs in the sixth term of LegCo;
- (b) revising the key dates of the VR timeframe;
- (c) aligning the deadline for change of registration particulars of electors with the deadline for new registration, and using ordinary

surface mail, instead of registered post, for sending all inquiry letters and notifications to electors;

- (d) updating the electorates of the FCs;
- (e) updating the Guidelines to include the provision for disqualifying a resigned LegCo Member from being nominated as a candidate at a by-election;
- (f) specifying a deadline for gazetting the list of polling stations, BPSSs and counting stations, and revising the deadline for the RO to give notice to candidates about the specified place(s) and time of the counting of votes;
- (g) specifying the procedure for handing over to an elector/AR all his/her entitled ballot papers at the same time;
- (h) amending the description of counting procedures for MCSs for the GCs election and the central counting station (“CCS”) for the DC (second) FC election to remove possible procedural ambiguities;
- (i) updating the Guidelines to include the use of electronic mail as a means of delivery of certain electoral documents, such as notices of appointment and revocation of appointment of election agents, election expense agents, polling agents and counting agents;

- (j) revising the maximum amount of election expenses which can be incurred by or on behalf of a candidate/list of candidates in a LegCo election and the subsidy rate of financial assistance for an eligible candidate/list of candidates in a LegCo election; and
- (k) aligning the deadlines for submitting the return and declaration of election expenses and election donations for all candidates in the same election.

*(II) Changes made in the light of operational experiences from and suggestions received in previous elections*

- (a) setting out clearly the ERO's checking measures to ensure the accuracy of electors' particulars in the registers and highlighting that it is an offence to knowingly or recklessly give false or misleading information for VR;
- (b) setting out clearly the electoral arrangement stipulated in the law in case of the death or disqualification of a validly nominated candidate during different periods of an election;
- (c) reminding any person or organisation publishing materials to appeal directly or indirectly to electors to vote or not to vote for candidates of certain organisations to observe the legislative requirements for incurring election expenses on behalf of candidates since the materials may be understood by electors as referring to certain identified candidates;

- (d) reminding candidates and web surfers that messages published through internet platforms with the intention of promoting or prejudicing the election of any candidates would be regarded as EAs and the parties concerned should comply with all legislative requirements for incurring election expenses and publication of EAs. However, if members of the public merely share or forward different candidates' election campaigns through internet for expression of views and do not intend to promote or prejudice the elections of any candidates, such sharing or forwarding will not normally be construed as publishing EAs (see paragraph 5.7 below);
- (e) reminding any person who intends to stand as a candidate at the election to ensure that all publicity materials published by him/her in the constituency concerned prior to the election period are removed before he/she has been nominated as a candidate or has publicly declared an intention to run for the election. Otherwise, any such unremoved publicity material may be regarded as an EA;
- (f) reminding candidates to follow the application guidelines issued by the Lands Department for temporary occupation of government land at public place for holding electioneering activities;
- (g) updating the guidelines issued by the Office of the Privacy Commissioner for Personal Data ("PCPD") to remind candidates to adopt security measures when transferring personal data of electors to election agents or other contractors for electioneering purposes;

- (h) incorporating a case, as suggested by the PCPD, to remind candidates who wish to use the personal data collected from other sources for electioneering purposes to state clearly the intended use of the data at the time of collection;
- (i) requesting candidates to respect electors' privacy when using their contact information for canvassing, and reminding them to use the "bcc" function for mass distribution of EAs through email to prevent inadvertent disclosure of electors' email addresses;
- (j) reminding the Chairman or office bearers of building organisations not to abuse their positions in the organisations to give unfair treatment to any candidate in the conduct of electioneering or canvassing activities in the buildings concerned, especially when the Chairman or office bearers themselves are candidates in the election;
- (k) elaborating on the requirement of the "fair and equal treatment" principle in producing and conducting election-related programmes by licensed broadcasters and reminding the print media to ensure that any news reports or references made in their publications should not give unfair publicity to any particular candidate/list of candidates in accordance with the "fair and equal treatment" principle;
- (l) updating the administrative procedures in approving applications for the conduct of exit polls and the enhanced measures to be adopted to



ensure the fairness of election;

- (m) reminding candidates of the need of apportionment of expenses between election-related purposes and any other purposes;
- (n) reminding candidates, or any person or organisation acting as an agent for the candidate(s), to comply with all the legislative requirements in seeking or soliciting election donations and to provide the suggested good practices; and
- (o) providing clearer guidelines on the mention of office titles and/or name of the organisation concerned by supporters of a candidate when giving consent of support to the candidate(s).

5.5 In accordance with section 6(2) of the EACO, the EAC conducted a 30-day public consultation from 3 March to 1 April 2016. As in the past, a “Message from the Chairman” enclosed in the proposed Guidelines highlighted the major changes set out in paragraph 5.4 above and explained the consultation mechanism, hence providing a more focused basis for the public to give their views. During the consultation period, the public could submit their written representations on the proposed Guidelines to the EAC. The EAC held a public forum on 17 March 2016 from 7:00 pm to 9:00 pm at the Quarry Bay Community Hall to receive views from the attendees. A total of 74 persons attended the above public forum. Before the close of the public consultation period, the proposed Guidelines were discussed by the LegCo Panel on Constitutional Affairs. The EAC had considered the 111 written representations received during the public consultation period, the oral

representations and the views of the LegCo Members before finalising the Guidelines.

### **Section 3 – Changes after Public Consultation**

5.6 After considering all the representations received during the public consultation period, the EAC made a number of amendments to the proposed Guidelines.

5.7 Among the views received by the EAC, many expressed concern about the stipulations on the publication of EAs under paragraphs 8.3 and 8.4 of the proposed Guidelines. Some members of the public considered the statutory definition of EAs too wide. They were worried that election-related messages published on the internet platform would be regarded as EAs and hence would have to be in compliance with the relevant legal requirements, resulting in a restriction of their freedom of speech. Some therefore suggested narrowing the definition of EAs. It was also proposed that the control over the publication of election-related messages on the internet should be relaxed. The EAC noted the public misunderstanding that the definition of EAs was stipulated in the Guidelines, and that such stipulations could be removed through amending the Guidelines. However, the definition of EAs is indeed a legal provision under the ECICO, which has been in force up to this date without any amendment or addition. There is no way that the Guidelines can override the legislation. Therefore, the Guidelines served to reiterate the principle underlying the prevailing legislation by reminding candidates and web surfers that the statutory definition of EAs is very wide and encompasses anything published by any means, including messages published

through internet platforms for promoting the election of a certain candidate/list of candidates or prejudicing the election of other candidates/lists of candidates, so that they would not breach the law inadvertently. On the other hand, the EAC understood the concern of the public. It therefore clarified that if members of the public merely shared or forwarded candidates' election campaigns through internet platforms for expression of views and did not intend to promote or prejudice the elections of any candidate, such sharing or forwarding would normally not be construed as publication of EAs.

5.8 The EAC is open-minded on the proposal that control over the publication of election-related messages on the internet be relaxed. However, the review of the relevant primary legislation is outside the EAC's ambit. Studies on the subject also require wide discussion in the society, in order to strike a balance and reach a consensus. The EAC has therefore relayed the views to relevant policy bureau for consideration. The relevant authority has also indicated that it would look into the subject.

5.9 The EAC issued a press release on 27 June 2016 for the publication of the final Guidelines. The Guidelines were made available for public access at the EAC website and for distribution at a number of venues, including the Home Affairs Enquiry Centres and the REO on the same date. Each candidate/list of candidates of the election was provided with the Guidelines in CD-ROM format for reference at the time of submission of his/her/their nomination form.

## **CHAPTER 6**

### **APPOINTMENTS AND NOMINATIONS**

#### **Section 1 – Appointment of Nominations Advisory Committees**

6.1 Six legal professionals were appointed as members of the Nominations Advisory Committees (“NACs”) under the EAC (NAC) (LC) Reg to provide the prospective candidates and ROs with free legal advice on matters relating to eligibility (i.e. whether the prospective candidate or a candidate is eligible to be nominated, or disqualified from being nominated as provided in sections 37 and 39 of the LCO), when necessary (see paragraph 6.8 below). Members of the NACs, including Mr Wong Ching-yue, Senior Counsel, Mr Anthony Chan, Mr Kevin Chan, Mr Ho Bing-kwan, Mr Lui Kit-ling and Mr Jin Pao, barristers-at-law, were experienced members of the legal profession and were not affiliated with any political organisations. Their appointment covered the period from 6 May 2016 to 1 August 2016 and was published in the Gazette on 6 May 2016. During their appointment period, the NACs received a total of 15 requests from prospective candidates and ROs for legal advice.

#### **Section 2 – Appointment of and Briefings for Returning Officers**

6.2 A total of five District Officers of the HAD and 20 directorate officers of the relevant policy bureaux and departments were appointed as ROs of GCs and FCs respectively on 10 June 2016. The appointment was published in the Gazette on the same day.

6.3 The EAC Chairman held a briefing session for the ROs in the afternoon of 6 July 2016 at the Conference Room, 2/F, West Wing, Central Government Offices, Tamar. The briefing session was also attended by the CEO and representatives of the Department of Justice (“DoJ”), ICAC, and Official Receiver’s Office (“ORO”). The EAC Chairman highlighted the major electoral arrangement for the ROs’ attention, including the nomination procedures, appointment of agents, polling and counting arrangement, matters relating to the No Canvassing Zone (“NCZ”) and No Staying Zone (“NSZ”), provisions in the legislation and the Guidelines governing EAs and election expenses, and handling of complaints. Representative from the ICAC briefed the participants on the major provisions of the ECICO and the procedures for referring complaints related to the Ordinance to the ICAC while representative from the ORO briefed the participants on the bankruptcy search information.

6.4 With assistance from the DoJ, briefings were also conducted by the REO on 22 and 29 August 2016 at the Hong Kong Central Library and Justice Place for the ROs, Assistant Returning Officers (“AROs”) and AROs (Legal) to acquaint them with the legislation and procedures relating to the ruling of questionable ballot papers. The opportunity was also taken at these briefings to familiarise the ROs and AROs with the operation of the CCS and their role in the vote counting process.

### **Section 3 – Appointment of Assistant Returning Officers**

6.5 To provide assistance to the ROs, the EAC appointed 119 AROs who were senior officers of the HAD or the relevant policy bureaux and departments.

For providing legal advice to the ROs and PROs during the count and determining the validity of questionable DC (second) FC ballot papers, 71 AROs (Legal) were also appointed. They were all legally qualified persons in the civil service, the majority of whom came from the DoJ and the rest from the Intellectual Property Department and Legal Aid Department.

#### **Section 4 – Nomination of Candidates**

6.6 Nomination commenced on 16 July 2016 and closed on 29 July 2016. This two-week period was gazetted on 10 June 2016 by the EAC. Persons seeking candidature were required to submit their nomination forms in person to the respective ROs during the nomination period.

6.7 The validity of the nomination of candidates for GCs and FCs is governed by the LCO and the nomination procedures are set out in the EAC (EP) (LC) Reg. According to section 40 of the LCO, as part of the statutory nomination procedure, a person who runs in a LegCo election must sign a declaration in the nomination form stating that he/she will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region (“HKSAR”); otherwise, he/she will not be validly nominated as a candidate.

6.8 Section 1(2)(a) of the EAC (NAC) (LC) Reg stipulates that the NACs are not empowered to give advice to any persons on matters relating to the requirements as stipulated in section 40 of the LCO.

6.9 According to section 42A of the LCO and section 16 of the EAC (EP)

(LC) Reg, the ROs are required to decide whether a nomination is valid according to the provisions of the law. The ROs would take into account all relevant information before deciding whether a nomination is valid. If an RO has queries as to whether a person seeking candidature has fully complied with the legal requirements, he/she may seek legal advice. In accordance with sections 10 or 11 of the EAC (EP) (LC) Reg, the RO can also request the person seeking candidature to provide any other information he/she deems appropriate to satisfy him/her that the nomination is valid.

6.10 In the 2016 LegCo NTE GC By-election held on 28 February 2016, the EAC noticed that the contents of a candidate's postage-free election mail specimen would amount to an indication that the candidate was acting against the Basic Law and the relevant declaration made in his nomination form. In addition, there were comments and proposals in the public arena which deviated from the principle of "One Country, Two Systems" and the constitutional status of Hong Kong as prescribed in the Basic Law. Furthermore, some members of the public expressed concerns on whether persons seeking candidature fully understand the Basic Law, in particular Article 1<sup>9</sup>, Article 12<sup>10</sup> and Article 159(4)<sup>11</sup>.

6.11 Pursuant to sections 4 and 5 of the EACO, the EAC can take steps and make arrangement it considers appropriate for the purpose of ensuring that the

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<sup>9</sup> Article 1 of the Basic Law provides that "The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China."

<sup>10</sup> Article 12 of the Basic Law provides that "The Hong Kong Special Administrative Region shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government."

<sup>11</sup> Article 159 (4) of the Basic Law provides that "No amendment to this Law shall contravene the established basic policies of the People's Republic of China regarding Hong Kong."

LegCo elections are conducted openly, fairly and honestly.

6.12 To assist the ROs in ensuring that all persons seeking candidature clearly understand the contents of the Basic Law and the legal requirements and responsibility in signing the declaration in the nomination form so that the nomination procedures are completed in accordance with the law, the EAC has prepared a Confirmation Form for the use of the ROs. On the other hand, a person seeking candidature may confirm through signing the Confirmation Form that he/she clearly understands the requirements and responsibility mentioned above. If a person seeking candidature has not submitted the Confirmation Form, the RO may, in accordance with the above Regulation, request further information from him/her so as to confirm the validity of the nomination when necessary.

6.13 The EAC issued a press statement on 14 July 2016, i.e. before the commencement of the nomination period, to explain the aims and legal basis of the introduction of a Confirmation Form. The EAC Chairman subsequently met a number of the then LegCo Members regarding the issue of the Confirmation Form on 19 July 2016 in response to their request. At the meeting, the EAC Chairman gave a detailed explanation to the Members of the aims and justifications for introducing the Confirmation Form. A press statement was issued on the same day to state that the introduction of the Confirmation Form was based entirely on legal and procedural considerations, and was aimed to ensure that the nomination procedures are smoothly completed in accordance with the law.



### ***Geographical Constituencies***

6.14 By the close of nomination, the ROs of GCs received a total of 89 nomination forms. Nominations of 213 candidates from 84 candidate lists were confirmed valid by the ROs (but two candidates, one each from two of these lists, were ruled invalid and one candidate from another list withdrew his nomination), while nominations of five candidate lists each comprising one candidate were ruled invalid by the ROs. For nominations ruled invalid, the relevant ROs had recorded and endorsed on the nomination forms their decisions and the reasons for such for public inspection in accordance with section 19 of the EAC (EP) (LC) Reg. The 84 lists of validly nominated candidates for the five GCs were published in the Gazette on 5 August 2016.

### ***Traditional Functional Constituencies***

6.15 By the close of nomination, the ROs of traditional FCs received a total of 56 nominations. Among them, 55 were confirmed valid by the ROs and one from the Engineering FC was withdrawn. The 55 validly nominated candidates for the 28 traditional FCs were published in the Gazette on 5 August 2016. Of these candidates, 12 were returned uncontested in ten FCs leaving 43 contesting in the remaining 18 FCs.

### ***District Council (second) Functional Constituency***

6.16 By the close of nomination, the RO of DC (second) FC received a total of nine nomination forms. All 21 candidates belonging to the nine candidate lists

were ruled valid by the RO. The nine validly nominated candidate lists were published in the Gazette on 5 August 2016.

## **Section 5 – Judicial Review**

6.17 For the nomination of candidate, the High Court of the HKSAR received a total of three applications for leave to apply for judicial review. The details are set out in the ensuing paragraphs.

6.18 Mr Leung Tin-kei, and Mr Chan Tak-cheung and Mr Ng Man-yuen filed applications for leave to apply for judicial review (Case Nos.: HCAL 133/2016 and 134/2016) respectively on 25 July 2016. They alleged that the decision of the EAC to prescribe a Confirmation Form for the use of the ROs was illegal. They requested the Court to declare that the EAC's decision be quashed, that the ROs were not empowered to inquire into and/or determine whether a person seeking candidature was *bona fide* in signing the declaration in the nomination form to uphold the Basic Law and pledge allegiance to the HKSAR, and that the EAC had neither the power nor the duty or responsibility to direct or suggest to the ROs that they had the power and/or duty to ensure all persons seeking candidature fully understood the legal requirements and were *bona fide* in signing the declaration in the nomination form in exercising the statutory powers conferred on them when enforcing the nomination procedures. The above applicants had asked the Court to hold a rolled-up hearing of both the applications for leave and the applications for judicial review before the close of the nomination period. After considering the justifications from both sides, the Court refused the applicants' request for a rolled-up hearing as mentioned above at a hearing on 27 July 2016.

6.19 In addition, Mr Kwok Cheuk-kin submitted an application for leave to apply for judicial review on 5 August 2016. He claimed that the RO had deprived Mr Chan Ho-tin of his eligibility to stand in the election (Case No.: HCAL 144/2016).

6.20 Hearings of the above cases are still pending as at the date of the production of this report.

## **Section 6 – Briefing for Candidates**

6.21 The EAC Chairman held a briefing session on 2 August 2016 at the Kowloonbay International Trade and Exhibition Centre (“KITEC”) to brief the candidates on the important points to note when conducting electioneering activities. The CEO and representatives of the DoJ, ICAC, and the Hongkong Post had also attended the briefing. Topics covered in the briefing session included the appointment and roles of the various types of agents, polling and counting arrangement, conduct of electioneering activities, prevention of corrupt and illegal conduct, arrangement for the public zone at the media centre (“MC”) of the CCS, requirements pertaining to EAs and election expenses, and the need to protect the privacy of electors with respect to personal data used for electioneering purposes.

6.22 The EAC Chairman reminded all candidates and their agents to abide by the requirements laid down in the electoral legislation and the Guidelines, and to cooperate with the departments concerned to ensure that the election would be conducted in an open, fair and honest manner. He stressed that the EAC and all the government departments concerned would strictly enforce the law and the

Guidelines.

6.23 Before the commencement of the briefing session, some members of the public gathered at the entrance of the venue, causing obstruction and nuisance. During the briefing session, some participants repeatedly behaved in a disorderly manner. They shouted and stormed the stage, causing chaos and seriously disrupting the order of the venue. The briefing had to end prematurely for the safety of all those attending the event. After the briefing session, the ROs determined the candidate number on ballot papers of the candidates/lists of candidates and the designated spots to be allocated for display of EAs by drawing of lots.

6.24 The EAC issued a press release on the same day to express deep regret and strongly condemn the violent acts of some of those who attended the briefing session. The EAC took the view that the candidates or their agents should respect the arrangement of the briefing session. They should not resort to radical actions to disrupt public order even though they needed to express their demands. This would only cause chaos and prevent the other candidates and their agents from getting the election information.

## **Section 7 – Introduction to Candidates**

6.25 The poll card, together with the Introduction to Candidates, Guide on Voting Procedure, location map of the polling station and the ICAC leaflet on clean election were sent to each registered elector at least ten days before the polling day in accordance with section 31 of the EAC (EP) (LC) Reg by the REO. The

Introduction to Candidates contained the name, photograph, election platform and other details of each of the candidates to facilitate electors' making an informed choice when casting their votes for particular candidates. For the sake of environmental protection, these documents were printed on recycled paper or paper made from wood-pulp derived from sustainable forests. Furthermore, environmentally friendly ink was used in the printing.

6.26 To assist electors with visual impairment in reading the contents of the election platforms in the Introduction to Candidates, the REO appealed to candidates to provide an electronic-copy of text version of their messages to be included in the Introduction to Candidates for uploading onto the website of the 2016 LegCo General Election ("election website"). About 55% of the candidates/lists of candidates heeded the advice and provided the REO with a text version of their messages. With a text version uploaded onto the election website, electors with visual impairment could access the information of candidates as contained in the Introduction to Candidates with the aid of a suitable reading device.

## **CHAPTER 7**

### **POLLING AND COUNTING ARRANGEMENT**

#### **Section 1 – Recruitment of Polling and Counting Staff**

7.1 REO launched a service-wide recruitment exercise to invite serving civil servants from various government departments to serve as electoral staff. For the GC elections, the polling-cum-counting arrangement was adopted, and staff recruited were required to take up both polling and counting duties. They also had to serve electors who went to the polling stations to cast both GC and FC votes. Since centralised counting was adopted for FCs, staff had to be recruited for the counting of FC votes at the CCS.

7.2 Some 26,000 applications were received in the 2016 LegCo General Election, as opposed to about 24,500 applications in the 2012 LegCo General Election and about 25,000 applications in the 2015 DC Ordinary Election. Around 23,600 staff members of various government bureaux and departments were appointed as PROs, Deputy Presiding Officers (“DPROs”), Assistant Presiding Officers (“APROs”), Polling Officers (“POs”), Polling Assistants, Counting Supervisors (“CSs”), Assistant Counting Supervisors, Counting Officers and Counting Assistants on the polling day.

7.3 Those who were appointed as PROs, DPROs and APROs were civil servants at officer rank or above while other polling staff were civil servants of other ranks. To avoid any actual or perceived conflict of interests, they would not

be deployed to work in the polling stations where they would cast their votes. Each appointee was also required to disclose if he/she had any close relationship with any candidate, and if so, he/she would not be assigned to work in any of the polling stations concerned. This arrangement would help maintain the neutrality and independence of the electoral arrangement and avoid the perception of collusion which might compromise the integrity of the election.

7.4 In deploying staff to the polling-cum-counting stations, the REO would take into account the specific need of each polling station, the working experience of the staff in previous elections and the location of his/her residence.

## **Section 2 – Briefing for Presiding Officers**

7.5 Given the important role played by PROs and DPROs in the election, the REO organised two polling management training sessions on 9 and 10 August 2016 at the Queen Elizabeth Stadium and Lady Trench Training Centre in Wan Chai respectively to enhance the quality of their polling management. Topics included important provisions of the EAC (EP) (LC) Reg, quality polling services, complaints handling, crisis management and keys to build a team. There was also a session in which experienced PROs were invited to share their experience.

## **Section 3 – Training for Polling and Counting Staff**

7.6 The REO organised 12 training sessions in August 2016 at the Queen Elizabeth Stadium, Southorn Stadium and Lady Trench Training Centre in Wan Chai respectively to equip the general polling staff with the necessary knowledge

for discharging their duties. Topics included polling and counting procedures, contingency arrangement and mock counting demonstration and exercise. Polling staff tasked to perform statistical compilation duties were required to attend one additional workshop to provide them with hands-on exercises in discharging the related duties. A total of 12 workshops were organised by the REO.

7.7 There were also general briefings for all staff of the DPSs and the BPSSs on the operation of these stations. The briefing for DPSs was conducted at the Lady Trench Training Centre on 23 August 2016, while the one for BPSS was conducted at the Kowloon Park Sports Centre on 25 August 2016.

7.8 Ten briefing-cum-mock-counting sessions were held from 15 to 18 August and on 24 August 2016 at the Southorn Stadium and Henry G. Leong Yaumatei Community Centre to familiarise the counting staff responsible for counting traditional FC votes at the CCS with the counting procedures and to provide them with hands-on practice.

7.9 For the DC (second) FC, nine training sessions were held from 8 to 12 August 2016 at the Southorn Stadium to familiarise the counting staff responsible for counting the DC (second) FC votes at the CCS with the counting procedures and to provide them with hands-on practice.

7.10 A briefing-cum-mock-operation session for the counting staff working in the CCS was also arranged on 3 September 2016 to enable them to understand the operation of CCS and further familiarise them with the counting procedures.



7.11 Considerable efforts were spent to improve, update and revamp the training materials for electoral staff at all levels with a view to enhancing their understanding of their core duties and familiarising them with the relevant legislation. A training video for polling staff was also produced, featuring polling and counting arrangement, various scenarios on common problems encountered by polling staff at polling stations on the polling day and the proper handling procedures. In addition, six “warm reminders” were issued by email to all PROs, DPROs and APROs from 22 August to 2 September 2016 to refresh and strengthen their understanding of the polling and counting arrangement and to highlight some issues which merited special attention during the election.

7.12 The REO also produced a training video for the counting staff working in the CCS (including the traditional FCs and DC (second) FC). The training video demonstrated not only the operation of the CCS but also the work flow of various units so that the counting staff could acquire a deeper understanding of their job duties by watching this video with reference to their operation manual.

#### **Section 4 – Identifying Suitable Venues as Polling Stations**

7.13 Essential factors for consideration in identifying venues as polling stations included their accessibility, convenience of use by electors (including electors with mobility difficulty), as well as the availability of sufficient space for the purposes of both polling and counting of votes. Where possible, the REO selected venues which had been used as polling stations in the same election cycle for this LegCo General Election.

7.14 Successful procurement of a suitable venue depends on the willingness and co-operation of the owner or management body of the venue and the availability of the venue on the polling day. As the polling day of this LegCo General Election coincided with the commencement of the new school year for most schools, the REO encountered considerable difficulties in the process of identifying venues as polling stations. REO staff had also encountered difficulties in securing permission from some owners or management bodies of private premises for the use of their venues. The major reason for rejecting the requests was that activities had already been scheduled on the polling day. The REO managed to secure a total of 571 venues for use as polling stations eventually. In respect of the review and recommendations on identification of suitable venues as polling stations for this Election, please refer to paragraphs 14.2 to 14.5.

## **Section 5 – Polling Arrangement**

7.15 Of the above-mentioned 571 venues, 11 were designated as SPSs pursuant to section 28(1B) of the EAC (EP) (LC) Reg as they served an electorate of less than 500. These stations were used for polling only. In this Election, a total of 538 polling stations were accessible to electors with mobility difficulty or those who use wheelchairs, representing approximately 94% of the total number of polling stations. There were also 533 stations designated as special polling stations to be used for voting by electors (persons with mobility difficulty or those who use wheelchairs) who found it difficult to access the polling stations originally assigned to them.

7.16 On the eve of the polling day, the polling staff set up the polling stations

at the designated venues. Voting compartments, ballot boxes and ballot paper issuing desks were provided in polling stations. Except for the 11 SPSs with less than 500 electors and the 24 DPSs, all polling stations were converted into counting stations immediately after the close of poll.

7.17 Outside each polling station, areas were designated by the RO as NCZ and NSZ to provide the electors with a hindrance-free access to the station. A notice was put up at a conspicuous spot at or near the polling station to notify the public of the delineation of the NCZ and NSZ.

7.18 The staff manning the polling-cum-counting stations were required to work through the polling and counting hours. Their remuneration package was drawn up with reference to their respective duties and was tied to working hours. Where necessary, the staff would be compensated on an hourly basis for any work performed beyond their normal working hours.

### ***Polling Hours***

7.19 Same as in the past general elections or by-elections, the poll started at 7:30 am on the polling day and ended at 10:30 pm on the same day, except for the DPSs situated in penal institutions which had shorter polling hours as detailed in paragraph 7.23 below.

### ***Design of Ballot Papers and Ballot Boxes***

7.20 The design of ballot papers is basically provided in the law, and same as

in the 2012 LegCo General Election, candidates were allowed to have certain specified particulars relating to them printed on the ballot papers in this LegCo General Election. The design of the ballot paper for the DC (second) FC was similar to that of a GC ballot paper as the polling for both constituencies adopts the same “list system of proportional representation”. For the GCs, a list of candidates is assigned a number and the number is printed on the ballot paper of the concerned constituency. As most of the GC electors were also registered electors for the DC (second) FC, it might be confusing to them when they cast their votes if the lists of candidates for both GCs and the DC (second) FC are referred to by the same numbering sequence starting from 1 and followed by 2, 3 and so on. To avoid confusion, a separate numbering system for the lists of candidates for the DC (second) FC is adopted, with the number for the lists of candidates starting from 801 and followed by 802, 803 and so on. The candidate number for the ordinary FCs<sup>12</sup> is a number together with the alphabetical code assigned for the relevant ordinary FC, while the candidate number for the special FCs is letters of the alphabet together with the alphabetical code assigned for the relevant special FC. In respect of the review and recommendations on design of ballot paper, please refer to paragraphs 14.8 to 14.12.

7.21 Blue ballot boxes were used for receiving GC ballot papers and red ballot boxes were for ballot papers of the traditional FCs while white ballot boxes were assigned to the DC (second) FC. The back of the ballot papers was printed with patterns of the colours corresponding to that of their respective ballot boxes (e.g. the back of a GC ballot paper was printed with blue-colour patterns and GC-code to match the colour of its dedicated ballot box). This arrangement provided

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<sup>12</sup> “Ordinary FCs” refers to all FCs other than the special FCs and DC (second) FC.

easy identification for electors to insert the ballot papers into the correct ballot boxes and facilitated the monitoring of the vote casting process and provision of assistance if necessary by polling staff.

7.22 To ensure that sufficient ballot boxes would be provided to the polling stations, the REO had carefully and thoroughly tested the ballot boxes for use in the 2016 LegCo General Election.

### ***Special Polling Arrangement for Imprisoned, Remanded and Detained Electors***

#### ***Dedicated Polling Stations***

7.23 To enable registered electors who were imprisoned or remanded by the Correctional Services Department (“CSD”) to vote on the polling day, the REO set up 21 DPSs 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. DPSs were also set up at three police stations for the registered electors who were remanded or detained by the LEAs (other than the CSD) on the polling day and had expressed their wish to vote. Since the LEAs might arrest persons who happened to be registered electors any time on the polling day, these DPSs which were set up at police stations were open for polling from 7:30 am to 10:30 pm as with other ordinary polling stations (“OPSs”).

7.24 The venue set-up at all the DPSs was basically the same as that of the OPSs, except that the polling materials were specially designed for security reasons.

7.25 The REO issued poll cards and other related electoral documents such as the “Introduction to Candidates” to all imprisoned registered electors at their prison addresses. Mailing labels were provided to candidates upon request for mailing of EAs to this group of electors at prisons if the concerned electors had consented to provide prison addresses as their correspondence addresses for receiving EAs.

7.26 A BPSS was set up at the Kowloon Park Sports Centre for the sorting of GC ballot papers cast at the DPSs at penal institutions according to each GC before they were delivered to the respective MCSs for counting of votes. Three other BPSSs were set up at the REO’s warehouse at Cornwall House, Cornwall Street Squash and Table Tennis Centre and the Toi Shan Association College for sorting of ballot papers cast at the DPSs in police stations according to each GC before they were delivered to the respective MCSs for counting of votes. The GC ballot papers were then mixed with those cast at the respective MCSs before they were counted to preserve the secrecy of votes. The whole process was open for observation by the candidates and their agents, the media and the public.

## **Section 6 – Counting Arrangement**

### ***Geographical Constituencies***

7.27 The list system of proportional representation was adopted for the GC election as provided under the law. In the light of past experience, the polling-cum-counting arrangement was adopted in GC election. This arrangement had proved to be effective in reducing the time and risk involved in the transportation of ballot boxes from the polling stations to counting stations.

7.28 An ARO (Legal) was stationed at each DO to provide legal advice on counting issues including handling of questionable ballot papers to the PROs in the district. A candidate might appoint counting agents to observe the count and might make representations to the PRO's decisions on the validity of questionable ballot papers. Samples of valid and invalid ballot papers were posted at each counting station to enhance transparency and ensure fair and consistent determination by the PROs.

7.29 To ensure openness and transparency of the counting process, candidates, their election agents, polling agents and counting agents were allowed to stay in the polling stations after the close of poll to monitor the conversion of the polling stations into counting stations. Apart from the candidates themselves and their counting agents, the public and the media could also observe the counting process in the public area.

7.30 With the exception of the SPSs and DPSs, all polling stations were converted into counting stations after the close of poll. Where there were two or more polling stations in the neighbourhood, with one of which being an SPS, a station would be designated by the CEO as the MCS. Ballot papers cast at the SPS were sent to the MCS for counting.

7.31 At the commencement of the count, the PRO assumed the role of CS. He/She was also responsible for determining the validity of questionable ballot papers.

7.32 Most of the polling-cum-counting stations were set up at schools which

had to be returned to the venue management in the early morning on 5 September 2016. To cater for the event that the counting of GC votes could not be completed by 6:00 am on 5 September 2016, a total of 151 reserve counting stations were identified for continuation of the counting process thereat if necessary. The REO had drawn up a detailed contingency plan in advance to cater for the scenario that electoral documents and materials had to be transported from the counting stations, which had to be handed back to the venue management, to the designated reserve counting stations for the resumption of the counting process.

### ***Functional Constituencies***

7.33 The “preferential elimination system” was adopted for the four special FCs while the “first past the post system” was applicable to the ordinary FCs. Same as GC election, the “list system of proportional representation” was adopted for the DC (second) FC election.

### ***Central Counting Station***

7.34 A centralised counting arrangement was adopted for all FCs. All ballot boxes for the traditional FC and the DC (second) FC votes from different polling stations were transported to the CCS for counting after the close of poll. The CCS was set up in the Asia World-Expo (“AWE”) for counting of votes of all FCs.



### ***Counting of Votes for the Traditional Functional Constituencies***

7.35 Based on past experience, a number of measures were adopted to streamline and speed up the counting of votes for the traditional FCs for the 2016 LegCo General Election. These measures included:

- (a) 25 unloading points were set up outside the AWE, with designated officers to guide staff from polling stations on the transportation of ballot boxes from the unloading area to the reception counters;
- (b) 40 reception counters were set up to receive the ballot boxes and the accompanying electoral documents. Ballot boxes thus received were stored temporarily at the Ballot Box Deposit Area before being transported to the counting zones;
- (c) a total of 119 counting tables were deployed for opening ballot boxes. Once opened, the ballot papers contained therein would be sorted in accordance with the respective FCs. The sorted ballot papers were then delivered to the General Zone for distribution to the respective FC counting tables for counting; and
- (d) the ROs/AROs of uncontested FCs had to assist in opening FC ballot boxes and sorting the ballot papers in accordance with respective FCs.

In this Election, as the counting of votes for FCs could be commenced only after the close of the poll for all polling stations on 5 September 2016 at around 2:30 am, the counting of FC votes was completed later than that in the 2012 LegCo General Election. Regardless of this, the counting of FC votes was conducted smoothly on the whole.

***Counting of Votes for District Council (second) Functional Constituency***

7.36 The arrangement for reception of ballot boxes containing the DC (second) FC votes was similar to that for the traditional FCs. In view of the large number of votes for the DC (second) FC, the following special arrangement was adopted to speed up the counting process:

- (a) 26 unloading points were set up with designated officers guiding staff from polling stations on the transportation of ballot boxes from the unloading area to the reception counters;
- (b) 36 reception counters were set up to receive the ballot boxes and their accompanying electoral documents. The ballot boxes thus received would be allocated to the relevant counting table;
- (c) 564 sets of counting tables were set up, each dedicated to receiving and handling the ballot boxes from one polling station;
- (d) some individual units at the CCS, such as the unloading area and the ballot box reception counters, would complete their work

earlier. To expedite the counting process, staff were redeployed from such units upon completion of their tasks to strengthen the manpower of the counting staff for the DC (second) FC;

- (e) the whole counting area for DC (second) FC was divided into 22 counting zones to facilitate management and distribution of work. Three tables were set up at each counting zone, i.e. a total of 66 tables, for determining the validity of questionable ballot papers (“Q-Table”) within the counting zone. To make use of all available space of the venue and expedite the counting process, if all the Q-Tables were in operation in a counting zone, the outstanding questionable ballot papers will be assigned to other available Q-Table at the nearby counting zone by the computer system; and
- (f) to match the deployment of the 66 tables in (e) above, sufficient number of AROs were appointed for the DC (second) FC to assist the RO in discharging the statutory duties of opening the ballot boxes, determining the validity of questionable ballot papers and deciding whether or not to count a vote.

## **Section 7 – The Fast Response Team**

7.37 In line with the practice since the 2008 LegCo General Election, Fast Response Teams (“FRTs”) comprising experienced personnel were appointed to conduct random checks on the operation of the polling and counting stations and

the performance of the polling and counting staff to ensure that the stipulated electoral procedures and requirements were strictly followed.

7.38 A total of eight FRTs were set up for this Election. Apart from conducting inspection of polling stations and advising PROs to take remedial or improvement measures where necessary, the FRTs were also tasked to deal with enquiries on electoral arrangement made by ROs and PROs, and to render immediate advice and assistance to them. The FRTs had to report to the Central Command Centre (“CCC”) on any major irregularities and problems observed, and to make recommendations on the follow-up actions. The FRTs were also required to handle emergency cases relating to polling stations as directed by the CCC.

## **Section 8 – Contingency Measures**

7.39 The following arrangement was planned or adopted by the REO to cater for inclement weather or emergencies:

- (a) postponement or adjournment of the poll or the count in one or more polling/counting stations;
- (b) extension of polling hours if a substantial portion of the polling hours was lost because of flooding, power failure or other emergencies in one or more polling/counting stations;
- (c) designation of alternative polling/counting stations as reserve for polling/counting stations in the event that the original stations, for

one reason or another, could no longer function properly or be accessed by electors;

- (d) setting up an emergency depot in each of the 18 Districts to provide logistic support to respective polling stations in each district; and setting up of a fall-back CCC and Statistical Information Centre (“SIC”) in the Yau Ma Tei Car Park Building to compile statistical returns collected from polling/counting stations;
- (e) setting up a fall-back venue in the KITEC for the central counting of FC votes in case the AWE has been rendered inoperable by unexpected events and the count to be postponed for seven days at the KITEC; and
- (f) preparation of public announcement notices in the event that any of the contingency arrangement as set out in paragraphs 7.39 (a), (b), (c) or (e) above had to be implemented.

## **Section 9 – Release of Counting Results**

7.40 Following the practice adopted in the 2012 LegCo General Election, the REO posted up the counting results of GC and DC (second) FC votes for each polling station on the Counting Results Display Panels in the MC. Besides, to enhance the transparency of the counting process and dissemination of counting information, the progress of the count of each traditional FC, the interim counting

results for individual GCs and the DC (second) FC and the final election results of the five GCs and all FCs were displayed on on-site display screens or televisions set up in the CCS and in the MC. The interim counting results and election results were also uploaded onto the election website for public information on a real-time basis. The press and the media were briefed on the above arrangement before the polling day.

## **CHAPTER 8**

### **PUBLICITY**

#### **Section 1 – An Introductory Note**

8.1 Publicity is an important element in any elections. It arouses the awareness of the members of the public and appeals to them to actively participate in the election by registering as electors, seeking candidature or casting their votes on the polling day. It also serves to disseminate the relevant information to candidates and electors in an efficient and proper manner, and more importantly, to remind electors to vote on the polling day. In the 2016 LegCo General Election, the EAC and government departments concerned contributed much to the publicity of the election in enhancing electors' awareness of the voting procedures and encouraging electors to vote.

8.2 Apart from the VR campaign described in Chapter 3, other publicity activities are detailed in the following paragraphs.

#### **Section 2 – The Electoral Affairs Commission and the Media**

8.3 The Voter Turnout Publicity Campaign for the 2016 LegCo General Election was launched in early July 2016. The objectives of the Campaign were to promote general awareness of the LegCo election and encouraged nominations of candidates. It also introduced the electoral procedures (particularly for the GC and

DC (second) FC), promoted clean and fair election, and encouraged registered electors to vote on the polling day.

8.4 On 2 August 2016, the EAC Chairman conducted a briefing for the candidates at the KITEC. The media was also invited to cover the event in-situ.

8.5 Four mock polling stations, set up at the Leighton Hill Community Hall, Henry G. Leong Yaumatei Community Centre, Tuen Mun Tseng Choi Street Community Hall and Tai Po Community Centre, were open for six consecutive days before the polling day from 29 August to 3 September 2016 to help electors familiarise themselves with the station set up and voting procedures. Their opening hours ran from noon to 8:00 pm. Moreover, the EAC Chairman met the media on 28 August 2016 at the Leighton Hill Community Hall to introduce the arrangement for the 2016 LegCo General Election and demonstrate the voting procedures. The mock polling stations were well received by members of the public.

8.6 On the eve of the polling day, the EAC Chairman visited the CCS at the AWE to inspect the preparatory work and meet the media. On the polling day, the EAC Chairman and the two Members met the media and updated them on the progress of the election at various intervals.

8.7 The REO also issued press releases to keep the public informed of the important events at different stages of the election leading to the polling day.



### **Section 3 – Publicity by Other Government Departments**

8.8 The Government, with a budget of \$33 million, launched a Voter Turnout Publicity Campaign that lasted for about two months from early July 2016 to the polling day on 4 September 2016. The publicity programme was coordinated by an inter-departmental working group led by the CMAB and with the participation of the HAD, ISD, ICAC, RTHK and REO. The objectives of the Campaign were to call on all registered electors to cast their votes and to promote public awareness of electoral arrangement. Publicity activities included APIs on television, radio, outdoor video walls, video platform on public transport, government venues and the Internet, special radio programmes, posters, banners, billboards, lamppost buntings, public transport and vantage points advertising, newspaper and Internet advertisements, parades and so on.

8.9 As more than 3.47 million electors would have two votes to cast in the 2016 LegCo General Election – one for GC and one for DC (second) FC, a set of APIs was launched by the Government on television and radio since 8 August 2016 to explain the relevant voting procedures. A set of APIs was also broadcast during the same period of time to remind the electors to follow the proper voting procedures to protect voting secrecy. These publicity materials, together with relevant polling information, were uploaded onto the election website for public viewing.

8.10 Apart from the publicity items mentioned in paragraphs 8.8 and 8.9 above, the Government also produced a radio API to remind the electors with mobility difficulty or those who use wheelchairs to apply in time for re-allocation

to a special polling station if the designated polling station was not accessible to them, and to state that the REO would, where circumstances permit, arrange free Rehabus upon request to transport them to and from the polling station. To provide electors of ethnic minorities and those who are illiterate in Chinese or English with information of this Election and the voting procedures, election briefs and voting procedures were translated into nine languages and uploaded onto the election website. Relevant information was also uploaded onto the website of the Race Relations Unit under HAD and sent to eight support centres for ethnic minorities to arouse their awareness of this Election. The Government also published advertisements in the newspapers and newsletters targeting the ethnic minorities to encourage them to seek candidature and vote. Besides, information on voting procedures and appeals for registered electors to vote were broadcast in ethnic minority languages on the radio.

8.11 The RTHK organised election forums for both GC and FC elections, which were broadcast on television and radio and could be viewed/listened to on the RTHK website.

8.12 The ISD helped set up the election website as mentioned in paragraphs 8.9 and 8.10 above to facilitate public's access to information related to the election.

8.13 To promote the importance of clean elections, the ICAC launched a series of educational and publicity activities on the theme of "Abide by the Rules, Support Clean Elections" for the 2016 LegCo General Election which included:

- (a) conducting briefing sessions to explain major provisions of the ECICO to candidates, election agents, helpers, political parties and specified bodies of FCs;
- (b) producing an information booklet and a “Clean Elections Checklist” to spell out the points-to-note and legislative requirements in conducting electioneering activities for candidates and election agents;
- (c) arranging talks for senior and young electors through elderly centres and tertiary institutes and disseminating clean election messages to residents through the platform of public housing estate advisory committees so as to remind electors of the importance of clean elections;
- (d) producing leaflets on “Anti-vote-rigging” and “Guidelines for Electors” and distributing them to electors with the assistance of the REO;
- (e) staging roving exhibitions and distributing “Clean Elections Information Pack” in all 18 Districts in the territory;
- (f) producing online videos to promote clean election culture;
- (g) publicising clean election messages through various popular radio programmes and their Facebook pages;

- (h) broadcasting advertisements and educational filmlets on public transport (including MTR, taxi, etc.), housing estates, commercial buildings, giant outdoor display screens, government venues, online platforms, smartphone applications, etc. and also making use of printed advertisements on newspapers, billboards, bus/tram bodies, posters, etc. to widen the publicity;
- (i) publishing feature articles on clean elections in the newsletters and journals of various government departments, public bodies, district organisations, professional bodies and chambers of commerce;
- (j) disseminating clean election messages to electors of ethnic minorities through radio programmes and newsletters; and translating the major points-to-note of the ECICO into nine languages and uploading them onto the election website;
- (k) launching a thematic website to provide relevant information to the public; and
- (l) setting up a Clean Election Enquiry Hotline to answer public enquiries on the ECICO and ICAC's educational and publicity activities on clean elections.



## **PART THREE**

### **ON THE POLLING DAY**

## **CHAPTER 9**

### **COMMAND CENTRE AND SUPPORT**

#### **Section 1 – The Central Command Centre**

9.1 The REO set up the CCC at the office in KITEC to oversee electoral arrangement on the polling day for the purpose of providing a wide range of services to electors, candidates/agents, ROs/PROs and the public. The REO and the relevant sections of the bureau/departments concerned operated in the CCC to facilitate communication and co-ordination. The CCC was under the direct supervision of the CEO who was deputised by the Principal Electoral Officer (“PEO”). This command structure significantly enhanced the ability of the CCC to respond swiftly to various problems associated with the election on the polling day.

9.2 The CCC comprised a Command Desk, eight Helpdesks and Enquiry Hotlines. The Command Desk was tasked with overseeing the overall conduct of the poll. The Helpdesks handled enquiries about electoral matters made by the polling staff. The Enquiry Hotlines dealt with enquiries about the poll from the public and LEAs and provided assistance to visually-impaired electors in apprehending the contents of the “Introduction to Candidates”. A new and dedicated interactive voice system was installed in this Election to handle enquiries from polling staff about the name and the code of the polling station assigned to an elector. The CCC was also equipped with an Incident Logging System for parties concerned to share information and keep track of major incidents.

9.3 At the district level, District Liaison Officers from respective DOs were responsible for liaison work between individual polling stations, the ROs concerned and the CCC.

### ***Statistical Information Centre***

9.4 An SIC was set up at each of the CCC and the CCS. The SIC at the CCC was responsible for compiling and collating the hourly voter turnout statistics as well as the counting results for the GCs. All polling stations were required to submit their hourly voter turnout figures and GC counting results to the SIC by fax. The SIC at the CCS was responsible for consolidating the counting results for the FCs which were collected from the CCS. Voter turnout figures were made available to the public on an hourly basis through press releases and the election website. The collection and compilation of the hourly voter turnout statistics and the counting results were, in general, smoothly conducted on the polling day.

9.5 A total of 331 telephone lines and 200 fax lines were set up for the SIC and Helpdesks at the CCC to collect hourly voter turnout statistics and handle enquiries from polling stations.

## **Section 2 – The Complaints Centre**

9.6 A Complaints Centre (“CC”) was set up at the REO’s office in the Harbour Centre to handle complaints from the public.

9.7 Complainants could lodge complaints by telephone, fax or e-mail. The



CC was manned by staff of the EAC Secretariat and operated throughout the polling hours. Details on the work of the CC and the complaints received on the polling day and during the complaints-handling period are set out in **Chapter 13**.

## **CHAPTER 10**

### **THE POLL**

#### **Section 1 – General**

10.1 On the polling day, all 571 OPSs were in operation, of which 538 (94%) were accessible to electors with mobility difficulty or those who use wheelchairs. Apart from these OPSs, the REO set up 24 DPSs for registered electors imprisoned or remanded under the custody of the CSD and registered electors who were remanded or detained by other LEAs to cast their votes. Polling hours started at 7:30 am and ended at 10:30 pm except for the DPSs set up at the penal institutions of the CSD. Owing to security reasons, polling hours for DPSs set up at the penal institutions of the CSD were from 9:00 am to 4:00 pm. In general, the poll was smoothly conducted. However, for individual polling stations, there were still a lot of electors waiting to be issued with a ballot paper after the polling hours had ended. For the sake of fairness, electors who arrived at the polling station at or before 10:30 pm were allowed to enter the polling station and cast their votes.

10.2 On the voter turnout, for GCs, a total of 2,202,283 electors cast their votes, which represented 58.28% of the electorate.

10.3 For the 18 contested traditional FCs, a total of 172,820 electors cast their votes, amounting to 74.33 % of the electorate of these FCs.

10.4 For the DC (second) FC, a total of 1,983,049 electors cast their votes,

which represented 57.09% of the electorate.

10.5 A breakdown of the turnout rate by GCs and FCs is shown at **Appendix V**.

10.6 On the polling day, the FRT (see paragraph 7.37 above) of the REO visited 158 polling stations in the 18 Districts. Special visits were made to polling stations as directed by the CCC, as and when necessary, to assist in resolving difficulties on the spot and to offer advice to the PROs.

## **Section 2 – Exit Poll**

10.7 The REO received applications from four organisations for conducting exit polls on the polling day. In considering these applications, the REO followed the principles set out in Chapter 15 of the Guidelines. Approval would normally be given to applications provided that the conduct of exit polls by the organisations concerned would not compromise the fairness and impartiality of the election. In accordance with the aforesaid principles, the applications of three organisations were approved, whilst the application of the remaining organisation was not approved as the principal person-in-charge is a member of another organisation, which happened to have members contesting in this Election. To forestall public misunderstanding or suspicion of unfairness in the election, the application was not approved. All the approved organisations had, as required, signed a statutory declaration confirming that they would not announce or disclose the results of the exit polls or publish any specific comments or predictions on the performance of any candidates/lists of candidates. The list of these three organisations approved

for conducting exit polls was uploaded onto the election website on 30 August 2016 and was also displayed in a prominent spot outside the relevant polling stations on the polling day for public inspection.

## **CHAPTER 11**

### **THE COUNT**

#### **Section 1 – Geographical Constituencies**

11.1 The polling-cum-counting arrangement was adopted for this Election. All polling stations except for 11 SPSs with less than 500 electors and the DPSs, were converted into counting stations immediately after the close of poll for counting of GC votes cast at the polling stations. All FC votes were conveyed to the CCS for counting.

11.2 To ensure openness and transparency of the counting process, candidates, their election agents, polling agents and counting agents were allowed to stay at the polling stations for GCs to observe the conversion. The time of the conversion process varied from station to station, and the average time was about one hour. The EAC considers that the time taken was acceptable in view of the fact that polling staff were heavily engaged in reckoning the statistics on the ballot for not only GCs but also the various FCs at the close of poll, apart from the physical conversion of the polling stations. Candidates, their agents, the public and the media were allowed to stay inside the counting stations to observe the count.

11.3 While the ballot boxes containing the GC ballot papers cast at the 11 SPSs were directly conveyed to and counted at their respective MCSs, the ballot boxes containing GC ballot papers cast at the DPSs were sent to the designated BPSSs for sorting according to each GC before they were placed inside a receptacle

and delivered to the respective MCSs for counting. The sorting process was open to the candidates, their agents, the public and the media for observation. These ballot papers were then mixed with those cast at the MCSs before they were counted, in order to preserve the secrecy of the votes.

11.4 Before the count, counting staff emptied the GC ballot boxes and first sorted out any misplaced FC ballot papers. The misplaced FC ballot papers were put in sealed envelopes and delivered to the ROs of the respective FCs at the CCS. In this Election, a total of 218 misplaced ballot papers for the DC (second) FC and one for a traditional FC were found inside the GC ballot boxes.

11.5 Invalid ballot papers as defined under section 80 of the EAC (EP) (LC) Reg were set aside during the counting process and not counted. Candidates, their election agents and counting agents could examine these invalid ballot papers but were not allowed to make representations. Ballot papers with doubtful validity were set aside as questionable ballot papers, the validity of which would be decided by the PRO. An analysis of the ballot papers in the GC ballot boxes that were not counted is shown at **Appendix VI**. An analysis of invalid ballot papers kept by the PROs is shown at **Appendix VII(A)**.

11.6 When the counting of GC votes at a polling station was completed, the PRO would make known the counting results to candidates or their agents present at the polling station. The candidates or their agents were then given the opportunity to request a re-count of votes. When there was no request for a re-count, the PRO would report the counting results to the SIC by fax. When the counting results of all counting stations in a GC (including GC ballot papers

misplaced in FC ballot boxes counted at the CCS) were available, the SIC would inform the RO concerned of the consolidated counting results of all counting stations. The RO then made known the consolidated counting results to the candidates and/or their agents present at the MC who were given the opportunity to request a re-count of valid votes for all the counting stations of that GC. As there was no request for re-count, the ROs announced the election results one after another.

11.7 In line with the arrangement in the 2012 LegCo General Election for dissemination of interim statistics, the counting results of GC and the DC (second) FC at individual counting stations were updated once confirmed and the accumulated valid votes obtained by each candidate list were displayed on the large display panels set up at the CCS and the MC for the reference of candidates, their agents, the public and the media. Members of the public who were not at the CCS and the MC could visit the election website for the same counting information.

11.8 The counting results for all GCs were declared one after another from around 11:20 am to 5:00 pm on the day after the polling day.

11.9 The election results for GCs were published in the Gazette on 9 September 2016 and are now reproduced at **Appendix VIII** for easy reference.

## **Section 2 – Traditional Functional Constituencies**

11.10 The counting of votes for the 18 contested traditional FCs was held centrally at the CCS. A RO was designated as the Chief RO to supervise the

overall operation of the CCS.

11.11 At the CCS, all traditional FC ballot boxes were delivered to the designated counting zone and opened by the ROs or AROs. Areas were designated at the CCS for candidates, their agents, the public and the media to observe the count. The counting staff would first sort out any misplaced GC and/or DC (second) FC ballot papers. To preserve the secrecy of the votes, the misplaced GC and DC (second) FC ballot papers that were sorted out would remain folded. After taking out the misplaced ballot papers, the counting staff would sort the ballot papers in accordance with the respective traditional FCs. The sorted ballot papers were then sealed and delivered to the designated General Zone which served as a central clearing house. Staff of each FC counting zone collected the sorted ballot papers of the respective FC from the General Zone and then took them to the counting tables for mixing before they were counted. To preserve the secrecy of the votes, the ballot papers were arranged to face downwards during the sorting process.

11.12 Any misplaced GC ballot papers identified were also sealed and delivered to the General Zone. The misplaced GC ballot papers of the same GC would be grouped together before they were handed over to the ROs of the respective GCs. Besides, the misplaced DC (second) FC ballot papers would be sealed and handed over to the RO of DC (second) FC. One misplaced GC ballot paper and 59 misplaced DC (second) FC ballot papers were found in the traditional FC ballot boxes.

11.13 The respective ROs were responsible for determining the validity of



questionable ballot papers identified by counting staff during the counting process. An analysis of the ballot papers in the traditional FC ballot boxes that were not counted is shown at **Appendix IX(A)**. An analysis of invalid ballot papers kept by the PROs is shown at **Appendix VII(B)**. The results of all segment counts were then added up to produce the overall results of each traditional FC.

11.14 The counting results for individual traditional FCs were announced one after another from around 1:25 pm to 3:00 pm on the day after the polling day.

11.15 The election results of the 18 contested traditional FCs were published in the Gazette on 9 September 2016. All the election results of the traditional FCs are reproduced at **Appendix X(A)** for easy reference.

### **Section 3 – District Council (second) Functional Constituency**

11.16 The counting of the DC (second) FC votes was also conducted at the CCS. The candidates, their agents, the public and the media could also observe the count in the designated areas at the CCS.

11.17 Similar to the traditional FCs, the DC (second) FC ballot box(es) of each polling station would be delivered to the CCS and opened by the RO or AROs. Afterwards, the counting staff would first sort out the misplaced GC and/or traditional FC ballot papers. To preserve the secrecy of votes, the misplaced GC ballot papers that were sorted out would remain folded while the misplaced traditional FC ballot papers were kept facing downwards. After taking out the misplaced ballot papers, the counting staff would sort the remaining ballot papers

according to the choice marked by the elector on the ballot paper, and then counted the number of votes for each list of candidates.

11.18 Any misplaced GC or traditional FC ballot papers identified would be sealed and delivered to the ROs of the respective GCs or traditional FCs at the CCS as appropriate. In this Election, a total of 251 misplaced GC ballot papers and 52 misplaced traditional FC ballot papers were found in the DC (second) FC ballot boxes.

11.19 As mentioned in paragraph 7.36(c), 564 counting tables were set up in the DC (second) FC counting zone. Overall speaking, each counting table was responsible for receiving and handling the ballot box(es) from one polling station. To speed up the counting process, the RO for the DC (second) FC delegated to designated AROs the power to assist in opening the ballot boxes and determining the validity of questionable ballot papers identified during the counting process. To expedite the process of determining the validity of questionable ballot papers, a total of 66 tables were set up for the purpose in the DC (second) FC counting zone. An analysis of the ballot papers in the DC (second) FC ballot boxes that were not counted is shown at **Appendix IX(B)**. An analysis of invalid ballot papers kept by the PROs is shown at **Appendix VII(C)**.

11.20 The counting results for the DC (second) FC were declared at around 6:50 pm on the day after the polling day.

11.21 The election result of the DC (second) FC was published in the Gazette on 9 September 2016 and is reproduced at **Appendix X(B)** for easy reference.

## **Section 4 – Venue for Counting Geographical Constituencies Votes**

11.22 After the close of poll at the night of the polling day, all OPSs, with the exception of SPSs and the DPSs, were converted into counting stations for counting of GC votes. Among the 560 polling-cum-counting stations set up at different venues in the five GCs, over half of them are schools, followed by community or recreational and sports facilities of the HAD and the Leisure and Cultural Services Department (“LCSD”). The other venues included churches, youth/elderly centres of non-government organisations, post offices and government clinics, etc. Around 400 venues (including all schools) had to be returned to the venue management by 6:00 am on the day after the polling day.

11.23 According to past experience, the counting of GC ballot papers would generally be completed within a few hours after the close of poll, enabling the PROs to return the venues before 6:00 am on the day after the polling day. In this Election, the poll at some individual polling stations could not be completed at 10:30 pm. For polling stations in Tai Koo Shing, Lam Tin, Yau Tong and Ngau Tau Kok, large numbers of electors were still queuing to cast their votes at the time the queue was stopped at 10:30 pm. The count was therefore delayed. The poll at the polling station in Tai Koo Shing was finally completed at 2:30 am on the day after the polling day. Moreover, there was a significant increase in the overall voter turnout in this Election, and the number of GC ballot papers that required counting reached 2.2 million, registering an approximate 20% increase as compared to that in the 2012 LegCo General Election. Furthermore, discrepancies between the voter turnout and the actual number of ballot papers counted were found at a few counting stations, and doubts were raised to the PROs by the agents present at the

scene. Hence, a longer time was required for the whole counting process to complete (see paragraphs 14.78 to 14.90). Since counting was still in progress at about 30% of the counting stations at 5:00 am on the day after the polling day, and considering that there might possibly be requests for re-count, it was expected that the counting results of respective GCs could not be announced by 6:00 am as anticipated. As such, the counting staff were put on standby at the counting stations until the announcement of the election results.

11.24 Given that the venues of around 400 counting stations had to be returned by 6:00 am on the day after the polling day, the REO had drawn up in advance contingency plans for arranging the relocation of the aforementioned counting stations to the reserve counting stations (mainly community or recreational and sports facilities of the HAD and the LCSD) before 6:00 am to continue with the count or wait for further instructions. However, in view of the large number of counting stations that might have to resort to contingency measures in this Election, as well as the large number of staff, ballot papers and some of the election materials that would be involved in the relocation process, it was considered that the move might increase the risk and even further delay the progress of the count. After weighing the pros and cons, the EAC was of the view that the counting staff should as far as practicable stay at their original counting stations to continue with the count until the announcement of the election results.

11.25 In order for the counting of votes to be completed with greater security and certainty, the EAC Chairman appealed to the venue management through the electronic media at around 6:00 am on the day after the polling day to allow the counting staff to continue to stay at the venues to finish the count. The EAC called

upon the management and users of the affected venues to appreciate that the EAC had the responsibility to ensure the smooth completion of the LegCo Election in an open, fair and honest manner. The EAC also wished that the community would bear with the inconvenience resulting from the venues not being returned on time for their use. The EAC Chairman apologised to all parties affected and appealed for their support of the electoral work.

11.26 Consequent to the appeal from the EAC Chairman, counting staff in most of the counting stations could continue to stay at the original venues to continue with the count after 6:00 am on the day after the polling day, while those at the remaining counting stations moved to the relevant reserve counting stations upon completion of the count to wait for the election results of respective GCs. Work was all smoothly completed at the counting stations.

11.27 As for the queuing problem at some polling stations and the EAC's recommendations on arranging venues for polling and counting stations in future, please refer to paragraphs 14.71 to 14.77 and 14.112.

## **CHAPTER 12**

### **EAC VISITS**

12.1 On the polling day, the Chairman and two Members of the EAC cast their votes at their designated polling stations. They also visited polling stations in different districts and proceeded to the CCC to closely monitor the progress and situation of the poll. Moreover, they met the media together at the polling station at the Quarry Bay Community Hall at about 11:30 am and the BPSS at the Kowloon Park Sports Centre at about 5:45 pm to provide electoral statistics and answer questions from the media.

12.2 At around 2:45 am on 5 September 2016, the Chairman and Members of the EAC opened and emptied a DC (second) FC ballot box at the CCS. They then met the media to provide the overall voter turnout and answer questions raised by the media. After the completion of all counting work, the EAC Chairman concluded the Election through a press release. The EAC considered that the Election was conducted and concluded in an open, fair and honest manner.

## **PART FOUR**

### **VIEWS FROM THE PUBLIC**

## **CHAPTER 13**

### **THE COMPLAINTS**

#### **Section 1 – A General View**

13.1 The complaints-handling mechanism forms an important part for the EAC to safeguard the fairness and integrity of the electoral system. Complaints can often reveal the deficiencies in certain aspects of the electoral arrangement and help the EAC make better arrangement for future elections.

13.2 The complaints mechanism also provides a monitoring system for candidates to exercise mutual checks among themselves and through these complaints, they will better understand the requirements of the electoral legislation and Guidelines. The EAC is committed to handling complaints received fairly and efficiently and ensuring that the complaints mechanism is not abused.

#### **Section 2 – The Complaints-handling Period**

13.3 The complaints-handling period for the 2016 LegCo General Election started from 16 July 2016, i.e. the day when the nomination period commenced, and ended on 19 October 2016, i.e. 45 days after the polling day.

#### **Section 3 – The Complaints-handling Parties**

13.4 A total of five designated parties were responsible for handling



complaints during the complaints-handling period. They were the EAC, ROs, Police, ICAC and the PROs (who discharged the duties on the polling day only). Complainants could lodge their complaints with any of the above parties. Each of these parties had their respective areas of responsibilities depending on the nature of the complaints. A Complaints Committee (“CCm”) was set up by the EAC to deal with cases that were within its jurisdiction and not covered by any statutory provisions involving criminal liability. The CCm comprised the Chairman and the two Members of the EAC and a District Judge nominated by the Chief Justice. Division of work among the complaints-handling parties was as follows:

- (a) the ROs were responsible for handling complaints of a minor nature under the authority delegated to them by the EAC, e.g. those relating to EAs, electioneering activities conducted in private and public premises, use of sound amplifying equipment, etc.;
- (b) the Police handled complaints that involved criminal liability, breaches of the EAC (EP) (LC) Reg and criminal damage of EAs;
- (c) the ICAC attended to cases that involved breaches of the ECICO, Prevention of Bribery Ordinance (Cap. 201) and Independent Commission Against Corruption Ordinance (Cap. 204); and
- (d) the PROs handled complaints received at the polling stations on the polling day and took action on those cases which required immediate attention, e.g. unlawful activities carried out in the NCZs or NSZs, use of sound amplifying equipment in the vicinity of the

polling stations, etc.

13.5 The EAC Secretariat provided support in complaints-handling and assumed the role of the co-ordinator for collating complaint-related statistical information from other parties and compiling a consolidated report for submission to the EAC on a weekly basis during the complaints-handling period.

#### **Section 4 – The Number and Nature of Complaints**

13.6 By the end of the complaints-handling period on 19 October 2016, a total of 7,375 complaints were directly received from the public by the aforementioned five parties. Details are as follows:

<u>Complaints-handling party</u>	<u>No. of complaints directly received from the public</u>
CCm	3,199 cases
ROs	2,085 cases
Police	1,332 cases
ICAC	90 cases
PROs	669 cases
Total:	<hr/> 7,375 cases

The majority of the complaints were related to EAs (3,659 cases) and disturbances to electors caused by canvassing activities (1,361 cases). Fewer complaints were

received in the 2016 LegCo General Election than in the 2012 LegCo General Election. A breakdown of the complaints by receiving party and nature is shown at **Appendices XI (A) – (F)**.

### ***Complaints Relating to Election Advertisements***

13.7 The EAC notes that the number of complaints relating to EAs received in this Election (3,659 cases) has increased substantially by about 30% when compared with that in the 2012 LegCo General Election (2,806 cases). The increase in the number of validly nominated candidates/lists of candidates has led to keener competition in this Election. Moreover, as the public played an increasingly active part in the election, they were more eager to lodge complaints with the complaints-handling parties whenever they detected breaches against the regulations and the Guidelines. As in past elections, complaints received during the complaints-handling period, in particular on the polling day were predominantly related to unauthorised display of EAs. While this phenomenon is understandable since competition was keen in this Election and candidates generally considered displaying EAs in places frequented by electors an effective electioneering strategy, it also indicates that many candidates failed to strictly comply with the requirements as stipulated in the relevant legislation and Guidelines. As such, the EAC must reiterate that candidates should strictly comply with the relevant legislation and Guidelines in displaying their EAs and in conducting electioneering activities. The large number of EA-related complaints received in this Election unavoidably imposed immense pressure and heavy workload on the ROs and their staff in handling these cases and coordinating the removal of the unauthorised EAs.

In this regard, the EAC would like to express full appreciation of the strenuous efforts made by the ROs and their staff in handling such complaints.

***Complaints Relating to “Tendered” Ballot Papers***

13.8 The EAC received a total of about 100 complaints about the issue of “tendered” ballot papers, which is more than the around 70 complaints received in the last General Election. The complainants were dissatisfied that when they tried to obtain their ballot papers at their assigned polling stations, they were told that someone else had earlier been issued with ballot papers using the same identity of the complainants.

13.9 In accordance with section 53 of the EAC (EP) (LC) Reg, immediately before issuing a ballot paper, the PRO must place a line on the copy of the FR across the name and identity document number of the elector to denote that the ballot papers which the person is entitled to at that polling station have been so issued. Moreover, section 60 of the EAC (EP) (LC) Reg states that if a person representing himself/herself to be a particular elector applies for a ballot paper after that particular elector has been issued with a ballot paper (i.e. a line has been placed in the register across the name and identity document number of the elector), the PRO may issue a ballot paper with the words “重複” and “TENDERED” endorsed on the front of it to that person. These ballot papers will not be regarded as valid in vote counting.

13.10 As in the past LegCo elections, the standard practice in the issue of ballot papers to electors is for the polling staff manning the ballot paper issuing desk to work as a team of two. After verification of the elector’s identity by one

staff, the other staff would verify the elector's identity against the name and identity document number on the FR again, before crossing out the related entry in the register to ensure that the correct entry has been crossed out.

13.11 Similar cases had been noted in previous elections. There were three possible reasons:

- (a) there might be an impersonator applying for a ballot paper in the name of the elector concerned;
- (b) an elector might attempt to obtain a ballot paper in his/her own name again after having cast a vote earlier; or
- (c) the polling staff at the ballot paper issuing desk might have inadvertently crossed out a wrong entry in the register.

However, owing to the secrecy of votes and in the absence of independent evidence, it is virtually impossible to ascertain the causes of the individual cases. When there is evidence showing breaches of law in the cases concerned, they would be referred to the LEAs for follow-up.

13.12 The EAC considers that in future elections, the REO should continue to strengthen its training for polling staff to ensure that staff manning the ballot paper issuing desks carry out their duties with adequate prudence and in accordance with the law.

***Complaints Relating to District Council (second) Functional Constituency Voter Registration***

13.13 On the polling day, the EAC received a total of about 180 complaints regarding electors who discovered that they were not entitled to vote in the DC (second) FC. The complainants were dissatisfied that they were deprived of the relevant voting right.

13.14 The EAC has completed the investigations of all the complaint cases. The investigation result shows that these electors chose not to be registered as electors for the DC (second) FC when submitting their applications for VR or change of particulars in the past VR cycles. This was probably because they were not aware that the DC (second) FC was actually the same as the commonly-called “Super District Council” FC. The REO processed their applications according to the information these electors filled in on the application forms and did not include them in the FR concerned. As a result, these electors were not able to vote for the DC (second) FC in this Election. In view of this, the EAC considers it necessary to improve the design and content of the above-mentioned application form. For details, please refer to the relevant recommendations set out in paragraph 14.58 below.

**Section 5 – Handling of Complaints on the Polling Day**

13.15 On the polling day, as mentioned in paragraph 9.6 above, a CC was set up at the REO’s office in the Harbour Centre to handle complaints. The CC was operated by staff of the EAC Secretariat. The ROs also set up district command centres at their offices to receive and handle complaints. The PROs received and

handled complaints on the spot at the polling stations. Moreover, designated police officers were on duty in the police stations in the 18 Districts to attend to complaints. Designated ICAC officers also manned a complaint hotline to deal with incoming calls during the polling hours.

13.16 The CC, ROs and PROs received a total of 2,260 complaint cases on the polling day. The majority of the complaints involving on the spot incidents (e.g. unauthorised display of EAs, canvassing in NCZs, noise disturbance to electors caused by loudspeakers, etc.) were expeditiously dealt with and resolved. For the more complicated cases, they would take a longer time to handle or have to be referred to the relevant authorities for investigation and follow-up.

13.17 Of the 2,260 cases handled by the CCm, ROs and PROs on the polling day, 1,521 cases (i.e. 67.3%) were resolved by the close of poll.

13.18 The CC received a total of 577 cases on the polling day. 477 of them required further investigation while the remaining 100 cases were resolved on the polling day.

13.19 A breakdown of the complaint cases received on the polling day is shown at **Appendices XII (A) – (F)**.

## **Section 6 – The Outcome of Investigations**

### **CCm and ROs**

13.20 As at 19 October 2016 (when the complaints-handling period ended), the CCm and the RO received 3,762 cases and 4,965 cases respectively (**Appendices**

**XI (B) and (C)).** As at 7 November 2016, of the cases which have been dealt with, 12 cases were found substantiated by the CCm while 2,449 cases were found substantiated or partially substantiated by the ROs. A total of 1,772 warning letters have been issued to the infringing parties. There are still 696 cases under investigation by the CCm and 392 cases under investigation by the ROs.

13.21 A breakdown of the outcome of investigations as at 7 November 2016 for the CCm and ROs are shown at **Appendices XIII (A) and (B).**

### **Police and ICAC**

13.22 The Police received a total of 1,344 cases (**Appendix XI (D)**). As at 7 November 2016, investigation of 1,224 cases has been completed. A breakdown of the outcome of investigations is shown at **Appendix XIII (C)**. There are still 120 cases under investigation.

13.23 The ICAC received a total of 162 cases (**Appendix XI (E)**). As at 7 November 2016, investigation of 41 cases has been completed. A breakdown of the outcome of investigations is shown at **Appendix XIII (D)**. There are still 121 cases under investigation.



## **Section 7 – Election Petitions**

13.24 Four election petitions regarding the 2016 LegCo General Election had been lodged by 9 November 2016 (i.e. the deadline for lodging election petitions). The details are set out in the ensuing paragraphs.

13.25 Mr Chan Ho-tin, one of the persons seeking candidature for the NTW GC, lodged an election petition against the RO of the above GC, the nine elected candidates for that GC and the Secretary for Justice, on the grounds that material irregularity occurred in the Election as his nomination was ruled invalid by the RO concerned (Case No.: HCAL 162/2016).

13.26 Mr Leung Tin-kei, one of the persons seeking candidature for the NTE GC, lodged an election petition against the RO of the above GC and the nine elected candidates for that GC, on the grounds that material irregularity occurred in the Election as his nomination was ruled invalid by the RO concerned (Case No.: HCAL 175/2016).

13.27 Mr Kwan San-wai, one of the candidates for the Kowloon West GC, lodged an election petition against Ms Lau Siu-lai, an elected candidate for the above GC and the RO of that GC, on the grounds that Ms Lau was ineligible to be, or was disqualified from being a candidate at the Election and that material irregularities had occurred in the Election (Case No.: HCAL 197/2016).

13.28 Ms Lai Yee-man, one of the persons seeking candidature for the Hong Kong Island GC, lodged an election petition against the RO of the above GC and the six elected candidates for that GC, on the grounds that material irregularity had

occurred in the Election as her nomination was ruled invalid by the RO concerned (Case No.: HCAL 198/2016).

13.29 As at the production of this report, the hearing for the case mentioned in paragraph 13.25 above is scheduled for 18 November 2016, while the remaining cases are yet to be dealt with by the court.



## **PART FIVE**

### **AFTER THE POLLING DAY**

## **CHAPTER 14**

### **THE REVIEW AND RECOMMENDATIONS**

#### **Section 1 – A General Remark**

14.1 The EAC considers that the 2016 LegCo General Election was conducted in an open, fair and honest manner, and is generally satisfied with the electoral arrangement. In line with past practice, the EAC has conducted a comprehensive review of all aspects of the electoral procedures and arrangement with a view to improving the conduct of future elections. The EAC's review findings and the related recommendations are set out in the ensuing paragraphs.

#### **Section 2 – Operational Matters**

##### **(I) The Preparatory Work**

###### **(A) Identification of Suitable Venues as Polling Stations**

14.2 In the 2016 LegCo General Election, the REO has set up a total of 571 OPSs across the territory for electors to cast their votes. Apart from public facilities such as community centres/sports centres, schools are considered by the REO as very suitable venues for use as polling stations in past elections as school premises are usually conveniently located and relatively spacious.

14.3 As the LegCo General Election was held less than one year following the 2015 DC Ordinary Election, the REO endeavoured to arrange, as far as possible, the same venues for use as polling stations in the aforementioned two elections in order to avoid confusion to electors and prevent them from going to the wrong polling stations on the polling day. 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. Based on past experience, many schools have refused to make their premises available for use as polling stations on the polling day for various reasons. The EAC Chairman had therefore personally sent letters to the management of school sponsoring bodies in March last year to appeal to them to make available their school premises for use as polling stations, and later wrote again to some of the school principals and management of organisations who refused the REO's request to appeal for their reconsideration.

14.4 Furthermore, the 2016 LegCo General Election was scheduled for 4 September. As the new school year had begun by then for most secondary and primary schools, some schools replied that their premises were unavailable for use as polling stations since they were reserved for orientation activities and Parents' Day, etc. In view of this, the EAC Chairman has written to the Secretary for Education for assistance in appealing to schools to make available their premises for use as polling stations in March this year. With the assistance of the Education Bureau, over ten secondary and primary schools were willing to make available their premises as polling stations, but some schools still maintained their original decisions in refusing the REO's request,

and the REO could only turn to alternative venues. However, due to very limited choices of suitable venues and various reasons given by some private organisations, such as renovation or that other activities had already been arranged on the polling day, some of the polling stations had eventually to be set up in less spacious venues or venues that were not accessible to electors with mobility difficulties. Queuing did occur outside some polling stations on the polling day, details of which are set out in paragraph 14.72 below.

**14.5 Recommendation:** The EAC understands that the REO has endeavoured to identify suitable venues for use as polling stations, but has encountered great difficulties in securing the venues. After all, it is up to the various organisations to decide whether to make available their premises and the REO could only play a passive role. The EAC is of the view that although it is the responsibility of the REO to identify suitable venues for use as polling stations, the community should take heed and be concerned about the relevant problems, and support the concerted efforts in finding the solutions. If suitable venues were not available, the electors affected should in the future be assigned to polling stations further away from their place of residence instead of venues not suitable for the purpose. Major public elections are an important element in a civic society, and management of the venues should shoulder their civic responsibilities and make available their venues for holding public elections. The EAC appeals to all schools and their school sponsoring bodies as well as other public bodies and local organisations to accede to the REO's request for use of their premises as polling stations in future elections. The REO should also continue its efforts to identify and secure a sufficient number of suitable venues for use as polling stations to ensure the smooth

conduct of poll.

(B) Identification of Suitable Venue as the Central Counting Station

14.6 As over two million FC votes have to be counted at the CCS, this requires a large number of staff and resources in providing the logistic support for the operation, and a sufficiently large space is required for setting up the CCS to ensure that the whole counting process can be conducted smoothly and effectively. Given that there are few large-sized venues suitable for use as the CCS in Hong Kong, the REO started identifying a suitable venue for use as the CCS in this Election right after the 2012 LegCo General Election. However, the REO faced considerable difficulties in the process, mainly because the date of election is subject to legislative constraints<sup>13</sup>, and the suitable venues had been booked on that day. Therefore, the REO encountered great challenges in searching for a suitable venue, and eventually the venue management concerned had made best endeavours in allocating sufficient space to meet the operational requirements.

14.7 **Recommendation:** The EAC is grateful to the AWE for ultimately providing the suitable venue for the REO's use. The EAC considers the AWE a suitable venue for setting up the CCS as it can provide a large indoor stadium sufficient to accommodate large number of people, with good transport links and excellent unloading/logistics facilities, as well as the overall smooth and effective operation in the 2012 LegCo General Election and this Election. The EAC notes the short supply of suitable venue as the CCS in Hong Kong,

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<sup>13</sup> Section 6 (2) of the LCO provides that the date of the LegCo general election must be not earlier than 60 days and not later than 15 days before the new term of office of the LegCo is to begin.



and other users of such large-sized venues have made regular bookings annually. Therefore, the EAC suggests that the REO should make early contact with the relevant venue management, and reserve the venue on a recurrent basis for use as the CCS in future LegCo general elections. The EAC appeals to the relevant venue management to take into account the overall interest of society apart from commercial considerations in leasing the venue. They should appreciate that elections cannot be held without available venues. The smooth conduct of public elections depends on the concerted efforts of all sectors in society in discharging their social responsibilities.

(C) Design of Ballot Papers

14.8 The basic design of the ballot papers is prescribed in section 49 and Schedule 3 of the EAC (EP) (LC) Reg. As in the 2012 LegCo General Election, apart from the names of candidates, the registered names and emblems of the prescribed bodies as well as the photos of the candidates were also printed on the ballot papers as per the candidates' requests. For the GCs, with the increased number of candidate lists, the sizes of the ballot papers have become larger since 2012 and the maximum measurement is 440 mm (in width) x 458 mm (in length) in this Election.

14.9 The size of the ballot papers will impact on the printing, production, checking, delivery as well as the polling and counting workflows. The increase in size of ballot papers will also reduce the number of ballot papers that can be placed within a ballot box, resulting in the need for more ballot boxes at each polling station. This has posed practical difficulties to some polling stations with limited space for holding more ballot boxes. Besides,

staff at the ballot paper issuing desks have to be extra careful when tearing off the ballot papers in order not to damage them, therefore increasing the time required for issuing the ballot papers. Moreover, as counting staff had to unfold the ballot papers before counting, more time is also required in counting larger ballot papers.

14.10 Before the polling day in this Election, rumours on the internet alleged that ballot papers with corner cut-off would become questionable ballot papers and be invalidated. In this connection, the EAC Chairman has explained to the media on the polling day that the top left hand corner on the front of every ballot paper was cut-off, and this design was to facilitate the identification of the front of the ballot paper by electors with visual impairment in order that they could place the braille template in the proper direction for marking the ballot papers by themselves.

14.11 In any case, according to sections 75(7), 76(6) and 77(7) of the EAC (EP) (LC) Reg, a ballot paper may only be classified as questionable under the following four situations:

- (a) it appears to have any writing or mark by which the elector can possibly be identified;
- (b) it appears to be not marked in accordance with sections 55(2), 56(2) or 57(2) of the above regulation;
- (c) it appears to be substantially mutilated; or

- (d) it appears to be void for uncertainty.

For ballot papers that are substantially mutilated, the RO/ARO/PRO will decide on the validity of the questionable ballot paper in accordance with the above regulation. The RO/ARO/PRO will decide whether the questionable ballot papers are to be counted in accordance with sections 80 and 92 of the EAC (EP) (LC) Reg. The candidates concerned, their election agents or counting agents present will be able to observe the whole counting process and make representations to the RO/ARO/PRO concerning any questionable ballot papers during the determination process. According to section 82 of the EAC (EP) (LC) Reg, the decision of the RO/ARO/PRO in respect of any ballot paper is final, and if a candidate is dissatisfied with the decision, he/she can only question the election by lodging an election petition in accordance with section 61 of the LCO.

**14.12 Recommendation:** In view of the various operational difficulties with the increase in size of GC ballot papers consequent upon the increase in the number of list of candidates, the EAC appeals to the community to take note of the problem, and consider the possibility of adjusting the particulars of the candidates currently printed on a ballot paper, e.g. by deleting the photos of candidates, so as to maintain the ballot paper within a reasonable size in order to minimise the operational difficulties arising from the large size of ballot papers. If mainstream opinion in the community agrees with adjustment of the candidates' particulars currently printed on a ballot paper, the Government should propose legislative amendments relating to the design of ballot paper

accordingly. Otherwise, it will be increasingly difficult in making the electoral arrangement.

(D) Specimens of Election Mail for Free Postage Found Not Acceptable

14.13 Pursuant to section 43 of the LCO, a candidate/list of candidates who/which is validly nominated may send, free of postage, one letter to each elector of the relevant GC/FC to promote or advertise himself/herself/themselves. As in previous elections, candidates wishing to make use of this arrangement should first apply to the Hongkong Post for written approval of the specimens of their election mail before sending postage-free election mail.

14.14 In this Election, a total of 133 candidates submitted specimens of their election mail to the Hongkong Post for approval, where two out of three specimens submitted by one of the candidates were found not acceptable. That candidate submitted three sets of election mail specimens for free postage to the Hongkong Post on 27, 28 and 29 July 2016 respectively. Although the wording used and contents in these three specimens appeared to be similar, the structure and context were not the same. Some of the contents amounted to a contravention of the constitutional status of the HKSAR under the Basic Law. The Hongkong Post consulted the REO on the contents of these specimens, and the REO, having considered the case, sought legal advice from DoJ in accordance with the established practice.

14.15 Based on the legal advice, the REO informed the Hongkong Post on 3 August 2016 that there was no comment on one of the specimens of the

election mail and the latter informed the candidate accordingly on the same day. Regarding the other two election mail specimens submitted by that candidate, the REO, after considering the legal advice of DoJ, noticed that the paragraph under the heading “自決主權治權”, when read in the context of the specimen as a whole, carried the meaning of holding a referendum with binding effect in contravention of the constitutional status of Hong Kong and the principle of “One Country, Two Systems”. Moreover, in the third specimen submitted by the candidate, it mentioned in English “Fight for our right of self-determination by fostering a binding referendum by 2047”. When read in context, the paragraph concerned could reasonably be construed as having a similar meaning to the Chinese wording mentioned above. The abovementioned contents are obviously in fundamental breach of the Basic Law, in particular Article 1, Article 12 and Article 159(4). According to the LCO, all candidates have to declare in the nomination form that they will uphold the Basic Law and pledge allegiance to the HKSAR. The said candidate has made a declaration in the nomination form as required by law. As such, according to the legal advice, the relevant contents would amount to an indication that the candidate was acting against the Basic Law and the contents of the declaration<sup>14</sup>.

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<sup>14</sup> Section 103(1) of the EAC (EP) (LC) Reg provides that “a person who, in an election related document, makes a statement which that person knows to be false in a material particular or recklessly makes a statement which is incorrect in a material particular or knowingly omits a material particular from an election related document commits an offence.”

14.16 After considering the relevant legal advice, paragraphs 8.72 and 8.97<sup>15</sup> of the Guidelines and the views of the EAC, the REO replied to the Hongkong Post on 5 August 2016 that the two specimens should not be approved unless the candidate revised or deleted the contents from the relevant paragraphs. Subsequently, the candidate only sent the specimen without any dispute by free postage via the Hongkong Post and expressed dissatisfaction on this matter to the media.

14.17 **Recommendation:** The EAC is of the view that as the current arrangement of free postage for candidates was provided by government departments using public resources, the REO and the Hongkong Post have the responsibility to ensure that election mails under the arrangement of free postage should be free from any unlawful acts. Neither the EAC nor the REO has any political stance, and there was no political consideration in handling the case. Freedom of speech has all along been cherished by Hong Kong society, but there must not be any unlawful acts involved. The EAC appreciates that the arrangement for free postage of election mail serves to enable candidates to promote their political platforms and present their election ideas, but candidates must comply with all the relevant legislation and Guidelines issued by the EAC. Based on the legal advice that the contents of

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<sup>15</sup> Paragraph 8.72 of the Guidelines states that “as a general requirement, a candidate should publish EAs in accordance with all applicable laws and these guidelines and, in this regard, EAs sent by a candidate through free postage should not contain any unlawful content.” Paragraph 8.97 of the Guidelines states that “the Government reserves the right to charge a candidate postage where any of the requirements under s 101A(3) of the EAC (EP) (LC) Reg is not met or the free postage arrangement is abused in any way. ....The EAC may also issue public statements in such manner as it deems fit to censure any abuse of the free postage arrangement.” Therefore, the arrangement of free postage for candidates should not result in the electoral procedures being abused by candidates and/or involve any unlawful acts, and government departments including the Hongkong Post and REO also should not assist or engage in those acts.

the specimen submitted by a candidate would amount to an unlawful act, the REO had the responsibility to act according to the legal advice so as to ensure that the arrangement of free postage provided by the Government would not involve any unlawful act. For the case in question, the REO had sought and fully considered the relevant legal advice, reported to the EAC on its justifications in handling the case and taken EAC's views into account. The EAC considers that the REO should continue to take a prudent approach when handling similar cases in the future. Relevant legal advice should be sought and a balance should be struck between various factors of consideration to bear in mind the overall interest of the election.

(E) Hongkong Post Required to Handle Large Volume of Election Mails

14.18 The delivery service of the Hongkong Post has always been an important part of the arrangement in public elections. As there was a demonstrable increase in both the number of electors as well as candidates participating in this LegCo General Election, the number and weight of poll cards delivered by the Hongkong Post also increased substantially. Besides, the Hongkong Post had to handle over 52 million copies of postage-free election mail sent by the candidates, as well as postage paid election mail sent by individual candidates. Huge resources had to be deployed by the Hongkong Post so as to cope with the large volume of election mails within the limited timeframe prior to the poll. The workload involved was immense.

14.19 **Recommendation:** The EAC appreciates the strong support as always from the Hongkong Post in ensuring the smooth completion of the relevant arrangement, and looks forward to continuing the close partnership.

14.20 The EAC notes the opinion in the community that it is environmentally unfriendly for candidates to deliver a large volume of EAs by post during the election period. According to section 43 of the LCO, a candidate/list of candidates who/which is validly nominated is permitted to post one letter free of postage to each elector of the constituency for which the candidate/list of candidates is nominated. The letter traditionally plays an important role in the electioneering campaign of a candidate. The EAC appeals to candidates to strike a balance between the need to conduct electioneering campaign and the need to protect the environment. For the sake of environmental protection, candidates should, as far as practicable, use household address labels for posting of election mails on a household basis, and to send EAs only by means of e-mail to electors who have provided their e-mail addresses. The EAC also encourages electors to provide the REO with e-mail addresses for receiving EAs. This will not only be environmentally friendly but will also lessen the workload of the Hongkong Post during the election period. The Government should also consider whether electors should be given the option of refusing to receive hard copies of EAs by post.

(F) Conveyance of the Ballot Papers

14.21 The PROs/DPROs/APROs have all along been responsible for delivering the ballot papers to the polling stations. The arrangement for delivery of ballot papers in this LegCo General Election was the same as those for all previous public elections. Concerns over the present arrangement for PROs and their deputies to collect the ballot papers prior to the election, and also whether the suitcases for keeping the ballot papers were locked were raised by the public in this Election.



14.22 In view of the large number of polling stations, PROs and their deputies would go to the ballot paper distribution centre of the REO in batches starting from about one week before the polling day to collect part of the ballot papers, copies of register of electors and electoral materials for their respective polling stations, and bring them along to their polling stations in the early morning of the polling day to enable the opening of polling stations at 7:30 am punctually for electors to cast their votes. About 15 minutes before the commencement of the poll, the PRO of the polling station would inform the candidates/election agents/polling agents present of the quantity of ballot papers kept by him/her and where they were placed.

14.23 When collecting the ballot papers at the ballot paper distribution centre, the PROs and their deputies had to undergo special verification and receipt procedures, including checking the quantity and serial numbers of the ballot papers against the Ballot Paper Issuance Record (“the Issuance Record”) of the REO. The Issuance Record had to be signed by both the REO and the polling staff concerned to confirm the quantity of ballot papers issued, and each of them would be given a signed copy for record. The ballot papers were sealed in plastic bags affixed with sealing strips. Both the REO and the polling staff concerned were required to sign on the sealing strips before the ballot papers were put into suitcases and locked. The polling staff concerned are required to keep safe custody of the ballot papers and unpack them only before the poll starts.

14.24 Regarding the relevant arrangement, the REO has previously conducted studies on other methods of delivery of the ballot papers, such as

sending them to the polling stations in advance before the polling day. However, the REO considers this method impracticable owing to the objective constraints set out below:

(a) The Number of Ballot Papers

Taking this LegCo General Election as an example, the REO printed a total of around eight million ballot papers (including those for GCs, traditional FCs and DC (second) FC). Due to the enormous number of ballot papers involved, if the ballot papers were centrally delivered to all polling stations immediately before the commencement of the poll on the polling day, it would be difficult to ensure that all the ballot papers would arrive before the opening of each and every polling stations. Any delay would affect the opening time of the polling stations, resulting in delay for electors to cast their votes.

(b) The Number of Polling Stations

In this LegCo General Election, a total of 571 OPSs were set up in Hong Kong Island, Kowloon, the New Territories and the outlying islands, and some of them were located in restricted districts. Even if the REO could arrange sufficient transportation to deliver the ballot papers to the polling stations continuously starting from the afternoon prior to the polling day to the time before the poll started on the polling day, it would be difficult to ensure that ballot papers would be delivered to all

polling stations before their opening due to unforeseeable traffic conditions or other incidents. Besides, arrangement must also be made for polling staff to arrive at the polling stations well ahead of time to receive and check the ballot papers on-site. At present, polling staff are required to work from 6:45 am on the polling day until completion of the count. To require them to arrive at the polling station at even an earlier time to receive and check the ballot papers would unreasonably prolong their working hours, and would affect their willingness to apply to be polling staff.

(c) Security of the Polling Stations

At present, all polling stations are borrowed on a temporary basis and the majority of them will only allow polling staff to start setting up work in the afternoon before the polling day. Many of the polling stations are set up in non-government premises (such as schools, shopping malls or even covered parking lot) where the provision of safe custody of the ballot papers before the opening of polling stations will be difficult. Furthermore, given it is difficult to recruit sufficient qualified security guards to station at all the polling stations, the REO considers it neither practical nor feasible to deliver ballot papers and keep them at the polling stations the day before the poll.

14.25 The REO considers that the existing arrangement has proven to be effective for the following reasons:

(a) Ranks of the Polling Staff

PROs and their deputies responsible for collecting the ballot papers are all at officer grade or above in the government structure. In view that ballot papers are important electoral materials, the REO considers that PROs and their deputies are trustworthy personnel, and it is an appropriate arrangement to entrust them with the custody and delivery of the ballot papers.

(b) Packing the Ballot Papers

In order to ensure that all ballot papers are sealed before the poll, the PROs and their deputies are required to put all ballot papers collected into sealed plastic bags with sealing strips bearing the signatures of staff concerned affixed. It will be easily spotted if a plastic bag has been torn open. In addition, the REO has repeatedly reminded the PROs and their deputies that the sealed packets of ballot papers can only be opened after they have arrived at their respective polling stations on the polling day.

(c) Checking and Receiving Procedures

When collecting the ballot papers, the PROs and their deputies have to undergo verification and receiving procedures, including checking the quantity and serial numbers of the ballot papers against the Issuance Record of the REO. The Issuance Record has to be signed by both the REO and the polling staff concerned to confirm the quantity of ballot papers issued, and each of them will be given a signed copy for record. The

Issuance Record can be used to trace the number of ballot papers issued.

(d) Supervision by Candidates/Election Agents/Polling Agents

About 15 minutes before the poll begins at 7:30 am, the PRO will inform the candidates/election agents/polling agents present of the quantity of ballot papers kept by him/her and where the ballot papers are placed. The candidates/election agents/polling agents may request checking the ballot papers, if necessary.

(e) Supervision by Different Polling Staff

Prior to the commencement of the poll, the polling staff responsible for issuing ballot papers to electors will, after receiving the ballot papers from the PRO, record the quantity and serial numbers of the ballot papers concerned in a form. The PRO, on the other hand, will record in a separate form the issuance of the ballot papers. Before the start of the poll, the polling staff at the ballot paper issuing desks will also conduct random checks of the ballot papers so as to ensure that they are unmarked. Upon the commencement of the poll, polling staff will be deployed to stand next to the ballot boxes to ensure that electors put the ballot papers into the correct ballot boxes.

14.26 As the number of ballot papers required for each polling station is enormous, the polling staff could only collect a portion of the total number of

ballot papers required. The REO would arrange delivery of the remaining ballot papers to the polling stations in the morning of the polling day. This delivery arrangement has been adopted since the 2012 LegCo General Election. To ensure safe delivery, electoral staff and security guards are deployed by the REO for delivering the ballot papers. Upon arrival of the ballot papers at the polling station, the PRO will inform the candidates/election agents/polling agents present to observe the process of receiving and checking of the remaining ballot papers at the polling station.

14.27 **Recommendation:** The EAC considers that the above-mentioned arrangement has been in place for many years and has proven to be effective. The EAC also understands that due to objective constraints, there are currently no better alternatives available. 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. As regards the isolated cases where suitcases carrying ballot papers were unlocked, the REO should step up its efforts in reminding PROs and their deputies that after collecting the ballot papers, they should make sure that the relevant suitcases are locked before leaving the ballot paper distribution centre. Moreover, the REO should also enhance the training of staff working at the ballot paper distribution centre so that they will check that all suitcases have been properly locked before the suitcases are carried away from the distribution centre.

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

14.28 Before the close of nomination, two candidates seeking nomination for a GC and a FC respectively withdrew their nominations according to the law. The former subsequently contested in another GC.

14.29 After the close of nomination, there were also candidates declaring their so-called “abandonment of election” with cessation of their election campaigns. One of them even claimed that he “abandoned the election” because he was being threatened.

14.30 In accordance with section 42 of the LCO, a candidate may only withdraw his/her nomination before the close of the nomination period. There is no such mechanism for the so-called “abandonment of election” after the close of nomination. However, the legislation does not impose any specific restrictions on individual candidates’ change of tactics in their election campaigns in accordance with the state of the election.

14.31 With regard to threatening acts, there are express provisions in the electoral law prohibiting the use or threatened use of force or duress against another person to induce him/her to stand or not to stand as a candidate, or withdraw his/her candidature. In accordance with the ECICO, any act to influence a person’s candidature by bribery, force, duress or deception is regarded a corrupt conduct. A person who engages in corrupt conduct is liable to a fine of \$500,000 and to imprisonment for seven years on conviction. The ECICO also stipulates that a person must not publish any materially false

or misleading statement of fact about a particular candidate or particular candidates for the purpose of promoting or prejudicing the election of the candidate or candidates. Similarly, a candidate must not publish any materially false or misleading statement of fact about himself/herself or another candidate or other candidates for the purpose of promoting the election of himself/herself or prejudicing the election of another candidate or other candidates. Any such publication will constitute an illegal conduct and make the offender liable to a fine of \$200,000 and to imprisonment for three years on conviction.

14.32 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. Hence, the EAC promptly issued a press release clarifying relevant legislative provisions so as to lessen the possible confusion brought about by the claims of “abandonment of election”. When answering media enquiries on 28 August 2016, the EAC Chairman expressly pointed out that candidates and lists of candidates printed on the ballot papers were all validly nominated. The EAC also explained that candidates claiming to abandon themselves in the election must understand that they were still required to observe the legislative requirements on EAs and election expenses even upon their so-called “abandonment of election”. Any conduct of deception, duress or force involved in the so-called “abandonment of election” would be an offence in law for which the EAC would have no tolerance. The EAC called on any person encountering the above-mentioned situation in the election to immediately make a report to the LEAs. If the EAC receives any such complaint, it will deal with them seriously and refer



them to the LEAs for follow-up.

14.33     **Recommendation:** Under the subsisting legislation, a candidate may only withdraw his/her nomination by written notice before the close of nomination, and is not allowed to withdraw from the election afterwards. Apart from ensuring there will not be confusing information in the election, this requirement also serves to facilitate various electoral arrangement. In particular, the REO must complete the printing of millions of ballot papers within a few weeks according to the candidates' particulars after confirmation of the validly nominated candidates/candidate lists, so as to ensure the smooth conduct of the poll. If "abandonment of election" by the candidates were allowed, there would bound to be practical difficulties and confusion caused in amending the particulars on the ballot papers.

14.34     The EAC has explained to the public the legislative provisions and electoral arrangement in relation to the claims of "abandonment of election". Nevertheless, if a candidate openly claims to "abandon the election" without making public the reasons behind his/her move, it would inevitably arouse unnecessary speculations, questioning the motives behind and considering it unfair to the other candidates or the electors, and there may even be public perception that the integrity of the election is affected. Given the current legislation not permitting withdrawal of candidature after the nomination period, 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. This could prevent candidates from using claims of “abandonment of election” in an attempt to affect the election of other candidates, and resulting in confusion of information.

(H) Low Rate of Submitting Text Version of “Introduction to Candidates”

14.35 In order to assist electors with visual impairment to read the election platforms in the “Introduction to Candidates”, the REO has encouraged candidates to provide a text version of their “Introduction to Candidates” for uploading onto the election website since the 2012 LegCo General Election. The text version contains typed text that includes the candidate number, name, age, occupation, political affiliation, email address or website and election platform of the candidates. Electors with visual impairment are able to read with the aid of computer software the contents of the “Introduction to Candidates”. About 91% and 100% of the candidates submitted a text version of their “Introduction to Candidates” in the 2012 LegCo General Election and the LegCo NTE GC By-election held in February 2016 respectively. However, only about 55% of the validly nominated candidates/lists of candidates have submitted such text version in the 2016 LegCo General Election, which is notably lower as compared with the rates in the aforementioned LegCo General Election/By-election.

14.36 **Recommendation:** In order to allow electors with visual impairment to access the relevant information, the REO should continue to encourage and remind candidates to provide the text version of their “Introduction to Candidates”. If necessary, the REO may consider introducing other measures,

such as stipulating in the Guidelines that candidates must submit a text version of the relevant information when submitting their election platform in the “Introduction to Candidates”. In addition, the REO may consider stepping up publicity for electors with visual impairment that they could call the REO’s hotline to access the relevant information, if necessary.

(I) Voting Preference Surveys

14.37 In this Election, the REO has received a total of four applications for conducting exit polls at the NCZs outside polling stations on the polling day. The REO followed as before the principles set out in Chapter 15 of the Guidelines in considering these applications, and would normally approve the applications only if the conduct of exit polls would not compromise the fairness and impartiality of the election. Having carefully considered the applications, three were approved. As the key person-in-charge of the other applicant organisation belonged to an organisation which had members contesting in the Election, approval was not granted to its application so as to forestall public perception or suspicion of unfairness. The list of the three approved pollsters was uploaded onto the election website on 30 August 2016. Copies of the list were also displayed at conspicuous locations outside the polling stations concerned on the polling day for public inspection.

14.38 Apart from the above-mentioned exit polls, 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 for the matching of votes.

Since this might involve election expenses of individual candidates, or election expenses incurred without the authorisation of the candidates, the EAC had referred the concerned enquiry cases to relevant LEAs for follow-up.

14.39 **Recommendation:** The EAC is only authorised to regulate exit polls conducted at the NCZs on the polling day. There is at present no legislation to regulate 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. Such surveys do not fall within the province of the EAC. 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.

## **(II) Polling Day**

### **(J) Delay in the Opening of Four Polling Stations**

14.40 In the morning of the polling day, four polling stations respectively set up at the Hong Kong Federation of Handicapped Youth Jockey Club Activity Centre in Wang Tau Hom (Code: H1102), Hongkong Garden Club Ltd. at Hongkong Garden, Tsing Lung Tau, Tsuen Wan (Code: K1202), Hong Kong Management Association K. S. Lo College, Tin Shui Wai (Code: M2501) and Tung Chung Catholic School (Code: T0201) could not commence operation punctually at 7:30 am since the procedures for locking and sealing the ballot boxes as witnessed by the candidates or their agents could not be completed by then. The start of the poll was delayed.

14.41 Under the current practice, the PRO has to sort out the ballot papers and deal with the admission of the candidates or their agents 15 minutes before the opening of the polling station. The PRO would then lock and seal the three types of ballot boxes for GC, DC (second) FC and traditional FCs respectively under the observation of the candidates or their agents. The candidates or their agents at the above-mentioned four polling stations had raised queries about the procedures for sealing the ballot boxes, and some time was taken by the PROs in explaining the procedures to them and to sort out the ballot papers for issuance to electors. Therefore, the polling stations concerned could not open on time at 7:30 am for electors to cast their votes. The four polling stations were open for polling once the relevant procedures were completed.

14.42 To ensure that the electors at each polling station do have 15 hours to cast their votes, the EAC, after taking into consideration the reasons given by the PROs for the delay in the operation of the above-mentioned polling stations and the duration of the delay, decided to postpone the closing time of the polling stations respectively by two minutes (Polling Station Codes: H1102 and M2501), three minutes (Polling Station Code: T0201), and seven minutes (Polling Station Code: K1202) according to the power under section 5(g) of the EACO. As such, the polls at these polling stations were closed at 10:32 pm, 10:33 pm and 10:37 pm respectively instead of 10:30 pm as scheduled. In this connection, the EAC issued a press release that afternoon announcing the above arrangement. Notices on the extension of the polling hours were also put up at the polling stations.

14.43 **Recommendation:** The EAC considers that the above incidents, while being isolated cases, have reflected that further improvement can be made to the preparatory work of the polling stations. In the EAC's view, the REO should remind the polling staff that while the above-mentioned tasks, including admission of candidates or their agents, sealing of the ballot boxes, handling of enquiries from candidates or their agents and sorting out ballot papers should be conducted properly, the prerequisite is that it should not affect the opening time of the polling station. The REO should also strengthen its training to ensure that all polling stations would be open on time for the electors to cast their votes. On the other hand, in order to make sure that the poll will start on time, the EAC is of the view that consideration should be given to advance the time for admission of candidates or their agents to 30 minutes before the opening of the polling station, so as to allow enough time for the candidates or their agents to witness the procedures for locking and sealing the ballot boxes, and also the issuance of ballot papers to the polling staff of the ballot paper issuing desks as mentioned in paragraph 14.25(e) above before the polling station is open.

(K) Hotline Services

14.44 In order to provide prompt response to telephone enquiries from the public about the eligibility to vote and electoral arrangement generally on the polling day, an Enquiry Hotline Team comprising a total of about 300 staff was established by the REO. In addition, the REO enlisted the assistance of the Government's 1823 Call Centre to supplement the handling capacity of the Enquiry Hotline Team on the polling day. Incoming calls that could not be handled immediately by the REO's Enquiry Hotline Team were automatically

re-directed to the 1823 Call Centre for reply. On the polling day, the REO's Enquiry Hotline Team and the 1823 Call Centre handled about 37,000 calls and 2,000 calls from the public respectively.

14.45 On the other hand, in view of the fact that the majority of the calls in previous elections were made by polling staff in relation to information about the allocation of polling stations to electors, to ensure prompt provision of the relevant information to polling staff and to facilitate the smooth running of polling stations, the Enquiry Hotline Team installed a new and dedicated interactive voice system to handle enquiries from polling staff about the name and code of the polling station assigned to an elector when the staff could not find the particulars of the elector concerned in the poll register of the relevant polling station and call the system to enquire accordingly. Upon entry of the identity card number of the elector concerned by the polling staff, the system would read out the information on the assigned polling station of the elector concerned instantaneously. On the polling day, the new system handled about 38,000 relevant enquiries. The new system provided a convenient, efficient and effective means for polling staff to enquire about information on the assigned polling station of an elector, and this substantially eased the burden of the original enquiry hotline system.

14.46 **Recommendation:** The EAC considers the effective functioning of the enquiry hotline system crucial in ensuring that electors who have questions about the eligibility to vote and electoral arrangement are provided with the required information in a timely manner. In addition, the EAC is pleased to note the efforts made by the REO in installing a new and dedicated system to

facilitate retrieval of information on the assigned polling station of an elector by polling staff in a timely manner, thereby further enhancing the quality of service in handling enquiries from electors.

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

14.47 In the morning of the polling day, a candidate represented on the Internet that an elector at the Hong Kong Federation of Education Workers Wong Cho Bau School (“WCBS”) Polling Station (Code: T0301) in Tung Chung was allowed to collect ballot paper from the PRO by producing a photocopy of his/her identity card. In the afternoon, there were also media reports that a candidate and an elector were able to collect ballot papers by producing photocopies of their identity cards at the Wong Nai Chung Sports Centre (“WNCSC”) Polling Station (Code: B1001) in Happy Valley.

14.48 Section 50(1) of the EAC (EP) (LC) Reg stipulates that the PRO must not give a ballot paper to a person unless he/she is satisfied, after inspection of a person’s identity document<sup>16</sup> or any other document showing that person’s name and photograph, that he/she is the person registered in the FR as claimed.

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<sup>16</sup> Section 2 of the EAC (EP) (LC) Reg stipulates that “identity document” has the meaning assigned to it by section 3(1) of the LCO; and section 3(1) of the LCO stipulates that “identity document” means-

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177); or
- (b) a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the ERO as proof of the person's identity.



14.49 Regarding the WCBS Polling Station (T0301), investigation by the REO revealed that an elderly elector went there in the morning of the polling day with a Senior Citizen Card and a photocopy of her identity card to collect a ballot paper to vote. As the Senior Citizen Card bore the name and photograph of the elector and with information matching that displayed on the photocopy of the identity card presented, the PRO was satisfied after checking the document concerned that the elector was the person registered in the FR as claimed, and issued a ballot paper to the elector accordingly.

14.50 Regarding the WNCSC Polling Station (B1001), a candidate and an elector went there on the polling day to cast their votes. They told the polling staff manning the ballot paper issuing desk that they only had photocopies of their identity cards with them. Their cases were then referred to the PRO. After inspecting the photocopies of their identity cards, the PRO was satisfied that the names and identity card numbers matched fully with the entries in the FR, and the appearance of both the candidate and the elector was the same as the photographs on the documents. Moreover, the PRO also recognised that one of them was a candidate. Since the PRO believed that they were the electors registered in the FR, ballot papers were issued to them.

14.51 In accordance with the existing arrangement, under normal circumstances, if an elector only produces a photocopy of his/her identity card to obtain a ballot paper, it is not in compliance with the requirement of the above Regulation. Ballot papers should not be issued to an elector who can only produce a copy of his/her identity card. The REO had also explained to the polling staff the current legislation and arrangement on the issuance of

ballot papers to the electors at the training sessions conducted before the polling day. Hence, the EAC issued a press release in the afternoon of the polling day reminding electors of the arrangement as stipulated in the above Regulation regarding the production of identity documents for the issuance of ballot papers. It was also pointed out that under the Regulation, an elector is required to produce an identity document in apply for ballot paper(s), but that document is not necessarily a Hong Kong Identity Card. If a polling staff is satisfied with the identity of an elector based on any other document produced by the elector, a ballot paper can be issued to the elector under the law.

14.52     **Recommendation:** The EAC is of the view that the issuance of ballot paper to the elector by the PRO on duty at the WCBS Polling Station (T0301) was in compliance with the requirement of the existing legislation, as the above Regulation permits the PRO to inspect any document showing the name and photograph of an elector other than the identity card or the identity documents, as defined in section 3(1) of the LCO (the relevant provision is set out in paragraph 14.48 above). Regarding the case where the electors at the WNCSC Polling Station (B1001) were issued with ballot papers simply by producing a photocopy of their identity cards, the EAC considers that this is in contravention of the requirement of the existing legislation. Nevertheless, this was only an isolated incident. The EAC had issued a press release in the afternoon of the polling day stressing that ballot papers would not be issued to any person who could only produce a photocopy of his/her identity card. The REO had also reminded all polling staff immediately by fax that it was not acceptable for electors to provide only photocopy of their identity cards when obtaining ballot papers.

14.53 As a matter of principle, sections 27 to 30 of the LCO stipulate that only a permanent resident of Hong Kong who ordinarily resides in Hong Kong, holds an identity document and has reached 18 years of age is eligible to be registered as an elector. Moreover, persons listed in the FR may have the same names, while their identity card numbers are unique for identification purpose. The EAC therefore reckons that, in order to avoid unnecessary queries, the relevant authority should consider amending the related legislations, setting out expressly that an elector must produce the original copy of his/her Hong Kong Permanent Identity Card before a ballot paper can be issued.

14.54 Before amendments are made to the relevant legislations by the authority, the EAC recommends that the REO should enhance the training of polling staff to ensure that persons who present identity documents other than Hong Kong Identity Cards are the persons listed in the FR. If an elector produces the HKSAR 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. the Senior Citizen Card issued by the Social Welfare Department, which is widely used in government departments and other public service organisations), the person concerned must produce a copy of his/her identity card at the same time such that the PRO is satisfied that he/she is the elector registered in the FR.

(M) Voter Registration for the District Council (second) Functional Constituency

14.55 After the introduction of the new DC (second) FC in the 2012 VR cycle, most electors could, for the first time, cast one vote each in their

respective GCs and FCs in the 2012 LegCo General Election, unless they chose not to be so registered. In the 2012 cycle, about 22,000 GC electors not registered in the traditional FCs chose not to be registered in the DC (second) FC.

14.56 Any person eligible to be registered as a new GC elector or any registered elector updating his/her registration particulars may apply for registration in the DC (second) FC when filling in the Application for Voter Registration (Geographical Constituencies)/District Council (Second) Functional Constituency/Report on Change of Particulars (REO-1) (electors already registered in that FC do not have to apply for registration again). The elector concerned may put a tick in the appropriate box in the application form to indicate whether he/she requests to be registered as an elector in the DC (second) FC. Those who do not wish to be registered in the DC (second) FC may put a tick in the box “I choose not to be registered as an elector in the District Council (Second) Functional Constituency”. It is also stated in the application form that if he/she does not complete that part of the form or selects more than one option in that part, he/she will be deemed to have chosen to be registered as an elector in the DC (second) FC. Any person who registered as an elector in the DC (second) FC in accordance with the VR procedures was included in the 2016 FR for the DC (second) FC. According to the REO’s records, about 81,000 GC electors chose not to be registered in the DC (second) FC and could only vote in the GCs on the polling day of this Election.

14.57 On the polling day of this Election, the EAC received complaints from about 180 electors who claimed that they were not able to cast votes in

the DC (second) FC. 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 VR or upon change of registration particulars earlier on. The REO thus acted in accordance with their wishes and did not include them in the FR for the DC (second) FC. As a result, these electors could only vote in the GCs. 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.

14.58     **Recommendation:** 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, and to ensure that they have a correct understanding of that FC. In addition, the Government should strengthen the publicity on the registration procedures for the DC (second) FC when launching major VR campaigns in future, in order to enhance public understanding of that FC.

(N)    Double Issuance of Ballot Papers

14.59     In the afternoon of the polling day, an elector of the Agriculture and Fisheries special FC made a claim to the polling staff at the Kam Tsin Village Ho Tung School (“KTVHTS”) Polling Station (Code: N1101) in Sheung Shui, New Territories that he had come to the polling station earlier to cast his vote for the above-mentioned special FC. However, the polling staff only provided

him with a “✓” chop but not a black pen for marking the ballot paper. After looking into the case, the DPRO issued a second ballot paper for the same special FC to the elector and provided him with a black pen to mark the ballot paper without taking back the ballot paper previously issued.

14.60 Section 50 of the LCO and section 56 of the EAC (EP) (LC) Reg stipulate that the four special FCs, namely Heung Yee Kuk, Agriculture and Fisheries, Insurance and Transport, adopt the “preferential elimination system” of voting. In this Election, there was only one candidate in the Heung Yee Kuk and Insurance special FCs respectively. The candidates concerned were therefore returned uncontested and the electors did not have to cast their votes. As for the Agriculture and Fisheries and Transport special FCs, there were two candidates in each FC running for the seats. An elector was required to mark with a black pen his/her preferential choices by entering the Arabic numeral “1” or “2” in the circle opposite the names of the candidates on the ballot paper.

14.61 According to current practice, the DPRO/APRO (Statistics) have the responsibility for issuing ballot papers of traditional FCs (including special FCs) at the FC ballot paper issuing desk, and providing black pens to the electors for marking the special FC ballot papers.

14.62 Upon learning of the incident at the KTVHTS Polling Station (N1101), the REO immediately enquired with the PRO concerned. The PRO said that she was having lunch at that time, and the DPRO admitted that a second ballot paper for the above-mentioned special FC was mistakenly issued to the elector concerned. The PRO then instructed the DPRO that a black pen

should be provided at the same time when a special FC ballot paper was issued, and a second ballot paper must not be issued to an elector without taking back the previous one.

14.63 Moreover, after noticing in the morning of the polling day that individual polling staff of other polling stations had not provided the elector with a black pen when issuing a special FC ballot paper, the REO immediately sent a fax to all polling stations reminding the polling staff manning the FC ballot paper issuing desk that a black pen had to be provided to the elector at the same time when a special FC ballot paper was issued.

14.64 **Recommendation:** The EAC considers that this is an isolated incident and the mistake did not have any bearing on the final election results, and integrity of the overall election procedure was not compromised. Nevertheless, the REO should strengthen its training of polling staff in future to prevent recurrence of similar incidents. Moreover, the EAC has directed the REO to seriously remind the DPRO concerned to strictly adhere to the law when handling polling matters and must not issue a second ballot paper to an elector without getting back the one previously issued.

(O) “✓” Mark found on the Ballot Papers collected by Electors

14.65 On the polling day, the media reported that an elector at the Lee On Community Hall (“LOCH”) Polling Station (Code: R2901) in Sha Tin had told the polling staff that she was issued with a ballot paper already stamped with a “✓”. Moreover, the EAC received two complaints about ballot papers found with a “✓” stamped at the Kowloon Chamber of Commerce (“KCC”) Polling

Station (Code: G0702) and the Kowloon Tong Government Primary School (“KTGPS”) Polling Station (Code: G0901) in Homantin. The three electors concerned requested that the ballot papers be replaced, and the cases were dealt with by the PROs concerned personally.

14.66 The PRO of the LOCH Polling Station (R2901) said that the elector concerned claimed that she was issued with one GC and one DC (second) FC ballot papers, and a “✓” was stamped near the emblem of the prescribed body to which a list of candidates were affiliated on one of those ballot papers (though the PRO had forgotten which ballot paper). The PRO told the elector concerned that such case was rare and offered to return with the elector to the relevant ballot paper issuing desk to check if the other unissued ballot papers had the same problem. Having checked the other ballot papers and confirmed that there was no irregularity, the PRO issued a new ballot paper to the elector in response to her request, and endorsed the word “SPOILT” on the front of the ballot paper stamped with a “✓” which was handed back by the elector. The “SPOILT” ballot paper was not counted during the counting of votes.

14.67 The PRO of the KCC Polling Station (G0702) said that an elector claimed that she found a “✓” was stamped in the circle corresponding to a list of candidates on the DC (second) FC ballot paper issued to her when she was about to mark the ballot paper in the voting compartment. She then lodged a complaint immediately. The PRO issued a new ballot paper to the elector at the latter’s request, and endorsed the word “SPOILT” on the front of the ballot paper stamped with a “✓” which was returned by the elector. The “SPOILT” ballot paper was not counted during the counting of votes.



14.68 The PRO of the KTGPS Polling Station (G0901) said that an elector who was issued with one GC and one DC (second) FC ballot papers queried about the absence of information about candidates' "abandonment of election" on the DC (second) FC ballot paper. The elector concerned requested to leave the polling station temporarily for calling the REO to lodge a complaint. The PRO then collected the two ballot papers and kept those for the elector concerned. The ballot papers were folded inwards at all times. Afterwards, the elector returned to the polling station to collect the ballot papers from the PRO. He then claimed that a "✓" was stamped in the circle corresponding to a list of candidates on the GC ballot paper and complained to the PRO immediately. The PRO issued a new ballot paper to the elector in response to his request, and endorsed the word "SPOILT" on the front of the ballot paper stamped with a "✓" which was handed back by the elector. The "SPOILT" ballot paper was not counted during the counting of votes.

14.69 **Recommendation:** The REO and polling staff have all along exercised great care in handling ballot papers. After printing, the ballot papers were examined one by one by designated REO staff to ensure that each and every one of them is intact. The PROs kept safe custody of the ballot papers after collecting them from the REO until the ballot papers were distributed to the staff manning the ballot paper issuing desks in the polling stations on the polling day. As the candidates, their election agents and polling agents also observed the ballot paper issuing process at the polling stations, the chance of ballot papers being tampered with would be rather slim. The EAC regards the aforementioned as isolated cases, and based on all information available, it is hard to determine why a "✓" appeared on the ballot

papers in question. Nonetheless, the PROs concerned handled the incidents appropriately in accordance with the Guidelines.

14.70 According to section 54 of the EAC (EP) (LC) Reg, electors must fold the GC and DC (second) FC ballot papers with the marked side inwards before putting the folded ballot papers into the ballot boxes. To ensure that the electors fold the ballot papers correctly, polling staff at the ballot paper issuing desks will fold these two types of ballot papers inwards before issuing them to electors. The EAC has requested the REO to consider including instructions in the ballot paper issuing procedures in future elections to require the staff at the ballot paper issuing desks to unfold and show the ballot papers to the electors before issuing them, so as to ensure that there is no problem with the ballot papers issued.

(P) Long Queues at Some Polling Stations

14.71 In the early evening on the polling day, queues started to appear at some polling stations. At the close of poll at 10:30 pm, each polling station deployed a polling staff to the end of the queue waiting to collect the ballot papers, holding a signboard to stop latecomers from joining the queue. Electors who were already at the queue could continue to wait for their turn to enter the polling stations to cast their votes.

14.72 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 of these polling stations, namely the Eastern District Junior Police Call Clubhouse (“EDJPC”) Polling Station (Code: C0101, turnout rate 61.79%) in Tai Koo Shing, the Sai

Tso Wan Neighbourhood Community Centre Polling Station (Code: J2501, turnout rate 70.92%) in Yau Tong, the Lam Tin (West) Estate Community Centre Polling Station (Code: J2601, turnout rate 63.9%) and the Polling Station at the Hall, Cheerful Court (Code: J3501, turnout rate 56.65%) in Ngau Tau Kok, had a particularly large number of electors queuing.

14.73 In line with the established arrangement, the REO would determine the number of ballot paper issuing desks at a polling station according to the number of electors assigned to that polling station. Given the increased number of registered electors and the anticipated higher turnout rate in this LegCo General Election as compared with the previous one, the REO has made assessment of the capacity of all the polling stations in organising this Election.

14.74 For the EDJPC Polling Station (C0101), electors had to go to a smaller polling station since the school which was used as polling station in two previous LegCo general elections was not available this year. In the afternoon of the polling day, quite a number of electors were already queuing up at the EDJPC Polling Station (C0101) to collect their ballot papers. To ease the flow of the electors, polling staff set up three more voting compartments in the late afternoon, and set up one more ballot paper issuing desk after 8:00 pm. The REO also deployed extra manpower to the polling station to help maintain order. Since a large number of electors came to the polling station to cast votes just a few hours before the close of poll, more than 1,000 electors were still waiting at the polling station when the poll was due to close at 10:30 pm. In view of this, the REO set up two more ballot paper issuing desks at the polling station and deployed additional manpower to help

issue ballot papers to the electors and to maintain order with the assistance of the Police. To enable electors to wait patiently for their turn to vote, the PRO concerned also deployed staff to communicate with the queuing electors from time to time, updating them with the improvement measures and progress, and assuring everyone already in the queue before the close of poll that they would certainly be allowed into the polling station to cast their votes. All the queuing electors completed casting their votes at around 2:30 am on the following day. As a consequence, the counting of votes for the GC concerned was also affected.

14.75 Regarding the other three polling stations in Yau Tong, Lam Tin and Ngau Tau Kok, the REO also deployed additional staff to assist in easing the flow of the electors. Through the joint efforts of the polling staff and the Police in crowd management, all the queuing electors completed their poll at around 11:30 pm, 12:00 midnight and 1:30 am on the following day respectively.

14.76 **Recommendation:** 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. The EAC apologised to the electors at the polling stations who had to wait for a longer time to vote. It has already 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. However, whether this can be achieved will depend very much on the generous support of diverse venue management in the districts in lending their premises for the election. The EAC understands that in past elections, in order to provide a more convenient venue to the electors, the major consideration of the REO was to set up polling stations in close proximity to the residence of the electors as far as practicable. The EAC 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. At the same time, given that many electors tended to cast votes within the last few hours before the close of poll in the past elections, the EAC encourages electors to consider casting their votes earlier on the polling day. It is believed that this would help alleviate the overcrowding problem at the polling stations during the later hours of the polling day.

14.77 In conclusion, the EAC would like to thank electors for their enthusiasm in casting their votes and the orderly manner the electors queued up to enter the polling stations. The EAC would also like to express its gratitude to the electors for their patience, and to the polling staff, members of the Civil Aid Service (“CAS”) and the Police for their assistance in maintaining order in the polling stations.

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

14.78 At the close of poll, the cumulative voter turnout released by five polling stations, namely the Sheung Tak Community Hall (“Sheung Tak”) Polling Station (Code: Q2401) in Sai Kung, the Wan Tau Tong Neighbourhood Community Centre (“WTT”) Polling Station (Code: P1101) in Tai Po, the CCC Kei Wai Primary School (Ma Wan) (“KW”) Polling Station (Code: K1301) and the Sham Tseng Catholic Primary School (“Sham Tseng”) Polling Station (Code: K1001) in Tsuen Wan, as well as Hong Kong Teachers’ Association Lee Heng Kwei Secondary School (“LHK”) Polling Station (Code: P1001) in Tai Po, were found to fall short of the numbers of GC ballot papers issued by 300, 100, 100, 100 and 300 respectively because of statistical errors and omissions.

14.79 According to the relevant operational manual, the ballot papers of the polling station are distributed by the PRO to the POs at each ballot paper issuing desk on the polling day. The PRO and the relevant POs will then record the number of ballot papers distributed and received in their respective control sheets. As ballot papers are bound in pads of 100, the ballot papers distributed and received is counted by the hundred. After the start of the poll, the POs are required to fill in an hourly control sheet the number of ballot papers further received from the PRO and the number of ballot papers issued to electors in the past hour. The PO (Statistics) will then collect the total number of ballot papers issued to the electors by each issuing desk in the past hour, and the APRO (Statistics) will work out and fill in a control sheet on the hourly voter turnout and cumulative voter turnout of the polling station based on the

total number of ballot papers issued. Afterwards, the DPRO responsible for statistics will fax the control sheet to the SIC and arrange for the polling staff to update the notice on voter turnout posted outside the polling station. These procedures will be followed until the close of poll.

14.80 The REO's investigation revealed that the POs concerned on duty at the ballot paper issuing desks of the aforementioned five polling stations have forgotten to record on the control sheets respectively 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 (See Table 1).

Table 1: A comparison between the cumulative voter turnout released and the number of GC ballot papers issued

Polling station	Q2401 Sheung Tak Polling Station	P1101 WTT Polling Station	K1301 KW Polling Station	K1001 Sham Tseng Polling Station	P1001 LHK Polling Station
Number of GC ballot papers issued	6,301	4,908	4,479	8,118	6,686
Cumulative voter turnout released	6,001	4,808	4,379	8,018	6,386
Cumulative voter turnout not recorded on the control sheet	300	100	100	100	300

14.81 Once the above errors and omissions were identified, the PROs concerned had rectified the cumulative voter turnout on the respective control sheets. The rectified cumulative voter turnout was then the same as the corresponding number of GC ballot papers issued at each of the polling stations (See Table 2).



Table 2: A comparison between the rectified cumulative voter turnout and the number of GC ballot papers issued

	Q2401	P1101	K1301	K1001	P1001
Polling station	Sheung Tak Polling Station	WTT Polling Station	KW Polling Station	Sham Tseng Polling Station	LHK Polling Station
Rectified cumulative voter turnout	6,301	4,908	4,479	8,118	6,686
Number of GC ballot papers issued	6,301	4,908	4,479	8,118	6,686

14.82 Although the cumulative voter turnout was based on the number of GC ballot papers issued by the PO, there might still be discrepancy between this number and the actual number of GC ballot papers inside the ballot boxes. The reasons for the discrepancies are as follows.

14.83 According to the relevant operational manual, the cumulative voter turnout is calculated based on the number of GC ballot papers issued by the POs to the electors. Hence, the ballot papers issued by the PRO and endorsed

with the word “TENDERED”<sup>17</sup> will not be included. But these ballot papers will also be put into the ballot box and included into the number of actual ballot papers counted. As such, the number of tendered ballot papers must be added to the cumulative voter turnout for verification with the number of ballot papers actually counted.

14.84 Furthermore, not all issued ballot papers will be put into the ballot box. Apart from ballot papers which, for various reasons, returned by the electors to the PRO without being put into the ballot box, polling staff might also occasionally discover ballot papers abandoned or left behind by electors inside the polling station, on which the PRO would endorse the word “UNUSED”<sup>18</sup>. As these ballot papers are included in the number of ballot papers issued, they will be counted towards the cumulative voter turnout. However, as these ballot papers are not inside the ballot box, they will not be counted. Therefore, the number of unused ballot papers must be deducted

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<sup>17</sup> Tendered ballot paper – According to section 60 of the EAC (EP) (LC) Reg, if a person (“the first-mentioned person”) representing himself/herself to be a particular elector applies for a ballot paper after a person has been issued with a ballot paper on the basis that he/she is the first-mentioned person, i.e. his/her name and Hong Kong Identity Card number on the FR has been crossed out, the PRO may issue to the first-mentioned person a ballot paper endorsed on the front of it with the words “重複” and “TENDERED”. This kind of ballot paper would not be counted as valid during counting. Since a person representing himself/herself to be a particular elector has been issued with a ballot paper before, the person who is issued with the tendered ballot paper should not be counted towards voter turnout. From the operational perspective, as the tendered ballot paper is kept by the PRO and issued to the elector by him/her in person instead of by the PO at the ballot paper issuing desk, such figure would not be included in the number of GC ballot papers issued by the PO. As the cumulative voter turnout is based on the number of GC ballot papers issued by the PO, tendered ballot paper would not be counted towards voter turnout.

<sup>18</sup> Unused ballot papers – According to section 61 of the EAC (EP) (LC) Reg, if an elector abandoned or left behind an issued ballot paper (whether marked or unmarked) inside a polling station, or if an elector refuses to cast his/her vote and returns the ballot paper, the PRO must endorse the words “未用” and “UNUSED” on the ballot paper that has been issued but has not been put into the ballot box. Under no circumstances should the ballot paper be put into the ballot box. As the elector concerned has actually visited the polling station and the unused ballot paper is issued by the PO at the ballot paper issuing desk, the figure would be included in the number of GC ballot papers issued by the PO. As the cumulative voter turnout is based on the number of GC ballot papers issued by the PO, the ballot paper would be counted towards voter turnout.

from the cumulative voter turnout for verification with the number of ballot papers actually counted.

14.85 After adding the number of tendered ballot papers and deducting the number of unused ballot papers from the cumulative voter turnout, the total should tally with the number of actual ballot papers counted (see Table 3). However, some GC ballot papers may have been misplaced into the FC ballot box and will only be reflected in the difference between the number of ballot papers actually counted and the cumulative voter turnout after the close of counting. Moreover, some ballot papers may well be carried away by the electors and consequently not put into the GC ballot box. As these ballot papers will not be returned or picked up, they will not be included in the number of unused ballot papers by the PRO. In any case, the counting results will be based on the number of ballot papers actually counted.

Table 3: A comparison between the rectified cumulative voter turnout and  
the number of ballot papers actually counted  
(taking into account tendered and unused ballot papers)

Polling Station	Q2401 Sheung Tak Polling Station	P1101 WTT Polling Station	K1301 KW Polling Station	K1001 Sham Tseng Polling Station	P1001 LHK Polling Station
(a) Rectified cumulative voter turnout	6,301	4,908	4,479	8,118	6,686
(b) (+)Tendered ballot papers	1	0	2	0	0
(c) (-)Unused ballot papers	1	0	1	2	2
(d) Total	6,301	4,908	4,480	8,116	6,684
(e) Ballot papers actually counted	6,301	4,908	4,480	8,111	6,682
(f) Difference	0	0	0	5	2

14.86 As shown in Table 3, after reckoning the tendered and unused ballot papers, the cumulative voter turnout of the Sheung Tak Polling Station (Q2401), WTT Polling Station (P1101) and KW Polling Station (K1301) (i.e. item (d) in Table 3) tallied with the number of ballot papers actually counted

(i.e. item (e) in Table 3). Regarding the Sham Tseng Polling Station (K1001) and LHK Polling Station (P1001), after reckoning the tendered and unused ballot papers, the cumulative voter turnout (i.e. item (d) in Table 3) exceeds the number of ballot papers actually counted (i.e. item (e) in Table 3) by 5 and 2 respectively. There were respectively 4 and 1 misplaced GC ballot papers found in the DC (second) FC ballot boxes of these two polling stations which were delivered to the CCS. After deducting the number of misplaced ballot papers, the difference between the rectified cumulative voter turnout and the number of actual ballot papers counted for these two polling stations finally came down to only a difference of 1 ballot paper (see Table 4). As mentioned in paragraph 14.85 above, the difference might be the result of ballot papers not put into the ballot box but instead carried away by the electors from the polling stations.

Table 4: A comparison between the rectified cumulative voter turnout and  
the number of ballot papers actually counted  
(taking into account tendered, unused and misplaced ballot papers)

Polling Station	K1001	P1001
	Sham Tseng Polling Station	LHK Polling Station
Cumulative voter turnout after calculating the tendered and unused ballot papers (i.e. item (d) in table 3)	8,116	6,684
(-) Misplaced ballot papers	4	1
Total	8,112	6,683
Ballot papers actually counted (i.e. item (e) in table 3)	8,111	6,682
Difference	1	1

14.87 Amongst the five polling stations mentioned above, the respective polling staff of the Sheung Tak Polling Station (Q2401), WTT Polling Station (P1101) and KW Polling Station (K1301) had already discovered that there was a discrepancy between the number of ballot papers issued and the cumulative voter turnout released before the start of the count. In accordance with the established procedures, upon the close of poll, the total number of ballot papers distributed by the PRO to the ballot paper issuing desks would be

verified against the total number of ballot papers received by the POs manning the ballot paper issuing desks. Hence, any discrepancies between the two numbers should have been identified. However, the polling staff at the Sham Tseng Polling Station (K1001) and the LHK Polling Station (P1001) did not comply with the aforesaid procedures before the counting of votes, and as a result, the discrepancies were only discovered after the count.

14.88 As regards why the relevant verification procedure was omitted at about 9:00 pm on the polling day at the LHK Polling Station (P1001), some chaos occurred when an elector was issued with his/her ballot papers. The DPRO responsible for compilation of statistics reported the case to the Police and was subsequently invited by the police officers arriving at the scene to go to the Tai Po Police Station for statement taking. Consequently, the DPRO concerned was not able to assist in checking and verifying the statistical returns at the polling station. It was only discovered after the count that the POs have forgotten to record on the relevant control sheets a total of 300 ballot papers that were received from the PRO in the last two hours before the close of poll, resulting in a discrepancy between the actual number of ballot papers issued and the cumulative voter turnout. As there was an obvious discrepancy between the number of actual ballot papers counted and the cumulative voter turnout, the counting agents and members of the public present were dissatisfied with the counting results and became agitated. A re-count was conducted upon the counting agents' request. An agent became emotional and interrupted the PRO from reading out the results of the re-count several times. After repeated advice and abortive warnings, that agent was finally removed from the scene by police officers before the PRO could proceed to

read out the results of the re-count and complete the count. The count ended at around 4:00 pm on the day after the polling day.

14.89 Regarding the Sham Tseng Polling Station (K1001), as there was still a large number of electors waiting to cast their votes at the time when the poll was scheduled to close, all polling staff at the polling station were fully engaged in issuing ballot papers to the electors. Hence, no thorough checking and verification of the statistical returns was conducted. It was only discovered after the count that a PO has forgotten to record on the relevant control sheet a total of 100 ballot papers that were collected from the PRO in the last hour before the close of poll, resulting in a discrepancy between the actual number of ballot papers issued and the cumulative voter turnout.

14.90 The REO's investigation revealed that since the staff at the ballot paper issuing desks of the above-mentioned five polling stations had to expedite issuing ballot papers to a large number of electors queuing to cast their votes towards the end of the poll, they forgot to fill in the number of ballot papers received from the respective PROs in the relevant control sheets. That explained why there was a relatively large discrepancy in the actual number of ballot papers issued and the initial cumulative voter turnout. For the Sham Tseng Polling Station (K1001) and the LHK Polling Station (P1001), there was finally still a slight discrepancy in the number of actual ballot papers counted and the cumulative voter turnout. This was not uncommon in past elections. As mentioned in paragraph 14.85 above, this was probably because some electors did not put their ballot papers into the ballot boxes but had instead carried the ballot papers away from the polling stations. Given the secrecy in



the voting compartments, the REO therefore lacked the information to verify whether any voters had carried the ballot papers away from the polling stations, and the cause of the discrepancies in statistical figures of the above two polling stations would remain undetermined. Yet, the discrepancies in the figures mentioned above were slight and therefore would not affect the election results. Generally speaking, it is considered acceptable.

14.91 **Recommendation:** The EAC considers that the aforementioned incidents would inevitably lead to queries on the voter turnout among the candidates and the public, and might perhaps undermine the credibility of the count. The REO has conducted detailed investigation into the cases, and the discrepancies in statistical figures have neither affected the final counting results nor the integrity of the electoral procedures. The EAC is satisfied with the investigation results, and considers that as candidates and their agents are able to observe the poll and count at the polling/counting stations on the polling day, the chances of engaging in corrupt conduct are extremely slim under such a highly transparent arrangement.

14.92 An incident of statistical errors has also happened in the 2015 DC Ordinary Election. Although the REO has enhanced the relevant training, there are still errors in statistical work in this Election. The EAC recommends that the statistical forms should be reviewed, with a view to strengthening the monitoring function of counter-checking and countersigning among different polling staff.

14.93 The aforementioned incidents show that it may be easy to make

mistakes towards the close of poll as there is usually a large number of electors turning up to vote, imposing a very heavy workload on the polling staff. The REO should consider increasing the number of staff responsible for statistical work to alleviate the pressure faced by them. For example, dedicated working teams for verifying statistical returns can be set up to visit polling stations encountering difficulties in reckoning the statistical figures. Also, the REO should remind the polling staff during training to set their priority right in the handling of unexpected incidents.

(R) Use of Information Technology to Enhance the Voting Process

14.94 On the polling day of this LegCo General Election, there were electors queuing up outside some polling stations. Some views suggested that information technology (“IT”) should be introduced to expedite the voting process.

14.95 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. Insofar as the 2012 LegCo General Election was concerned, a total of 549

polling stations were involved and some polling stations were at locations (especially for polling stations in remote areas) where there might not be any network connections. Besides, as the majority of the polling stations will only be made available for venue set-up and preparation on the Saturday afternoon before the polling day, the installation of the relevant IT equipment and setting up of network connections within such an extremely limited timeframe will encounter considerable difficulties and risks. Further, consideration should also be given to factors such as costs and frequency of use of the IT equipment concerned, the need for on-the-spot technical support at all polling stations on the polling day, provision of training to the polling staff, and security issues arising from the storage of the IT equipment prior to the opening of the polling stations. From the perspectives of risk management, cost-effectiveness and IT security, the REO considers that it is not yet in a position to implement electronic voting for the time being.

14.96     **Recommendation:** 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. Furthermore, apart from electronic voting, postal voting is more commonly adopted internationally. However, whether such arrangement is suitable for Hong Kong will require thorough discussion in society.

(S) Counting Work***Geographical Constituencies Counting Stations***

14.97 After the close of poll, with the exception of 11 SPSs with less than 500 registered electors and the 24 DPSs, all of the remaining 560 OPSs were immediately converted into counting stations for the counting of GC votes cast at these stations. As at 7:00 am on the day after the poll, over 95% of the GC counting stations had completed the counting of votes. The counting of GC votes in this Election was completed later than that in the 2012 LegCo General Election. The reason for the delay included the inability of the EDJPC Polling Station (C0101) to handle the volume of electors due to the limited capacity of the polling station. Hence, there was still a large number of electors waiting for issuance of the ballot papers at 10:30 pm when the poll was scheduled to close. The poll finally closed at around 2:30 am on the following day, causing a delayed start of the count at the counting stations in the Hong Kong Island GC. As for the remaining four GCs, the start of the count was also delayed as voting could not be completed on time at 10:30 pm at some polling stations. Furthermore, the count at five counting stations were delayed (see paragraph 14.78 above) because of queries against the PROs by the agents over the miscalculation of the voter turnout figures for those polling stations. Among them, the count at the LHK Polling Station (P1001) completed at around 4:00 pm on the following day. Apart from the factors peculiar to individual polling stations as set out above, this Election saw a significant increase in the number of electors turning out to vote, with the overall voter turnout rate rising to about 58.28% in the GCs. The number of ballot papers that had to be counted came to 2.2 million (representing an increase of about 20% over the figure for 2012), which is another major factor contributing to the relatively longer time needed

for the count to complete.

***Central Counting Station***

14.98 The REO has set up the CCS at the AWE for the purpose of counting the votes cast for all FCs (including the DC (second) FC). As the poll at the polling station at the EDJPC Polling Station was only closed at around 2:30 am on the following day, to ensure fairness of the Election, counting of the ballot papers of all FCs could only begin after all votes were cast. As such, commencement of the count of FC ballot papers was postponed until around 3:00 am in the following morning. Moreover, the count of FC ballot papers also took a longer time due to the significant increase in the overall number of electors turning out to vote.

***District Council (second) Functional Constituency Counting Zone***

14.99 Be that as it may, the count of the DC (second) FC ballot papers was conducted smoothly in general and the order at the counting zone was good. Although there were disputes due to the challenges by some counting agents of the ARO's determination of questionable ballot papers, the determination of the questionable ballot papers concerned was completed smoothly after detailed explanations of the relevant procedures by the REO staff.

***Traditional Functional Constituencies Counting Zone***

14.100 Although the count of the traditional FC ballot papers was also delayed due to the above-mentioned problems, the process of the count was smooth in general as smaller number of ballot papers were involved. As a result, the count of ballot papers for the traditional FCs was completed earlier

than that of the DC (second) FC.

14.101 **Recommendation:** In this Election, a longer time was taken to complete the counting of ballot papers and the verification of election results. To sum up the experience gained from this Election, if the poll at any polling station has not yet closed, the commencement of the count for the relevant GCs/FCs has to be postponed. The counting of votes should commence as soon as possible when the poll at all polling stations has closed. The EAC considers that in future elections, the REO should follow the same counting procedures adopted in this Election and enhance the operational details.

(T) Central Counting Station and Media Centre

14.102 The CCS of this Election was set up at the AWE. Candidates, election agents and counting agents were able to observe the counting process of the FC votes at the venue. At the same time, a MC was set up within the CCS for the ROs to announce the election results. Apart from a designated working area for the media to cover this Election, the MC also had a designated area with about 1,400 seats exclusively for the candidates and their agents. A public gallery with accommodating capacity of about 1,200 persons was also set up within the MC for those present to observe the announcement of election results.

14.103 Owing to the limited capacity of the public gallery within the CCS, admission of the public was on a “first-come-first-served” basis starting from 11:00 pm on the polling day. Wristbands were also provided to the public at the point of admission for identification purpose. Moreover, the REO set up a

dedicated hotline on the polling day to handle enquiries about the admission arrangement for that evening. Generally speaking, admission of the public to the CCS was maintained in an orderly manner. The CCS was filled up to capacity at about 12:30 am on the following day, with announcement made accordingly and immediately to the public by the REO through the election website, press release and a broadcasting device at the venue.

14.104 House Rules were displayed at the entrance of the CCS and prominent spots inside the venue to remind persons admitted into the CCS to behave in an orderly manner. Good order was maintained throughout as a whole.

14.105 **Recommendation:** As mentioned in paragraph 14.7 above, the EAC considers that the venue is suitable for setting up the CCS, and is satisfied with the overall operation of the MC. The EAC notes that, due to the limited number of seats in the public gallery, the REO has already increased the standing room within the area as much as possible to accommodate more members of the public, and has also made very satisfactory admission arrangement. The EAC suggests that the REO should, having regard to the situation and its past experience, continue to adopt feasible measures in future elections to allow more flexible use of limited space to cater for different circumstances, and to implement the above-mentioned crowd control measures for effective admission of the public.

(U) Security and Order of Polling and Counting Stations

14.106 Electors must follow the arrangement of the polling stations and the instructions from the PRO, and cast their votes in accordance with the voting procedures. It is an offence for any person to disturb others, disrupt the voting process or behave in a disorderly manner in the polling station. The EAC had also called on electors to conduct themselves in an orderly fashion.

14.107 Officers were deployed by the Hong Kong Police Force to each polling station and counting station to maintain order on the polling day. The police officers stationing at the polling and counting stations would, at the request of the PROs, provide assistance in stopping canvassing activities at the NCZs, removing anyone who misconducted himself/herself at the polling and counting stations or who failed to comply with the lawful order of the PROs. The Police was in close touch with the REO on the polling day to assess from time to time the level of support required by the polling and counting stations and to provide additional support to individual stations as and when necessary. On the whole, good order was maintained at the polling and counting stations (including the CCS). Although there were incidents of people gathering and upsetting the order at individual polling stations and counting stations that required law enforcement by police officers, there were no serious incidents in general.

14.108 **Recommendation:** As far as the security arrangement at the polling and counting stations is concerned, the EAC is grateful to the Police for their very staunch support in this Election and considers that the REO should continue to maintain close communication and collaboration with the Police to



ensure the smooth completion of polling and vote counting work in future elections.

(V) Conclusion of the Review

14.109 In conclusion, the EAC considers that best efforts have been made to put in place in this Election the most practicable, feasible and proper arrangement in order to comply with the relevant legislation, meet the operational needs and ensure the effective use of resources. The incidents mentioned above were caused to some extent by the constraints of the subsisting legislative requirements as well as objective circumstances.

14.110 The subsisting electoral legislation has laid down the requirements with respect to the number of GCs and seats, the voting procedures, etc, and such requirements have a direct bearing on various electoral arrangement. For instance, the problems concerning the large size of the ballot papers in Item (C) above and the verification of the identification document of electors set out in Item (L) above can only be resolved effectively by means of legislative amendments to reduce the details of candidate particulars required to be printed on a ballot paper and to stipulate that an elector must produce his/her Hong Kong Permanent Identity Card before a ballot paper can be issued. As such, the EAC recommends a review of the relevant legislation by the relevant authority.

14.111 As regards the constraints of the objective circumstances, the aforesaid errors in statistics compilation at the polling stations reflect the problems of polling staff working very long hours, manpower shortage and

issue of order at the polling stations. The EAC notes that the difficulties experienced by the REO in recruiting electoral staff in recent years are probably due to the ever-increasing workload to be handled in an election. Hence, 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.

14.112 Also, the polling-cum-counting arrangement for the GC elections has been adopted since the 2004 LegCo General Election. In the past, the whole process from setting up of the polling stations to the completion of the count could normally be finished within two days. However, 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. Moreover, the count could only commence after the poll at all polling stations for the particular GCs/FCs had closed and therefore, many polling stations could only complete the counting of votes into the third day. If the polling hours in future elections are to remain unchanged, the REO will need to procure the venues for three consecutive days in order to meet the operational needs. 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 EAC recommends the relevant authority to consider whether it is desirable to

designate the day following the LegCo election polling day a school holiday. This will enable the counting of votes at polling stations set up at school premises to continue in situ without the need to move to the reserve counting stations in order to return the school premises by 6:00 am. Such an arrangement will not only avoid the risks involved in the transport of the ballot papers and other election materials, ensure that delay will not be caused to the counting process, and also avoid inconvenience to the management bodies and users of the relevant venues. Another option is to schedule the polling day on a Saturday in order to allow the count to be extended to Sunday at the same venue. However, the setting up of the polling stations will have to be advanced to the Friday before the polling day. As most of the schools would probably be able to hand over the venue only on Friday evening after classes and other school activities, whether there is sufficient time for setting up the polling stations in that evening should be considered. Besides, setting up one or more regional counting station for each GC, which was adopted in the 2000 LegCo General Election, could also be reconsidered. However, operational details such as availability of suitable venues for setting up the regional counting stations, the logistics involved in transporting the ballot boxes and the possibility of lengthening the vote counting time due to such arrangement should also be looked into.

14.113 Lastly, the EAC is aware that in recent elections, agents of candidates and members of the public have behaved aggressively at the polling stations at times. This has exerted increasing work pressure on the polling staff. As regards the disturbances mentioned in Item (Q) above, the EAC considers that the counting agent who had doubts on the counting process

should make use of the established procedures (e.g. filing an election petition) instead of expressing his/her demands by aggressive acts, whereby interfering with the work of the PROs and affecting the conduct of the counting of votes. The EAC has instructed the REO to explain more fully to candidates, their election agents and counting agents the relevant procedures in future elections.

14.114 The EAC hopes that the review and recommendations made on matters relating to this Election will bring about attention and discussions by the public, and expects positive follow-up actions by the relevant authority.

## **PART SIX**

## **CONCLUSION**

## **CHAPTER 15**

### **ACKNOWLEDGEMENT**

15.1 The smooth conclusion of the 2016 LegCo General Election was attributable to the dedication and concerted efforts of all parties involved.

15.2 The EAC would like to thank the following government bureaux/departments and public bodies for their support and assistance:

Agriculture, Fisheries and Conservation Department

Auxiliary Medical Service

Civil Aid Service

Constitutional and Mainland Affairs Bureau

Correctional Services Department

Customs and Excise Department

Department of Health

Department of Justice

Drainage Services Department

Education Bureau

Efficiency Unit of the Chief Secretary for Administration's Office

Electrical and Mechanical Services Department

Fire Services Department

Food and Environmental Hygiene Department

Government Flying Service

Government Logistics Department

Highways Department  
Home Affairs Department  
Hong Kong Observatory  
Hong Kong Police Force  
Hongkong Post  
Housing Department  
Intellectual Property Department  
Immigration Department  
Independent Commission Against Corruption  
Information Services Department  
Lands Department  
Legal Aid Department  
Leisure and Cultural Services Department  
Marine Department  
Office of the Government Chief Information Officer of the  
Innovation and Technology Bureau  
Official Languages Division of the Civil Service Bureau  
Official Receiver's Office  
Radio Television Hong Kong  
Social Welfare Department  
Transport Department  
Airport Authority Hong Kong  
MTR Corporation Limited

15.3 The EAC is grateful to all the staff of the REO, civil servants who took up duties at the polling and counting stations as well as all other supporting staff for their dedicated efforts and contribution at various stages of the 2016 LegCo

General Election. They worked for long hours to discharge their duties in a most dedicated and conscientious manner.

15.4 The EAC is also thankful to the ROs, AROs and the barristers serving on the NACs who conscientiously performed their duties and contributed to the above Election.

15.5 The EAC would like to express its appreciation to CSD, the Police and other LEAs for their assistance to the REO in making the necessary arrangement for registered electors who were imprisoned, remanded and detained on the polling day to vote.

15.6 As set out in paragraphs 14.77 and 14.108 above, the EAC would specially express its gratitude to the Police and the CAS for their firm support to maintain good order at the polling and counting stations (including the CCS).

15.7 The EAC is also grateful to members of the media for enhancing the transparency of the Election by giving the key events a wide and in-depth coverage.

15.8 The EAC is thankful to candidates, canvassers, building management bodies and members of the public who complied with the electoral legislation and the Guidelines.

15.9 The EAC would like to thank each and every elector who turned up to cast their votes. They fulfilled their civic responsibility through their earnest participation.



## CHAPTER 16

### LOOKING FORWARD

16.1 The 2016 LegCo General Election was conducted smoothly on 4 September 2016 in an open, fair and honest manner. The EAC was satisfied with the overall electoral arrangement. Its review and recommendations made on the electoral procedures and arrangement adopted are set out in **Chapter 14**.

16.2 At the time of finalising this report, the EAC is engaged in the preparation of the 2016 Election Committee Subsector Elections to be held on 11 December 2016 and the 2017 CE Election to be held on 26 March 2017.

16.3 The EAC remains committed to fulfilling its mission of safeguarding the integrity of public elections in Hong Kong. It will continue with its efforts in keeping a vigilant watch over various elections to ensure that openness, fairness and honesty are upheld in the conduct of every election. The EAC welcomes positive and constructive comments to bring about improvements in the arrangement for future elections.

16.4 The EAC recommends that this report be made public, at a time the CE thinks appropriate, so that the public will have a clear understanding of how the EAC conducted and supervised the 2016 LegCo General Election.

**2016 Legislative Council General Election**  
**No. of Members to be Returned from 5 Geographical Constituencies**  
**and 29 Functional Constituencies**

**Geographical Constituencies**

<u>Item</u>	<u>Name of GC</u>	<u>Number of Members to be returned</u>
1.	Hong Kong Island	6
2.	Kowloon West	6
3.	Kowloon East	5
4.	New Territories West	9
5.	New Territories East	9

**Functional Constituencies**

<u>Item</u>	<u>Name of FC</u>	<u>Number of Members to be returned</u>
1.	Heung Yee Kuk	1
2.	Agriculture and Fisheries	1
3.	Insurance	1
4.	Transport	1
5.	Education	1
6.	Legal	1
7.	Accountancy	1
8.	Medical	1
9.	Health Services	1
10.	Engineering	1
11.	Architectural, Surveying, Planning and Landscape	1
12.	Labour	3

<u>Item</u>	<u>Name of FC</u>	<u>Number of Members to be returned</u>
13.	Social Welfare	1
14.	Real Estate and Construction	1
15.	Tourism	1
16.	Commercial (first)	1
17.	Commercial (second)	1
18.	Industrial (first)	1
19.	Industrial (second)	1
20.	Finance	1
21.	Financial Services	1
22.	Sports, Performing Arts, Culture and Publication	1
23.	Import and Export	1
24.	Textiles and Garment	1
25.	Wholesale and Retail	1
26.	Information Technology	1
27.	Catering	1
28.	District Council (first)	1
29.	District Council (second)	5

**2016 Final Register – Geographical Constituencies**  
**Age and Sex Profile of Electors**

<b>Age Group</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
18-20	63,218	60,349	123,567
21-25	137,699	129,600	267,299
26-30	129,456	123,544	253,000
31-35	132,758	128,425	261,183
36-40	135,700	136,621	272,321
41-45	145,193	160,954	306,147
46-50	150,506	176,781	327,287
51-55	201,227	226,887	428,114
56-60	214,043	220,613	434,656
61-65	172,318	176,792	349,110
66-70	133,513	131,980	265,493
71 or above	238,346	252,562	490,908
<b>Total</b>	<b>1,853,977</b>	<b>1,925,108</b>	<b>3,779,085</b>

**2016 Legislative Council General Election**  
**Breakdown of No. of Electors - Geographical Constituencies**

<b>Geographical Constituency</b>	<b>District</b>	<b>No. of Registered Electors</b>
Hong Kong Island (LC1)	Central & Western	105,004
	Wan Chai	71,646
	Eastern	307,381
	Southern	143,776
	<i>Sub-total</i>	<b><i>627,807</i></b>
Kowloon West (LC2)	Yau Tsim Mong	120,035
	Sham Shui Po	181,079
	Kowloon City	187,015
	<i>Sub-total</i>	<b><i>488,129</i></b>
Kowloon East (LC3)	Wong Tai Sin	249,024
	Kwun Tong	352,543
	<i>Sub-total</i>	<b><i>601,567</i></b>
New Territories West (LC4)	Tsuen Wan	152,965
	Tuen Mun	271,290
	Yuen Long	308,865
	Kwai Tsing	284,752
	Islands	68,639
	<i>Sub-total</i>	<b><i>1,086,511</i></b>
New Territories East (LC5)	North	175,072
	Tai Po	175,720
	Sai Kung	245,808
	Sha Tin	378,471
	<i>Sub-total</i>	<b><i>975,071</i></b>
	<b>Grand Total</b>	<b>3,779,085</b>

**2016 Legislative Council General Election**  
**Breakdown of No. of Electors – Traditional Functional Constituencies**

Traditional Functional Constituency		No. of Registered Electors		
		Bodies (i)	Individuals (ii)	Total (i)+(ii)
1	Heung Yee Kuk	---	147	147
2	Agriculture and Fisheries	154	---	154
3	Insurance	134	---	134
4	Transport	195	---	195
5	Education	---	88,185	88,185
6	Legal	---	6,773	6,773
7	Accountancy	---	26,008	26,008
8	Medical	---	11,191	11,191
9	Health Services	---	37,423	37,423
10	Engineering	---	9,406	9,406
11	Architectural, Surveying, Planning and Landscape	---	7,371	7,371
12	Labour	668	---	668
13	Social Welfare	---	13,824	13,824
14	Real Estate and Construction	484	230	714
15	Tourism	1,426	---	1,426
16	Commercial (first)	1,086	---	1,086
17	Commercial (second)	618	873	1,491
18	Industrial (first)	544	---	544
19	Industrial (second)	769	---	769
20	Finance	125	---	125
21	Financial Services	622	---	622
22	Sports, Performing Arts, Culture and Publication	2,525	395	2,920
23	Import and Export	865	535	1,400
24	Textiles and Garment	2,276	56	2,332
25	Wholesale and Retail	1,853	4,874	6,727
26	Information Technology	404	11,711	12,115
27	Catering	1,004	4,539	5,543
28	District Council (first)	---	431	431
<b>TOTAL</b>		<b>15,752</b>	<b>223,972</b>	<b>239,724</b>

Note: The number of registered body electors appointed with authorised representatives is 14,444.

## 2016 Legislative Council General Election

### Hourly Voter Turnout

Geographical Constituency		08:30 Turnout %	09:30 Turnout %	10:30 Turnout %	11:30 Turnout %	12:30 Turnout %	13:30 Turnout %	14:30 Turnout %	15:30 Turnout %	16:30 Turnout %	17:30 Turnout %	18:30 Turnout %	19:30 Turnout %	20:30 Turnout %	21:30 Turnout %	22:30 Turnout %
LC1	Hong Kong Island	9,021	24,574	45,809	71,733	99,000	124,400	149,744	175,670	205,855	233,531	261,026	287,381	314,419	344,853	381,330
	(627,807)	1.44	3.91	7.30	11.43	15.77	19.82	23.85	27.98	32.79	37.20	41.58	45.78	50.08	54.93	60.74
LC2	Kowloon West	6,758	19,115	35,649	55,914	75,573	94,199	113,876	135,178	155,822	175,945	197,053	216,896	236,510	259,053	283,754
	(488,129)	1.38	3.92	7.30	11.45	15.48	19.30	23.33	27.69	31.92	36.04	40.37	44.43	48.45	53.07	58.13
LC3	Kowloon East	8,022	23,369	44,484	67,930	91,447	113,611	136,170	159,293	183,790	207,945	231,979	254,229	278,485	304,336	336,738
	(601,567)	1.33	3.88	7.39	11.29	15.20	18.89	22.64	26.48	30.55	34.57	38.56	42.26	46.29	50.59	55.98
LC4	New Territories West	13,992	40,107	76,611	117,913	156,967	199,130	241,354	282,857	325,506	367,862	411,656	455,136	500,706	551,868	613,070
	(1,086,511)	1.29	3.69	7.05	10.85	14.45	18.33	22.21	26.03	29.96	33.86	37.89	41.89	46.08	50.79	56.43
LC5	New Territories East	11,627	33,761	66,493	103,991	143,653	182,112	224,332	264,886	306,516	348,759	392,815	434,201	477,260	526,434	587,391
	(975,071)	1.19	3.46	6.82	10.66	14.73	18.68	23.01	27.17	31.44	35.77	40.29	44.53	48.95	53.99	60.24
Territory Total		49,420	140,926	269,046	417,481	566,640	713,452	865,476	1,017,884	1,177,489	1,334,042	1,494,529	1,647,843	1,807,380	1,986,544	2,202,283
	(3,779,085)	1.31	3.73	7.12	11.05	14.99	18.88	22.90	26.93	31.16	35.30	39.55	43.60	47.83	52.57	58.28

Traditional Functional Constituency		08:30 Turnout %	09:30 Turnout %	10:30 Turnout %	11:30 Turnout %	12:30 Turnout %	13:30 Turnout %	14:30 Turnout %	15:30 Turnout %	16:30 Turnout %	17:30 Turnout %	18:30 Turnout %	19:30 Turnout %	20:30 Turnout %	21:30 Turnout %	22:30 Turnout %
A	Education	1,535	3,982	7,461	11,387	15,578	19,773	24,091	28,704	33,510	38,212	43,203	48,160	53,115	58,932	65,963
	(88,185)	1.74	4.52	8.46	12.91	17.67	22.42	27.32	32.55	38.00	43.33	48.99	54.61	60.23	66.83	74.80
AF	Agriculture and Fisheries	7	30	41	66	78	84	90	96	100	101	104	109	122	139	145
	(152)	4.61	19.74	26.97	43.42	51.32	55.26	59.21	63.16	65.79	66.45	68.42	71.71	80.26	91.45	95.39
B	Legal	101	274	505	807	1,147	1,475	1,755	2,111	2,521	2,862	3,223	3,599	3,956	4,385	5,030
	(6,773)	1.49	4.05	7.46	11.91	16.93	21.78	25.91	31.17	37.22	42.26	47.59	53.14	58.41	64.74	74.27
C	Accountancy	332	978	1,909	3,105	4,468	5,783	7,060	8,426	9,895	11,241	12,719	14,199	15,628	17,290	19,535
	(26,008)	1.28	3.76	7.34	11.94	17.18	22.24	27.15	32.40	38.05	43.22	48.90	54.59	60.09	66.48	75.11
CA	Catering	98	231	425	648	857	1,026	1,232	1,441	1,647	1,856	2,083	2,320	2,546	2,824	3,219
	(5,485)	1.79	4.21	7.75	11.81	15.62	18.71	22.46	26.27	30.03	33.84	37.98	42.30	46.42	51.49	58.69
D	Medical	325	728	1,183	1,660	2,194	2,672	3,124	3,705	4,247	4,770	5,416	5,994	6,535	7,261	8,230
	(11,191)	2.90	6.51	10.57	14.83	19.61	23.88	27.92	33.11	37.95	42.62	48.40	53.56	58.40	64.88	73.54
E	Health Services	688	1,684	2,963	4,475	6,203	7,906	9,508	11,299	13,276	15,145	17,014	18,728	20,524	22,668	25,846
	(37,423)	1.84	4.50	7.92	11.96	16.58	21.13	25.41	30.19	35.48	40.47	45.46	50.04	54.84	60.57	69.06



Traditional Functional Constituency		08:30 Turnout %	09:30 Turnout %	10:30 Turnout %	11:30 Turnout %	12:30 Turnout %	13:30 Turnout %	14:30 Turnout %	15:30 Turnout %	16:30 Turnout %	17:30 Turnout %	18:30 Turnout %	19:30 Turnout %	20:30 Turnout %	21:30 Turnout %	22:30 Turnout %
F	Engineering	201	496	860	1,349	1,915	2,397	2,863	3,426	3,980	4,450	4,969	5,494	5,950	6,550	7,326
	(9,406)	2.14	5.27	9.14	14.34	20.36	25.48	30.44	36.42	42.31	47.31	52.83	58.41	63.26	69.64	77.89
G	Architectural, Surveying, Planning and Landscape	132	316	579	924	1,315	1,723	2,109	2,505	2,932	3,347	3,782	4,245	4,670	5,152	5,828
	(7,371)	1.79	4.29	7.86	12.54	17.84	23.38	28.61	33.98	39.78	45.41	51.31	57.59	63.36	69.90	79.07
K	Social Welfare	270	655	1,176	1,790	2,441	3,177	3,898	4,714	5,472	6,162	7,055	7,968	8,863	10,046	11,564
	(13,824)	1.95	4.74	8.51	12.95	17.66	22.98	28.20	34.10	39.58	44.57	51.03	57.64	64.11	72.67	83.65
M	Tourism	42	86	155	237	309	398	471	558	642	731	803	862	927	998	1,080
	(1,346)	3.12	6.39	11.52	17.61	22.96	29.57	34.99	41.46	47.70	54.31	59.66	64.04	68.87	74.15	80.24
N	Commercial (first)	31	70	126	181	257	319	374	431	503	558	628	686	739	792	861
	(1,045)	2.97	6.70	12.06	17.32	24.59	30.53	35.79	41.24	48.13	53.40	60.10	65.65	70.72	75.79	82.39
TR	Transport	8	19	34	44	56	69	79	93	110	126	136	145	157	166	176
	(192)	4.17	9.90	17.71	22.92	29.17	35.94	41.15	48.44	57.29	65.63	70.83	75.52	81.77	86.46	91.67
U	Financial Services	17	40	81	128	180	225	258	299	333	373	404	432	452	488	533
	(589)	2.89	6.79	13.75	21.73	30.56	38.20	43.80	50.76	56.54	63.33	68.59	73.34	76.74	82.85	90.49

<b>Traditional Functional Constituency</b>		08:30 Turnout %	09:30 Turnout %	10:30 Turnout %	11:30 Turnout %	12:30 Turnout %	13:30 Turnout %	14:30 Turnout %	15:30 Turnout %	16:30 Turnout %	17:30 Turnout %	18:30 Turnout %	19:30 Turnout %	20:30 Turnout %	21:30 Turnout %	22:30 Turnout %
V	Sports, Performing Arts, Culture and Publication	99	220	366	546	729	882	1,028	1,192	1,353	1,497	1,620	1,764	1,904	2,062	2,247
	(2,772)	3.57	7.94	13.20	19.70	26.30	31.82	37.09	43.00	48.81	54.00	58.44	63.64	68.69	74.39	81.06
X	Textiles and Garment	42	100	183	298	428	541	634	751	861	972	1,094	1,198	1,289	1,387	1,551
	(2,102)	2.00	4.76	8.71	14.18	20.36	25.74	30.16	35.73	40.96	46.24	52.05	56.99	61.32	65.98	73.79
Y	Wholesale and Retail	117	317	573	823	1,074	1,282	1,500	1,745	2,014	2,262	2,520	2,790	3,066	3,377	3,803
	(6,543)	1.79	4.84	8.76	12.58	16.41	19.59	22.93	26.67	30.78	34.57	38.51	42.64	46.86	51.61	58.12
Z	Information Technology	299	657	1,192	1,839	2,536	3,234	3,923	4,612	5,321	5,968	6,648	7,385	8,033	8,807	9,883
	(12,091)	2.47	5.43	9.86	15.21	20.97	26.75	32.45	38.14	44.01	49.36	54.98	61.08	66.44	72.84	81.74
Traditional Functional Constituencies Total		4,344	10,883	19,812	30,307	41,765	52,966	63,997	76,108	88,717	100,633	113,421	126,078	138,476	153,324	172,820
	(232,498)	1.87	4.68	8.52	13.04	17.96	22.78	27.53	32.73	38.16	43.28	48.78	54.23	59.56	65.95	74.33

<b>District Council (second) Functional Constituency</b>	<u>08:30</u> Turnout %	<u>09:30</u> Turnout %	<u>10:30</u> Turnout %	<u>11:30</u> Turnout %	<u>12:30</u> Turnout %	<u>13:30</u> Turnout %	<u>14:30</u> Turnout %	<u>15:30</u> Turnout %	<u>16:30</u> Turnout %	<u>17:30</u> Turnout %	<u>18:30</u> Turnout %	<u>19:30</u> Turnout %	<u>20:30</u> Turnout %	<u>21:30</u> Turnout %	<u>22:30</u> Turnout %
	44,613	127,887	244,604	380,040	514,654	647,114	784,130	920,750	1,064,580	1,206,088	1,350,584	1,487,872	1,631,749	1,791,857	1,983,049
(3,473,792)	1.28	3.68	7.04	10.94	14.82	18.63	22.57	26.51	30.65	34.72	38.88	42.83	46.97	51.58	57.09

Remark 1: Figures in brackets denote registered electorates.

Remark 2: The voter turnout figures are for reference only.

**2016 Legislative Council General Election**  
**Summary of Ballot Papers in Ballot Boxes that were Not Counted**  
**Geographical Constituencies**

Code	Name of Geographical Constituency	Breakdown of invalid ballot papers				Breakdown of rejected questionable ballot papers				Total
		(1) Endorsed with the words “重複” and “TENDERED”	(2) Unmarked	(3) Not marked with the chop provided at the polling station	(4) Containing votes for more than one candidate list	(5) With writing or mark by which the elector can possibly be identified	(6) Substantially mutilated	(7) Void for uncertainty	(8) <sup>Note 1</sup> Not marked with the chop provided at the polling station	
LC1	Hong Kong Island	23	2,810	23	1,331	52	35	405	41	<b>4,720</b>
LC2	Kowloon West	22	3,431	26	1,113	42	31	135	15	<b>4,815</b>
LC3	Kowloon East	13	4,643	41	2,376	53	5	514	17	<b>7,662</b>
LC4	New Territories West	53	5,310	22	2,949	83	172	765	216	<b>9,570</b>
LC5	New Territories East	29	3,995	90	2,084	43	56	333	174	<b>6,804</b>
<b>Total</b>		<b>140</b>	<b>20,189</b>	<b>202</b>	<b>9,853</b>	<b>273</b>	<b>299</b>	<b>2,152</b>	<b>463</b>	<b>33,571</b>

<sup>Note 1</sup> According to section 75(7)(a)(ii) of the EAC(EP)(LC) Reg, any ballot paper, which appears to be not marked in accordance with section 55(2) using the chop to be affixed to give a single “✓” in the circle opposite the list of candidates of the elector’s choice, is questionable and the RO or PRO should decide whether the vote is to be counted. When making the decision, if the RO or PRO believes the ballot paper is not marked with the chop provided at the polling station, the vote is not to be counted pursuant to section 80(1)(ha).

**2016 Legislative Council General Election**  
**Summary of Invalid Ballot Papers Kept by the Presiding Officers**  
**Geographical Constituencies**

<b>Constituency Code and Name</b>	<b>Endorsed with the words “損壞” and “SPOILT”</b>	<b>Endorsed with the words “未用” and “UNUSED”</b>
LC1 Hong Kong Island	1,166	50
LC2 Kowloon West	1,363	80
LC3 Kowloon East	1,499	93
LC4 New Territories West	2,149	90
LC5 New Territories East	2,137	87
<b>Total</b>	<b>8,314</b>	<b>400</b>

**2016 Legislative Council General Election**  
**Summary of Invalid Ballot Papers Kept by the Presiding Officers**  
**Traditional Functional Constituencies**

<b>Code</b>	<b>Name of Traditional Functional Constituency</b>	<b>Endorsed with the words “損壞” and “SPOILT”</b>	<b>Endorsed with the words “未用” and “UNUSED”</b>
A	Education	94	77
AF	Agriculture and Fisheries	2	0
B	Legal	19	3
C	Accountancy	51	8
CA	Catering	1	5
D	Medical	7	2
E	Health Services	25	13
F	Engineering	5	3
G	Architectural, Surveying, Planning and Landscape	16	2
K	Social Welfare	37	7
M	Tourism	3	0
N	Commercial (first)	0	0
TR	Transport	2	0
U	Financial Services	1	3
V	Sports, Performing Arts, Culture and Publication	3	5
X	Textiles and Garment	1	1
Y	Wholesale and Retail	15	7
Z	Information Technology	0	0
<b>Total</b>		<b>282</b>	<b>136</b>

**2016 Legislative Council General Election**  
**Summary of Invalid Ballot Papers Kept by the Presiding Officers**  
**District Council (second) Functional Constituency**

<b>Constituency Code and Name</b>	<b>Endorsed with the words “損壞” and “SPOILT”</b>	<b>Endorsed with the words “未用” and “UNUSED”</b>
DS District Council (second)	6,354	542

## 2016 Legislative Council General Election

### Results of Election: Geographical Constituencies

Constituency Code and Name	Candidate List	Priority	Candidate Name	Votes Received	Result of Election
LC1 Hong Kong Island	1	a	WONG CHI HIM (GARY)	10,028	
	2	a	LAU GAR HUNG CHRISTOPHER	7,276	
		b	YUEN MI MING ERICA		
	3	a	IP LAU SUK YEE REGINA	60,760	Elected
		b	CHAN JUDY KAPUI		
		c	LEE MAN LUNG JOEY		
		d	TSE TSZ KEI		
		e	HUNG LUNG CHUEN		
		f	WONG CHING CHI GIGI		
	4	a	HO SAU LAN CYD	19,376	
		b	MAK TAK CHING		
		c	CHENG SZE LUT		
	5	a	CHEUNG KWOK KWAN	41,152	Elected
		b	CHUNG SHU KUN CHRISTOPHER (CHRIS)		
		c	CHUNG KA MAN JACQUELINE		
		d	MAK TSE HOW LING ADA		
		e	TING KONG HO EDDIE		
		f	WONG CHI CHUNG (DOMINIC)		
	6	a	CHIM PUI CHUNG	2,587	
	7	a	CHENG KAM MUN	22,555	
		b	CHUNG YUEN WUN (BONIX)		
	8	a	LAW KWUN CHUNG (NATHAN)	50,818	Elected
	9	a	SHUM CHEE CHIU	1,654	
	10	a	WONG WAI KAY (RICKY)	33,323	
	11	a	CHUI CHI KIN	670	
	12	a	ZIMMERMAN PAULUS JOHANNES	2,550	
	13	a	HUI CHI FUNG	42,499	Elected
		b	SIN CHUNG KAI		
	14	a	CHAN TANYA	35,404	Elected
		b	CHENG TAT HUNG		
	15	a	KWOK WAI KEUNG	45,925	Elected
		b	NG CHAU PEI		
		c	HO NGAI KAM STANLEY		
		d	LUI HUNG PAN		
		e	CHAN WING YAN		
LC2 Kowloon West	1	a	NG MAN YUEN AVERY	6,811	
	2	a	HO CHI KWONG JONATHAN	399	
	3	a	MO MAN CHING CLAUDIA	32,323	Elected
		b	LI CHUN HEI JOSHUA		
	4	a	LEUNG MEI FUN	49,745	Elected
		b	LEUNG MAN KWONG		
		c	CHO WUI HUNG		
		d	TING WONG KACEE		
		e	LEUNG YUEN TING		
		f	CHAN KWOK WAI		
	5	a	TAM KWOK KIU	15,383	



Constituency Code and Name	Candidate List	Priority	Candidate Name	Votes Received	Result of Election
LC2 Kowloon West		b	YEUNG YUK		
		c	WONG WING KIT		
	6	a	CHU SIU HUNG (MAIN LAND CHU)	680	
	7	a	WONG YUK MAN	20,219	
		b	MA YU SANG		
	8	a	WONG PIK WAN	26,037	Elected
		b	YUEN HOI MAN		
		c	FUNG JOSHUA MAN TAO		
		d	CHAU MAN FONG		
	9	a	LAM YI LAI	634	
		b	AU WING HO		
	10	a	CHIANG LAI WAN (ANN)	52,541	Elected
		b	IP NGO TUNG CHRIS		
		c	CHAN WAI MING		
		d	SIU TIN HUNG		
		e	CHEUNG TAK WAI		
	11	a	KWAN SAN WAI	938	
		b	KO CHI KEUNG		
LC3 Kowloon East	1	a	WONG KWOK KIN	47,318	Elected
		b	CHOW LUEN KIU		
		c	KAN MING TUNG		
		d	KWOK WANG HING		
	2	a	WU SUI SHAN	2,535	
		b	CHIU SHI SHUN		
	3	a	KO TAT PUN PATRICK	2,444	
	4	a	TAM HEUNG MAN	2,603	
	5	a	TSE WAI CHUN PAUL	47,527	Elected
	6	a	OR CHONG SHING WILSON	51,516	Elected
		b	LAI WING HO JOE		
		c	CHEUNG KI TANG		
	7	a	LUI WING KEI	1,393	
	8	a	WU CHI WAI	50,309	Elected
		b	MOK KIN SHING		
		c	CHENG KENG IEONG		
		d	WU CHI KIN		
	9	a	TAM MAN HO JEREMY JANSEN	45,408	Elected
		b	LEONG KAH KIT ALAN		
LC4 New Territories West	1	a	WONG YUN TAT	20,974	
		b	LEUNG CHING SHAN		
		c	CHOW WAI HUNG RAYMAN		
	2	a	WAN SIU KIN ANDREW	41,704	Elected
		b	HO CHUN YAN		

Constituency Code and Name	Candidate List	Priority	Candidate Name	Votes Received	Result of Election
LC4 New Territories West		c	LEE WING TAT		
		d	WONG LAI SHEUNG CATHERINE		
		e	LAM SIU FAI		
	3	a	KO CHI FAI	604	
		b	TANG TAK SHING INNES		
	4	a	CHOW WING KAN	1,469	
	5	a	CHENG CHUNG TAI	54,496	Elected
		b	CHEUNG YIU SUM		
	6	a	KWONG KOON WAN	810	
	7	a	TIEN MICHAEL PUK SUN	70,646	Elected
		b	WONG WAI SHUN (WILSON)		
		c	SO KA MAN		
		d	TSUI HIU KIT		
		e	KAM MAN FUNG		
		f	CHENG CHIT PUN		
		g	FU HIU LAM SAMMI		
	8	a	HO KWAN YIU	35,657	Elected
	9	a	LEUNG CHE CHEUNG	50,190	Elected
		b	LUI KIN		
		c	WONG HON KUEN KEN		
		d	YIP MAN PAN		
		e	CHUI KWAN SIU		
		f	LAI KA MAN		
	10	a	KWOK KA KI	42,334	Elected
		b	SIN HO FAI		
	11	a	WONG HO MING	28,529	
		b	CHAN WAI YIP ALBERT		
	12	a	LEE CHEUK YAN	30,149	
		b	CHIU YAN LOY		
	13	a	WONG CHUN KIT	9,928	
		b	WONG PAK YU		
	14	a	MAK MEI KUEN ALICE	49,680	Elected
		b	YIU KWOK WAI		
		c	KOT SIU YUEN		
		d	FUNG PUI YIN		
		e	LAU CHIN PANG		
	15	a	FUNG KIN KEE FREDERICK	17,872	
	16	a	CHAN HAN PAN	58,673	Elected
		b	KWOK FU YUNG		
		c	LI SAI LUNG		
		d	LEUNG KAR MING		
		e	CHAN CHUN CHUNG		
		f	LUI DIK MING		
		g	PAU MING HONG		
	17	a	CHEUNG WAI CHING CLARICE	2,390	
	18	a	LUI CHI HANG HENDRICK	812	
	19	a	TONG WING CHI	2,408	
	20	a	CHU HOI DICK EDDIE	84,121	Elected
LC5 New Territories East	1	a	FONG KWOK SHAN CHRISTINE	34,544	
	2	a	LAM CHEUK TING	39,327	Elected
		b	LAU WAI HING EMILY		
		c	TING TSZ YUEN		
		d	NG KAM HUNG		

Constituency Code and Name	Candidate List	Priority	Candidate Name	Votes Received	Result of Election
LC5 New Territories East		e	LO YING CHEUNG		
	3	a	LIU TIN SHING	850	
		b	KUEN PING YIU		
		c	LI WAI		
	4	a	CHIN WAN KAN (WAN CHIN)	23,635	
		b	LEE KWOK HEI MARCO		
	5	a	LEUNG KWOK HUNG (LONGHAIR)	35,595	Elected
	6	a	CHEUNG CHIU HUNG	49,800	Elected
		b	KWOK WING KIN		
	7	a	YEUNG ALVIN NGOK KIU	52,416	Elected
	8	a	MAK KA CHUN RAYMOND	8,084	
	9	a	CHENG KAR FOO ANDREW	17,892	
	10	a	QUAT ELIZABETH (EQ)	58,825	Elected
		b	CHONG YUEN TUNG		
		c	TUNG KIN LEI		
		d	CHAN POK CHI		
		e	CHIU MAN LEONG (ALVIN)		
		f	LI KA LEUNG PHILIP		
		g	WAN KAI MING		
		h	LO TAI SUEN ADA		
		i	WONG CHI YUNG (ALF)		
	11	a	HAU CHI KEUNG	6,720	
		b	WONG SHUI SANG		
		c	PANG WANG KIN		
		d	YIP WAH CHING		
	12	a	LEE TSZ KING DOMINIC	20,031	
		b	TIEN PEI CHUN JAMES		
	13	a	TANG KA PIU	26,931	
		b	TAM KAM LIN		
		c	TSANG KING CHUNG KENT		
	14	a	FAN GARY KWOK WAI	31,595	
		b	YAM KAI BONG		
		c	LEUNG LI		
		d	CHUNG KAM LUN		
		e	CHAN WAI TAT		
		f	LI SAI HUNG		
		g	CHOW YUEN WAI		
		h	LUI MAN KWONG		
	15	a	CHAN YUK NGOR ESTELLA	486	
	16	a	WONG SUM YU	1,657	
	17	a	LEE SEE YIN LETICIA	2,938	
	18	a	CHAN CHI CHUEN RAYMOND (SLOWBEAT)	45,993	Elected
	19	a	LEUNG CHUNG HANG SIXTUS	37,997	Elected
		b	LI TUNG SING		
	20	a	LEUNG KAM SHING CLARENCE RONALD	305	
		b	YAU MAN KING		
	21	a	YUNG HOI YAN	36,183	Elected
		b	TAM LANNY (STANLEY)		
		c	LEUNG KA FAI		
		d	CHAN MAN KUEN		
		e	TONG HOK LEUNG		

Constituency Code and Name	Candidate List	Priority	Candidate Name	Votes Received	Result of Election
LC5 New Territories East		f	YIP CHI HO (JAMES)		
		g	LIU TSZ CHUNG MICHAEL		
	22	a	CHAN HAK KAN	48,720	Elected
		b	WOO KIN MAN CLEMENT		
		c	YIU MING		
		d	WONG PIK KIU		
		e	LARM WAI LEUNG		
		f	TSANG HING LUNG		
		g	MUI SIU FUNG		
		h	HAU HON SHEK		

**2016 Legislative Council General Election**  
**Summary of Ballot Papers in Ballot Boxes that were Not Counted**  
**Traditional Functional Constituencies**

Code	Name of Traditional Functional Constituency ("FC")	Breakdown of invalid ballot papers				Breakdown of rejected questionable ballot papers				Total
		(1) Endorsed with the words “重複” and “TENDERED”	(2) Unmarked	(3) Not marked with the chop provided at the polling station (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	(4) Containing votes for more than one candidate (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	(5) With writing or mark by which the elector can possibly be identified	(6) Substantially mutilated	(7) Void for uncertainty	(8) <sup>Note1</sup> Not marked with the chop provided at the polling station (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	
A	Education	3	1,443	136	249	16	0	49	3	<b>1,899</b>
AF	Agriculture and Fisheries	0	1	8 <sup>Note3</sup>	2 <sup>Note4</sup>	2	0	0	-- <sup>Note5</sup>	<b>13</b>
B	Legal	1	105	0	13	2	1	6	0	<b>128</b>
C	Accountancy	1	436	5	65	3	0	22	0	<b>532</b>
CA	Catering	0	116	2	10	0	0	5	1	<b>134</b>
D	Medical	1	295	1	30	3	0	13	0	<b>343</b>
E	Health Services	0	940	5	190	10	0	33	0	<b>1,178</b>

Code	Name of Traditional Functional Constituency ("FC")	Breakdown of invalid ballot papers				Breakdown of rejected questionable ballot papers				Total
		(1) Endorsed with the words “重複” and “TENDERED”	(2) Unmarked	(3) Not marked with the chop provided at the polling station (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	(4) Containing votes for more than one candidate (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	(5) With writing or mark by which the elector can possibly be identified	(6) Substantially mutilated	(7) Void for uncertainty	(8) <sup>Note1</sup> Not marked with the chop provided at the polling station (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	
F	Engineering	0	231	5	42	0	0	2	0	280
G	Architectural, Surveying , Planning and Landscape	0	70	0	13	0	0	1	0	84
K	Social Welfare	1	186	0	48	2	0	16	4	257
M	Tourism	0	45	2	4	2	0	1	0	54
N	Commercial (first)	0	15	1	1	0	0	0	0	17
TR	Transport	0	0	7 <sup>Note3</sup>	0 <sup>Note4</sup>	0	0	0	-- <sup>Note5</sup>	7
U	Financial Services	0	20	1	2	0	0	0	0	23

Code	Name of Traditional Functional Constituency (“FC”)	Breakdown of invalid ballot papers				Breakdown of rejected questionable ballot papers				Total
		(1) Endorsed with the words “重複” and “TENDERED”	(2) Unmarked	(3) Not marked with the chop provided at the polling station (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	(4) Containing votes for more than one candidate (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	(5) With writing or mark by which the elector can possibly be identified	(6) Substantially mutilated	(7) Void for uncertainty	(8) <sup>Note1</sup> Not marked with the chop provided at the polling station (except for Agriculture and Fisheries and Transport FCs <sup>Note2</sup> )	
V	Sports, Performing Arts, Culture and Publication	0	37	4	3	0	0	0	0	44
X	Textiles and Garment	0	40	2	7	0	0	0	0	49
Y	Wholesale and Retail	1	236	2	25	3	0	2	1	270
Z	Information Technology	1	136	1	35	1	0	1	0	175
Total		9	4,352	182	739	44	1	151	9	5,487

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- Note1 According to section 77(7)(a)(ii) of the EAC(EP)(LC) Reg, any ballot paper, which appears to be not marked in accordance with section 57(2) using the chop to be affixed to give a single “✓” in the circle opposite the names of the candidates of the elector’s or authorised representative’s choice, is questionable and the RO should decide whether the vote is to be counted. When making decision, if the RO believes the ballot paper is not marked with the chop provided at the polling station, the vote is not to be counted pursuant to section 80(1)(hb).
- Note2 For each of the four special FCs including the Agriculture and Fisheries and Transport FCs, an elector must mark the ballot paper to indicate his/her preference, by writing Arabic numbers in the circle opposite the names of the candidates in descending order of preference.
- Note3 No first preference marked.
- Note4 Marked with a first preference for two or more candidates.
- Note5 Not applicable to the four special FCs.



**2016 Legislative Council General Election**  
**Summary of Ballot Papers in Ballot Boxes that were Not Counted**  
**District Council (second) Functional Constituency**

Constituency Code and Name	Breakdown of invalid ballot papers				Breakdown of rejected questionable ballot papers				Total
	(1) Endorsed with the words “重複” and “TENDERED”	(2) Unmarked	(3) Not marked with the chop provided at the polling station	(4) Containing votes for more than one candidate list	(5) With writing or mark by which the elector can possibly be identified	(6) Substantially mutilated	(7) Void for uncertainty	(8) <sup>Note1</sup> Not marked with the chop provided at the polling station	
DS District Council (second)	130	45,285	196	24,715	501	16	2,328	220	<b>73,391</b>

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<sup>Note1</sup> According to section 77A(4)(a)(ii) of the EAC(EP)(LC) Reg, any ballot paper, which appears to be not marked in accordance with section 55(2) using the chop to be affixed to give a single “✓” in the circle opposite the list of candidates of the elector’s choice, is questionable and the RO or ARO should decide whether the vote is to be counted. When making the decision, if the RO or ARO believes the ballot paper is not marked with the chop provided at the polling station, the vote is not to be counted pursuant to section 80(1)(ha).

**2016 Legislative Council General Election**  
**Results of Election: Traditional Functional Constituencies**

Traditional Functional Constituency Code and Name		Candidate Number	Candidate Name	Votes Received	Result of Election
A	Education	1	CHOI YUK LIN	18,158	
		2	IP KIN YUEN	45,984	Elected
AF	Agriculture and Fisheries	A	HO CHUN YIN STEVEN	98	Elected
		B	WONG YUNG KAN	35	
B	Legal	1	KWOK WING HANG (DENNIS)	3,405	Elected
		2	MUN LEE MING (CATHERINE MUN)	1,496	
C	Accountancy	1	LEUNG KAI CHEONG KENNETH	12,131	Elected
		2	CHEN YUNG NGAI KENNETH	6,836	
CA	Catering	1	CHEUNG YU YAN TOMMY	2,438	Elected
		2	NG WING TAK	647	
D	Medical	1	CHAN PIERRE	5,626	Elected
		2	WONG YEE HIM	2,249	
E	Health Services	1	LEE KOK LONG JOSEPH	15,221	Elected
		2	CHOI PUI WAH (PHILIP)	9,430	
F	Engineering	1	LO WAI KWOK	3,906	Elected
		2	CHING MING TAT (IR LOUIS CHING)	2,097	
		3	LUK WANG KWONG (JOHN LUK)	1,039	
G	Architectural, Surveying, Planning and Landscape	1	TSE WAI CHUEN TONY	2,009	
		2	YIU CHUNG YIM	2,491	Elected
		3	LIM WAN FUNG BERNARD VINCENT	1,235	
K	Social Welfare	1	KWAN YUI HUEN	1,255	
		2	TSANG KIN CHIU	1,011	
		3	SHIU KA CHUN	4,603	Elected
		4	YIP KIN CHUNG	3,858	
		5	WONG SING CHI	557	
M	Tourism	1	LAM SIU LUN	114	
		2	YIU SI WING	625	Elected
		3	YIP HING NING FREDDY	288	
N	Commercial (first)	1	CHAN HO LIM JOSEPH	388	
		2	LAM KIN FUNG JEFFREY	455	Elected
TR	Transport	A	YICK CHI MING FRANKIE	127	Elected
		B	YAU YING WAH	42	
U	Financial Services	1	CHEUNG WAH FUNG CHRISTOPHER	261	Elected
		2	CHIM KIM LUN RICKY	150	
		3	TSUI LUEN ON	96	

Traditional Functional Constituency Code and Name		Candidate Number	Candidate Name	Votes Received	Result of Election
V	Sports, Performing Arts, Culture and Publication	1	CHOW POK YIN	809	
		2	MA FUNG KWOK	1,389	Elected
X	Textiles and Garment	1	CHUNG KWOK PAN	1,138	Elected
		2	YANG SI KIT KENNY	361	
Y	Wholesale and Retail	1	AU NOK HIN	1,231	
		2	SHIU KA FAI	2,290	Elected
Z	Information Technology	1	MOK CHARLES PETER	6,253	Elected
		2	YEUNG CHUEN SING (ERIC)	3,425	
HYK	Heung Yee Kuk	–	LAU IP KEUNG KENNETH	–	Uncontested
H	Labour	–	POON SIU PING	–	Uncontested
		–	HO KAI MING	–	Uncontested
		–	LUK CHUNG HUNG	–	Uncontested
L	Real Estate and Construction	–	SHEK LAI HIM ABRAHAM (ABRAHAM RAZACK)	–	Uncontested
P	Commercial (second)	–	LIAO CHEUNG KONG MARTIN	–	Uncontested
R	Industrial (first)	–	LEUNG KWAN YUEN ANDREW	–	Uncontested
S	Industrial (second)	–	NG WING KA	–	Uncontested
T	Finance	–	CHAN CHUN YING	–	Uncontested
W	Import and Export	–	WONG TING KWONG	–	Uncontested
DC	District Council (first)	–	LAU KWOK FAN	–	Uncontested
IN	Insurance	–	CHAN KIN POR	–	Uncontested

**2016 Legislative Council General Election****Result of Election: District Council (second) Functional Constituency**

Constituency Code and Name	Candidate List	Candidate Name		Votes Received	Result of Election
DS District Council (second)	801	a	TO KUN SUN JAMES	243,930	Elected
	802	a	LEE WAI KING STARRY	304,222	Elected
		b	HUNG LIN CHAM		
		c	CHU LAP WAI		
		d	NGAN MAN YU		
		e	SIU KA YI		
	803	a	KWONG CHUN YU	491,667	Elected
	804	a	HO KAI MING KALVIN	17,175	
	805	a	CHAN YUEN SUM SUMLY	28,311	
	806	a	WONG KWOK HING	233,236	
		b	MOK KIN WING		
		c	WONG WANG TO		
		d	LAU KWAI YUNG		
	807	a	KWAN WING YIP	23,631	
		b	HUI YUI YU		
		c	LAI MING CHAK		
	808	a	LEUNG YIU CHUNG	303,457	Elected
	809	a	CHOW HO DING HOLDEN	264,339	Elected
		b	LI SAI WING		
		c	LAM LAM NIXIE		
		d	MO SHING FUNG		

**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Directly Received from the Public**  
**During the Complaints-handling Period**  
*(from 16 July 2016 to 19 October 2016)*

Nature	Received by					Total no. of cases
	Complaints Committee	Returning Officers	Police	ICAC	Presiding Officers	
1 Election advertisements	2,142	1,479	11	0	27	<b>3,659</b>
2 Electioneering activities on private premises	99	85	0	0	7	<b>191</b>
3 Entitlement to vote	95	1	0	0	198	<b>294</b>
4 Allocation/designation of polling station	18	1	0	0	44	<b>63</b>
5 False statements	35	19	0	15	0	<b>69</b>
6 False claim of support	5	3	0	3	0	<b>11</b>
7 Corruption/bribery/treating/undue influence	45	14	0	55	2	<b>116</b>
8 Impersonation in relation to voting	34	0	0	3	29	<b>66</b>
9 Employment of young persons under 18 years of age for canvassing or electioneering activities	0	3	0	0	0	<b>3</b>
10 Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	133	187	1,024	0	17	<b>1,361</b>
11 Personal data privacy	46	39	0	0	9	<b>94</b>
12 Polling arrangements	142	45	0	0	127	<b>314</b>
13 No Canvassing Zone arrangements	0	9	0	0	6	<b>15</b>
14 Illegal canvassing in No Canvassing Zone/No Staying Zone	15	102	0	0	39	<b>156</b>
15 Conduct of exit polls	6	2	0	0	2	<b>10</b>
16 Against Returning Officer or his/her staff	10	5	0	0	4	<b>19</b>

<b>Nature</b>		<b>Received by</b>					<b>Total no. of cases</b>
		<b>Complaints Committee</b>	<b>Returning Officers</b>	<b>Police</b>	<b>ICAC</b>	<b>Presiding Officers</b>	
17	Against polling staff	169	36	4	0	70	<b>279</b>
18	Nomination and candidature	28	11	0	0	0	<b>39</b>
19	Election expenses	8	2	0	5	0	<b>15</b>
20	Inaccurate voter registration particulars	24	0	0	0	0	<b>24</b>
21	False registration of electors	18	0	17	1	0	<b>36</b>
22	Unfair and unequal treatment by the media	16	4	0	0	0	<b>20</b>
23	Counting arrangements	34	0	0	0	0	<b>34</b>
24	Complaints outside EAC's ambit	12	10	0	0	0	<b>22</b>
25	Criminal damage	0	0	50	0	0	<b>50</b>
26	Dispute cases	0	0	86	0	0	<b>86</b>
27	Intimidation	0	0	9	0	0	<b>9</b>
28	Breach of Guidelines on Election-related Activities	0	0	0	1	0	<b>1</b>
29	No offence alleged	0	0	0	5	0	<b>5</b>
30	Others	65	28	131	2	88	<b>314</b>
<b>Total</b>		<b>3,199</b>	<b>2,085</b>	<b>1,332</b>	<b>90</b>	<b>669</b>	<b>7,375</b>

**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Received by the Complaints Committee**  
*(from 16 July 2016 to 19 October 2016)*

Nature		No. of cases directly received from the public	No. of cases referred from other parties	Total no. of cases
1	Election advertisements	2,142	17	<b>2,159</b>
2	Electioneering activities on private premises	99	4	<b>103</b>
3	Entitlement to vote	95	121	<b>216</b>
4	Allocation/designation of polling station	18	31	<b>49</b>
5	False statements	35	4	<b>39</b>
6	False claim of support	5	0	<b>5</b>
7	Corruption/bribery/treating/undue influence	45	7	<b>52</b>
8	Impersonation in relation to voting	34	69	<b>103</b>
9	Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	133	8	<b>141</b>
10	Personal data privacy	46	6	<b>52</b>
11	Polling arrangements	142	86	<b>228</b>
12	No Canvassing Zone arrangements	0	2	<b>2</b>
13	Illegal canvassing in No Canvassing Zone/No Staying Zone	15	12	<b>27</b>
14	Conduct of exit polls	6	0	<b>6</b>
15	Against Returning Officer or his/her staff	10	0	<b>10</b>
16	Against polling staff	169	72	<b>241</b>
17	Nomination and candidature	28	8	<b>36</b>
18	Election expenses	8	1	<b>9</b>
19	Inaccurate voter registration particulars	24	7	<b>31</b>
20	False registration of electors	18	11	<b>29</b>
21	Unfair and unequal treatment by the media	16	12	<b>28</b>
22	Counting arrangements	34	4	<b>38</b>
23	Complaints outside EAC's ambit	12	1	<b>13</b>
24	Others	65	80	<b>145</b>
<b>Total</b>		<b>3,199</b>	<b>563</b>	<b>3,762</b>

**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Received by the Returning Officers**  
*(from 16 July 2016 to 19 October 2016)*

Nature		No. of cases directly received from the public	No. of cases referred from other parties	Total no. of cases
1	Election advertisements	1,479	2,688	<b>4,167</b>
2	Electioneering activities on private premises	85	68	<b>153</b>
3	Entitlement to vote	1	1	<b>2</b>
4	Allocation/designation of polling station	1	0	<b>1</b>
5	False statements	19	1	<b>20</b>
6	False claim of support	3	0	<b>3</b>
7	Corruption/bribery/treating/undue influence	14	6	<b>20</b>
8	Employment of young persons under 18 years of age for canvassing or electioneering activities	3	0	<b>3</b>
9	Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	187	91	<b>278</b>
10	Personal data privacy	39	2	<b>41</b>
11	Polling arrangements	45	0	<b>45</b>
12	No Canvassing Zone arrangements	9	0	<b>9</b>
13	Illegal canvassing in No Canvassing Zone/No Staying Zone	102	9	<b>111</b>
14	Conduct of exit polls	2	0	<b>2</b>
15	Against Returning Officer or his/her staff	5	3	<b>8</b>
16	Against polling staff	36	0	<b>36</b>
17	Nomination and candidature	11	0	<b>11</b>
18	Election expenses	2	1	<b>3</b>
19	Unfair and unequal treatment by the media	4	0	<b>4</b>
20	Complaints outside EAC's ambit	10	8	<b>18</b>
21	Others	28	2	<b>30</b>
<b>Total</b>		<b>2,085</b>	<b>2,880</b>	<b>4,965</b>



**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Received by the Police**  
*(from 16 July 2016 to 19 October 2016)*

<b>Nature</b>		<b>No. of cases directly received from the public</b>	<b>No. of cases referred from other parties</b>	<b>Total no. of cases</b>
1	Election advertisements (Theft/Loss/Breach of electoral law or Guidelines)	11	5	<b>16</b>
2	Criminal damage	50	0	<b>50</b>
3	Dispute cases	86	0	<b>86</b>
4	Intimidation	9	0	<b>9</b>
5	Noise nuisances	614	0	<b>614</b>
6	Other nuisances	410	7	<b>417</b>
7	False registration of electors	17	0	<b>17</b>
8	Others	135	0	<b>135</b>
<b>Total</b>		<b>1,332</b>	<b>12</b>	<b>1,344</b>

**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Received by the ICAC**  
*(from 16 July 2016 to 19 October 2016)*

<b>Nature</b>		<b>No. of cases directly received from the public</b>	<b>No. of cases referred from other parties</b>	<b>Total no. of cases</b>
1	Bribery in relation to standing as a candidate	9	0	<b>9</b>
2	Duress in relation to standing as a candidate	2	1	<b>3</b>
3	Bribery in relation to voting	31	10	<b>41</b>
4	Treating	2	0	<b>2</b>
5	Duress in relation to voting	1	0	<b>1</b>
6	Deception in relation to voting	3	6	<b>9</b>
7	Impersonation in relation to voting	3	35	<b>38</b>
8	Corrupt conduct with respect to voting	4	1	<b>5</b>
9	Incurring election expenses without proper authorisation	5	3	<b>8</b>
10	False statement about a candidate	15	10	<b>25</b>
11	False claim of support	3	3	<b>6</b>
12	Bribery (involving public servants)	2	1	<b>3</b>
13	Corrupt transactions with agents	1	0	<b>1</b>
14	False registration of electors	1	0	<b>1</b>
15	Offence of false declarations in election matters	0	1	<b>1</b>
16	Breach of Guidelines on Election-related Activities	1	0	<b>1</b>
17	No offence alleged	5	1	<b>6</b>
18	Others	2	0	<b>2</b>
<b>Total</b>		<b>90</b>	<b>72</b>	<b>162</b>

**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Received by the Presiding Officers**  
*(4 September 2016)*

<b>Nature</b>		<b>No. of cases directly received from the public</b>
1	Election advertisements	27
2	Electioneering activities on private premises	7
3	Entitlement to vote	198
4	Allocation/designation of polling station	44
5	Corruption/bribery/treating/undue influence	2
6	Impersonation in relation to voting	29
7	Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	17
8	Personal data privacy	9
9	Polling arrangements	127
10	No Canvassing Zone arrangements	6
11	Illegal canvassing in No Canvassing Zone/No Staying Zone	39
12	Conduct of exit polls	2
13	Against Returning Officer or his/her staff	4
14	Against polling staff	70
15	Others	88
<b>Total</b>		<b>669</b>

**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Directly Received from the Public**  
**on the Polling Day**

Nature		Received by					Total no. of cases
		Complaints Committee	Returning Officers	Police	ICAC	Presiding Officers	
1	Election advertisements	56	626	4	0	27	<b>713</b>
2	Electioneering activities on private premises	25	31	0	0	7	<b>63</b>
3	Entitlement to vote	86	1	0	0	198	<b>285</b>
4	Allocation/designation of polling station	14	1	0	0	44	<b>59</b>
5	False statements	5	1	0	0	0	<b>6</b>
6	Corruption/bribery/treating/undue influence	12	5	0	13	2	<b>32</b>
7	Impersonation in relation to voting	26	0	0	2	29	<b>57</b>
8	Employment of young persons under 18 years of age for canvassing or electioneering activities	0	3	0	0	0	<b>3</b>
9	Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	43	127	376	0	17	<b>563</b>
10	Personal data privacy	15	10	0	0	9	<b>34</b>
11	Polling arrangements	106	35	0	0	127	<b>268</b>
12	No Canvassing Zone arrangements	0	9	0	0	6	<b>15</b>
13	Illegal canvassing in No Canvassing Zone/No Staying Zone	13	98	0	0	39	<b>150</b>
14	Conduct of exit polls	5	2	0	0	2	<b>9</b>
15	Against Returning Officer or his/her staff	2	3	0	0	4	<b>9</b>
16	Against polling staff	121	31	0	0	70	<b>222</b>
17	Election expenses	2	0	0	0	0	<b>2</b>
18	Inaccurate voter registration particulars	5	0	0	0	0	<b>5</b>

Nature		Received by					Total no. of cases
		Complaints Committee	Returning Officers	Police	ICAC	Presiding Officers	
19	False registration of electors	9	0	9	0	0	<b>18</b>
20	Unfair and unequal treatment by the media	3	0	0	0	0	<b>3</b>
21	Complaints outside EAC's ambit	4	3	0	0	0	<b>7</b>
22	Criminal damage	0	0	2	0	0	<b>2</b>
23	Dispute cases	0	0	42	0	0	<b>42</b>
24	Others	25	28	70	0	88	<b>211</b>
<b>Total</b>		<b>577</b>	<b>1,014</b>	<b>503</b>	<b>15</b>	<b>669</b>	<b>2,778</b>

**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Received by the Complaints Committee**  
**on the Polling Day**

<b>Nature</b>		<b>No. of cases directly received from the public</b>	<b>No. of cases referred from other parties</b>	<b>Total no. of cases</b>
1	Election advertisements	56	0	<b>56</b>
2	Electioneering activities on private premises	25	0	<b>25</b>
3	Entitlement to vote	86	11	<b>97</b>
4	Allocation/designation of polling station	14	3	<b>17</b>
5	False statements	5	0	<b>5</b>
6	Corruption/bribery/treating/undue influence	12	0	<b>12</b>
7	Impersonation in relation to voting	26	4	<b>30</b>
8	Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	43	4	<b>47</b>
9	Personal data privacy	15	3	<b>18</b>
10	Polling arrangements	106	7	<b>113</b>
11	Illegal canvassing in No Canvassing Zone/No Staying Zone	13	1	<b>14</b>
12	Conduct of exit polls	5	0	<b>5</b>
13	Against Returning Officer or his/her staff	2	0	<b>2</b>
14	Against polling staff	121	13	<b>134</b>
15	Election expenses	2	0	<b>2</b>
16	Inaccurate voter registration particulars	5	0	<b>5</b>
17	False registration of electors	9	0	<b>9</b>
18	Unfair and unequal treatment by the media	3	0	<b>3</b>
19	Complaints outside EAC's ambit	4	0	<b>4</b>
20	Others	25	0	<b>25</b>
<b>Total</b>		<b>577</b>	<b>46</b>	<b>623</b>

**2016 Legislative Council General Election**  
**Breakdown of Complaint Cases Received by the Returning Officers**  
**on the Polling Day**

<b>Nature</b>		<b>No. of cases directly received from the public</b>	<b>No. of cases referred from other parties</b>	<b>Total no. of cases</b>
1	Election advertisements	626	143	<b>769</b>
2	Electioneering activities on private premises	31	7	<b>38</b>
3	Entitlement to vote	1	0	<b>1</b>
4	Allocation/designation of polling station	1	0	<b>1</b>
5	False statements	1	0	<b>1</b>
6	Corruption/bribery/treating/undue influence	5	0	<b>5</b>
7	Employment of young persons under 18 years of age for canvassing or electioneering activities	3	0	<b>3</b>
8	Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	127	16	<b>143</b>
9	Personal data privacy	10	0	<b>10</b>
10	Polling arrangements	35	0	<b>35</b>
11	No Canvassing Zone arrangements	9	0	<b>9</b>
12	Illegal canvassing in No Canvassing Zone/No Staying Zone	98	3	<b>101</b>
13	Conduct of exit polls	2	0	<b>2</b>
14	Against Returning Officer or his/her staff	3	3	<b>6</b>
15	Against polling staff	31	0	<b>31</b>
16	Complaints outside EAC's ambit	3	1	<b>4</b>
17	Others	28	0	<b>28</b>
<b>Total</b>		<b>1,014</b>	<b>173</b>	<b>1,187</b>

**2016 Legislative Council General Election  
Breakdown of Complaint Cases Received by the Police  
on the Polling Day**

<b>Nature</b>		<b>No. of cases directly received from the public</b>	<b>No. of cases referred from other parties</b>	<b>Total no. of cases</b>
1	Election advertisements (Theft/Loss/Breach of electoral law or Guidelines)	4	0	<b>4</b>
2	Criminal damage	2	0	<b>2</b>
3	Dispute cases	42	0	<b>42</b>
4	Noise nuisances	227	0	<b>227</b>
5	Other nuisances	149	0	<b>149</b>
6	False registration of electors	9	0	<b>9</b>
7	Others	70	0	<b>70</b>
<b>Total</b>		<b>503</b>	<b>0</b>	<b>503</b>



**2016 Legislative Council General Election  
Breakdown of Complaint Cases Received by the ICAC  
on the Polling Day**

<b>Nature</b>		<b>No. of cases directly received from the public</b>	<b>No. of cases referred from other parties</b>	<b>Total no. of cases</b>
1	Bribery in relation to voting	9	0	<b>9</b>
2	Deception in relation to voting	3	0	<b>3</b>
3	Impersonation in relation to voting	2	0	<b>2</b>
4	Bribery (involving public servants)	1	0	<b>1</b>
<b>Total</b>		<b>15</b>	<b>0</b>	<b>15</b>

**2016 Legislative Council General Election  
Breakdown of Complaint Cases Received by the Presiding Officers  
on the Polling Day**

<b>Nature</b>		<b>No. of cases directly received from the public</b>
1	Election advertisements	27
2	Electioneering activities on private premises	7
3	Entitlement to vote	198
4	Allocation/designation of polling station	44
5	Corruption/bribery/treating/undue influence	2
6	Impersonation in relation to voting	29
7	Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	17
8	Personal data privacy	9
9	Polling arrangements	127
10	No Canvassing Zone arrangements	6
11	Illegal canvassing in No Canvassing Zone/No Staying Zone	39
12	Conduct of exit polls	2
13	Against Returning Officer or his/her staff	4
14	Against polling staff	70
15	Others	88
<b>Total</b>		<b>669</b>

**2016 Legislative Council General Election**  
**Outcome of Complaint Cases Investigated by the Complaints Committee**  
*(Showing position as at 7 November 2016)*

Nature		Outcome							Total no. of cases
		Investigation underway	Action completed						
			Withdrawn	No further action	Referral made	Not substantiated	Partially substantiated	Substantiated	
1	Election advertisements	7	5	25	2,116	6	0	0	2,159
2	Electioneering activities on private premises	7	0	15	81	0	0	0	103
3	Entitlement to vote	13	0	202	0	1	0	0	216
4	Allocation/designation of polling station	44	0	4	0	1	0	0	49
5	False statements	8	0	20	11	0	0	0	39
6	False claim of support	1	0	1	3	0	0	0	5
7	Corruption/bribery/ treating/ undue influence	17	1	20	14	0	0	0	52
8	Impersonation in relation to voting	88	0	14	1	0	0	0	103
9	Disturbances to electors caused by loudspeakers/ broadcasting vehicles/telephone canvassing/others	13	6	54	67	1	0	0	141
10	Personal data privacy	16	1	27	5	1	0	2	52
11	Polling arrangements	162	4	59	0	3	0	0	228
12	No Canvassing Zone arrangements	2	0	0	0	0	0	0	2
13	Illegal canvassing in No Canvassing Zone/No Staying Zone	10	0	4	13	0	0	0	27
14	Conduct of exit polls	2	0	3	0	1	0	0	6
15	Against Returning Officer or his/her staff	5	2	2	1	0	0	0	10
16	Against polling staff	182	3	54	0	2	0	0	241
17	Nomination and candidature	5	0	30	0	1	0	0	36
18	Election expenses	1	0	8	0	0	0	0	9
19	Inaccurate voter registration particulars	6	0	2	13	0	0	10	31
20	False registration of electors	7	0	4	5	13	0	0	29
21	Unfair and unequal treatment by the media	21	0	4	1	2	0	0	28
22	Counting arrangements	36	0	2	0	0	0	0	38
23	Complaints outside EAC's ambit	5	0	4	4	0	0	0	13
24	Others	38	2	98	4	3	0	0	145
Total		696	24	656	2,339	35	0	12	3,762

**2016 Legislative Council General Election**  
**Outcome of Complaint Cases Investigated by the Returning Officers**  
*(Showing position as at 7 November 2016)*

Nature		Outcome							Total no. of cases
		Investigation underway	Action completed						
			Withdrawn	No further action	Referral made	Not substantiated	Partially substantiated	Substantiated	
1	Election advertisements	315	13	200	231	1,078	93	2,237	4,167
2	Electioneering activities on private premises	21	5	17	7	54	2	47	153
3	Entitlement to vote	0	0	1	1	0	0	0	2
4	Allocation/designation of polling station	0	0	0	1	0	0	0	1
5	False statements	0	0	6	13	1	0	0	20
6	False claim of support	0	0	2	0	1	0	0	3
7	Corruption/bribery/ treating/undue influence	3	0	7	9	1	0	0	20
8	Employment of young persons under 18 years of age for canvassing or electioneering activities	1	0	0	0	2	0	0	3
9	Disturbances to electors caused by loudspeakers/ broadcasting vehicles/ telephone canvassing/ others	18	5	112	39	70	1	33	278
10	Personal data privacy	1	1	15	22	2	0	0	41
11	Polling arrangements	0	0	31	12	2	0	0	45
12	No Canvassing Zone arrangements	4	0	3	0	2	0	0	9
13	Illegal canvassing in No Canvassing Zone/No Staying Zone	6	0	23	0	48	2	32	111
14	Conduct of exit polls	1	0	1	0	0	0	0	2
15	Against Returning Officer or his/her staff	0	1	2	3	2	0	0	8
16	Against polling staff	0	1	19	15	1	0	0	36
17	Nomination and candidature	0	0	2	9	0	0	0	11
18	Election expenses	1	0	1	0	1	0	0	3
19	Unfair and unequal treatment by the media	0	0	0	4	0	0	0	4
20	Complaints outside EAC's ambit	1	0	11	4	1	0	1	18
21	Others	20	0	2	5	2	1	0	30
Total		392	26	455	375	1,268	99	2,350	4,965

**2016 Legislative Council General Election**  
**Outcome of Complaint Cases Investigated by the Police**  
*(Showing position as at 7 November 2016)*

Nature		Outcome								Total no. of cases
		Investigation underway	Action completed						Warned at scene	
			Referral made	Not substantiated	No further action	Record only	Arrested			
but released	and prosecuted									
1	Election advertisements (Theft/Loss/Breach of electoral law or Guidelines)	10	0	1	2	2	1	0	0	16
2	Criminal damage	35	0	1	8	0	2	4	0	50
3	Dispute cases	0	0	0	81	4	0	0	1	86
4	Intimidation	9	0	0	0	0	0	0	0	9
5	Noise nuisances	0	0	7	595	0	0	0	12	614
6	Other nuisances	8	8	7	377	3	0	0	14	417
7	False registration of electors	17	0	0	0	0	0	0	0	17
8	Others	41	4	0	70	16	3	1	0	135
Total		120	12	16	1,133	25	6	5	27	1,344

**2016 Legislative Council General Election  
Outcome of Complaint Cases Investigated by the ICAC**

*(Showing position as at 7 November 2016)*

Section	Nature	Outcome							Total no. of cases
		Investigation underway	Action completed						
			Referral made	Not substantiated	Pending legal advice	No further action	Warning	Cautious	
<b><u>(I) Offences under the Elections (Corrupt and Illegal Conduct) Ordinance</u></b>									
S 7	Bribery in relation to standing as a candidate	6	0	0	0	3	0	0	9
S 8	Duress in relation to standing as a candidate	3	0	0	0	0	0	0	3
S 11	Bribery in relation to voting	29	0	0	0	12	0	0	41
S 12	Treating	0	0	0	0	2	0	0	2
S 13	Duress in relation to voting	1	0	0	0	0	0	0	1
S 14	Deception in relation to voting	7	0	0	0	2	0	0	9
S 15	Impersonation in relation to voting	38	0	0	0	0	0	0	38
S 16	Corrupt conduct with respect to voting	3	0	0	0	2	0	0	5
S 23	Incurring election expenses without proper authorisation	6	0	0	0	2	0	0	8
S 26	False statement about a candidate	20	0	0	0	5	0	0	25
S 27	False claim of support	5	0	0	0	1	0	0	6
<b><u>(II) Offences under the Prevention of Bribery Ordinance</u></b>									
S 4	Bribery (involving public servants)	1	0	0	0	2	0	0	3
S 9	Corrupt transactions with agents	0	0	0	0	1	0	0	1
<b><u>(III) Offences under the Electoral Affairs Commission Ordinance</u></b>									
S 22 of EAC (ROE) (GC) Reg	False registration of electors	0	1	0	0	0	0	0	1
S 103 of EAC (EP) (LC) Reg	Offence of false declarations in election matters	0	1	0	0	0	0	0	1
EAC Guidelines	Breach of Guidelines on Election-related Activities	0	1	0	0	0	0	0	1

Section	Nature	Outcome							Total no. of cases
		Investigation underway	Action completed						
			Referral made	Not substantiated	Pending legal advice	No further action	Warning	Caution	
<b><u>(IV) No offence alleged</u></b>		0	4	0	0	2	0	0	<b>6</b>
<b><u>(V) Others</u></b>		2	0	0	0	0	0	0	<b>2</b>
<b>Total</b>		<b>121</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>34</b>	<b>0</b>	<b>0</b>	<b>162</b>