

Legislative Council Panel on Constitutional Affairs

**Electoral Affairs Commission Report on
the 2019 District Council Ordinary Election**

This paper informs Members of the major review findings and recommendations in the Electoral Affairs Commission (“EAC”) Report on the 2019 District Council Ordinary Election (“the Report”).

(A) The Report

2. The 2019 District Council (“DC”) Ordinary Election was held on 24 November 2019. Section 8 of the Electoral Affairs Commission Ordinance (Cap. 541) (“the Ordinance”) requires, inter alia, that the EAC shall make a report to the Chief Executive (“CE”), within three months of the conclusion of an election, on matters relating to that election in respect of which the Commission has any function under the Ordinance or any other Ordinance. Accordingly, the EAC submitted the Report to the CE on 24 February 2020. A copy of the Report is attached to this note.

3. The Report describes how the EAC conducted and supervised the 2019 DC Ordinary Election at various stages and sets out a detailed account of the preparatory work and the electoral arrangements. In the light of the experience gained from the election, it also puts forth the EAC’s recommendations for improvement in future elections.

4. The Government agrees with the EAC’s recommendation that the Report should be made public. The Report can be downloaded from the website of the EAC (www.eac.hk) and is available for viewing at the Registration and Electoral Office (“REO”) and the Home Affairs Enquiry Centres of District Offices. We have also distributed copies of the Report to all Legislative Council (“LegCo”) Members for reference.

(B) Major Review Findings and Recommendations

5. The EAC points out that this election had encountered unprecedented challenges, and was conducted under extremely difficult circumstances. Before the election, there had been ongoing social events

that had lasted for months undermining the public order and peace of Hong Kong, such as personal assaults on persons including the candidates and damage to properties. In the two weeks before the polling day, the situation further deteriorated as some trunk roads were blocked and public facilities were damaged. There were calls in society to postpone or even cancel the election. The EAC also explained in the Report the criteria, authority and constraints in the existing legislation, in terms of the postponement/ adjournment of the election as a whole or the election/ poll/ count of an individual constituency or polling/ counting station. The EAC, pursuant to the power and duties conferred by the law, had given due consideration based on proportionality and proper balance. The EAC was of the view that even with the social turmoil at the relevant time, the situation in the entire society had not been such that the election as a whole or the poll of an individual constituency was required to be postponed or adjourned as stipulated in the legislation. Eventually, the EAC had endeavoured to conduct the election as scheduled to elect the members for the new term of the DCs. Prior to the election, the EAC had repeatedly called upon the public to cherish the fine election culture of Hong Kong so that the election could be conducted in a peaceful and safe environment. In order to enable the election be conducted smoothly so that the electors, candidates and polling staff can go to the polling stations to cast their votes, carry out election campaigns and perform the duties at polling stations safely on the polling day, the REO had stepped up efforts in many areas such as security and logistics arrangements, and convened meetings of the inter-bureau and inter-departmental Crisis Management Committee before and on the polling day to ensure that the election could be held in safe circumstances. The EAC considers that the polling of this election was eventually concluded in a safe and orderly manner, with a record high turnout rate and number of voters doubling the last DC ordinary election. Such a high turnout under the then unsettling social situation has fully demonstrated that the public supported this election. The EAC is of the view that the poll and the count of this election was generally held in an open, honest, fair and safe manner (Prologue of the Report).

6. On the other hand, the EAC also mentions in Chapter 12 (Complaints) of the Report that, against the background of successive incidents undermining the public order and peace in the society, the total number of complaints received was the highest ever, and the increase was alarming. Many of the complaints involved criminal damage/use of violence/intimidation, reaching a total of 1 458 cases. The EAC noted that during the election, there had been successive occurrences of protests, confrontations, violent incidents and unlawful acts in society, such as assaults on candidates and public figures during the electioneering activities,

offices of the candidates were severely damaged, display of political slogan or intimidating messages on “Lennon Walls”, etc. In this connection, the EAC had repeatedly called upon the public to cherish the fine election culture of Hong Kong so that the election could be conducted in a peaceful and safe environment. The EAC reminded members of the public that they should report immediately to the law enforcement agencies (“LEAs”) should they encounter any violence, whether or not it is in connection with the election. The EAC has referred the relevant complaints received to the LEAs for follow-up according to the established procedures. The EAC also points out that quite a number of rumours and false information about the election were circulated on the Internet and social media platforms on or before the polling day. The EAC and the relevant Government departments quickly clarified the false information through different channels to prevent the electors from being misled and influenced. The EAC is of the view that elections pertain to the general public and that any irresponsible act with the intent to compromise an election should not be tolerated. For complaints which involve criminal liability, the EAC refers them to LEAs for follow-up according to the established procedures. The EAC also urges relevant Government departments to step up preventive and law enforcement vigour in future public elections to curb the illegal conducts (Chapter 12 of the Report).

7. The EAC has summarised in Chapter 13 of the Report the challenges faced in this election and incidents during the course, and made recommendations on areas requiring improvements and good practices which should be maintained. Some major recommendations are highlighted in paragraphs 8 to 21 below. All the recommendations in the Report are summarised in **Annex**.

(a) Queuing arrangements in polling stations

8. In the morning of the polling day, about 720,000 electors turned up to vote within the first three hours after the opening of polling stations, which was three times the voter turnout of the same period of time in the last DC ordinary election. As a result, there were long queues of people at many polling stations. Owing to the large number of electors turning up to vote and the limited queuing space at the ballot paper issuing desks, most of the electors had to queue outside the polling stations.

9. Under the established electoral arrangement, after an elector arrives and enters the polling station, he/she will follow the direction of the

polling staff to queue up at the ballot paper issuing desk corresponding to the alphabetical prefix of his/her HKID number to collect the ballot paper. Generally speaking, the queuing arrangement is handled by Presiding Officers (“PROs”) flexibly having regard to the actual situation of their respective polling stations. Hong Kong has always cherished a fine election culture. In past elections, electors followed the instructions of the polling staff and queue up to collect ballot papers in an orderly manner. There were no scrambling and no problems. However, the EAC notes that in this election, as there were a large number of electors going to the polling stations to vote at the same time in the morning of the polling day, long queues had appeared outside most of the polling stations. The EAC considers that the REO should learn from the experience of this election and carefully review the current arrangement of the order of electors’ entries in the register and the distribution of work among the ballot paper issuing desks, and explore how to make the work at the issuing desks more even, so as to speed up the voting process and channel the flow more effectively. In addition, the EAC notes that there were suggestions that electors with special needs, such as pregnant women, physically handicapped persons with mobility difficulties and senior citizens (e.g. those aged 70 or above), should be allowed to vote with priority. The EAC understands that caring for people with special needs is an element that a civilised and caring society ought to embrace. The EAC is going to seek the views of the public on the proposal for priority voting through public consultation on the Proposed Guidelines on Election-related Activities in respect of the LegCo Election, and consider the views received and then decide how to deal with it in future elections (paragraph 13.49 of the Report).

(b) Procedures of issuing ballot paper to electors

10. According to section 53 of the EAC (Electoral Procedure) (District Councils) Regulation (Cap. 541F) (“EAC (EP) (DC) Reg”), upon arrival at the polling station, an elector should produce to the polling staff at the ballot paper issuing desk the original of his/her Hong Kong identity card or other specified alternative documents before a ballot paper can be issued to him/her. And, section 56 of the EAC (EP) (DC) Reg stipulates that before issuing a ballot paper to an elector, the PRO or polling staff should place a line across the name and identity document number of the elector in the copy of the final register to denote that a ballot paper has been issued to that elector. Under the established procedure for issuing ballot papers to electors, the polling staff manning a ballot paper issuing desk work as a team of two. After one staff member has verified the elector’s identity, the other staff member will then verify the elector’s name and identity

document number on the FR before placing a line across the name and identity document number of the elector in the register, so as to ensure that the correct entry has been crossed out.

11. In this election, an elector claimed that when he/she went to the Hong Kong Baptist Theological Seminary Polling Station of the Sai Kung North Constituency in Tai Po District (Code: P1901) to vote, the polling staff had issued the ballot paper to him/her without first verifying his/her identity document. The elector was concerned that someone else might use his/her identity to re-apply for ballot papers. After preliminary investigation, the REO found that the case might involve illegal conduct and has referred it to the relevant LEA for follow-up investigation. The candidates of the constituency concerned have been notified of the matter.

12. The EAC is of the view that there is already a set of procedures for the issuing of ballot papers in place under the current mechanism to be followed by polling staff and the candidates or their agents can monitor the ballot paper issuing process at a designated location close to the issuing desks. However, in order to allay electors' concerns and to refine the ballot paper issuing procedures, the REO should explore how to ascertain accurate verification of electors' identity by the polling staff, and to enable electors to witness the crossing out of their entries in the register by the polling staff upon their collection of ballot papers without seeing the information of other electors on the register (paragraph 13.57 of the Report).

(c) Order in counting stations

13. The EAC has noticed that in certain counting stations (e.g. the Po Chui Catholic Secondary School Counting Station (Code: J2601) of the Yau Tong West Constituency (Code: J26) in Kwun Tong District and the Lok Sin Tong Leung Chik Wai Memorial School Counting Station (Code: S2701) of the Shing Hong Constituency (Code: S27) of Kwai Tsing District), some candidates, agents and members of the public questioned the process of the determination of questionable ballot papers, and shouted and even used foul language to abuse the PRO and counting staff and surrounded the latter to obstruct them from carrying out electoral duties.

14. The EAC points out that the arrangement of allowing the public to enter into the counting station to observe the counting of votes is to

facilitate their monitoring of the election, so as to ensure that the election is held in an open, fair and honest manner. Nevertheless, members of the public should comply with the house rules of the counting station and they should not argue, shout or interfere with the counting process. The public should also abide by the ruling on the ballot papers made by the PRO in accordance with the law. The EAC also notes that the chaotic occurrence in the public area of the above counting station was not an isolated incident.

15. The EAC considers that the REO should look into ways in determining the maximum capacity of the public area in a counting station in future elections, having regard to the actual circumstance of the counting station, and to record the names of members of the public who enter the counting station. The REO should also look into the staff and equipment for video-recording the entire counting process in the counting zone so as to assist the LEAs with the necessary evidence in future. However, the above recommendation should strike a balance between protecting the public's access to information and maintaining the order at the counting station. Furthermore, the REO must also note the restrictions regarding video-taking in the counting stations under the relevant legislation.

16. Besides, according to section 70 of the EAC (EP) (DC) Reg, the PRO must keep the order at the counting station and if a person misconducts himself/herself, the PRO may order the person to leave the counting station and also the person may be removed by a police officer. According to section 69 of the EAC (EP) (DC) Reg, a person who fails to comply with a lawful order given by the PRO at or in the vicinity of a counting station or behaves in a disorderly manner there commits an offence, and is liable to a fine and to imprisonment for three months. As such, the REO should strengthen the training for the electoral staff concerned with respect to keeping order at counting stations, and provide adequate support to them so as to enforce the relevant laws strictly and when necessary, remove the persons who violate the law from the counting station and seek the assistance of police officers to arrest them.

17. On the other hand, the REO should also strengthen its publicity and public education on relevant counting procedures (e.g. the PRO's determination of questionable ballot papers and the consideration on a request for recount), in order to enhance the transparency of the elections and ensure that the counting of votes can be conducted smoothly; and to remind members of the public of the legal consequences if they do not follow the lawful order made by the PRO or misconduct themselves in the

counting station (paragraphs 13.87, 13.88 and 13.101 of the Report).

(d) Application of Information Technology to Enhance the Polling and Counting Procedures

18. Since a large number of electors turned up at the polling stations during the early polling hours on the polling day of this election, there were queues at certain polling stations. There were views suggesting that the REO should use IT to expedite the voting process.

19. The EAC notes that the REO is currently conducting a detailed study on the recommendation relating to use of electronic registers of electors at polling stations. Putting the recommendation into practice would facilitate flexible deployment of manpower in the polling stations, make good use of space, increase the efficiency of issuing ballot papers, expedite the voting process and thus channel the flow of electors. However, technical problems which may be encountered in actual operation have yet to be resolved, such as the considerable time required for installing the relevant IT equipment in a large number of polling stations, the provision of technical support on the polling day, etc.

20. The REO is also studying how to implement electronic vote counting in future elections so as to expedite the counting process, while the size of a ballot paper has direct implication on the feasibility of implementation. The REO is exploring the feasibility of implementing electronic vote counting in functional constituencies for which centralised counting arrangement is adopted.

21. The EAC is of the view that computerisation of the electoral process should be the way forward. Nevertheless, the acceptance by the public should be carefully considered when implementing electronic voting. In any case, with the development of IT, the REO should continue to carry out studies to assess the feasibility of using IT in different aspects of the election process with a view to making better voting and counting arrangements (paragraph 13.117 of the Report).

(C) Way Forward

22. In overall terms, the Government considers the review findings and recommendations of the Report acceptable. We will work with the EAC to pursue follow-up actions.

Constitutional and Mainland Affairs Bureau
March 2020

**A summary of recommendations in the Electoral Affairs Commission
Report on the 2019 District Council Ordinary Election**

(A) Difficulties in Identifying Suitable Venues as Polling Stations

The Registration and Electoral Office (“REO”) had encountered great difficulties in identifying and borrowing venues for use as polling stations in the election. The Electoral Affairs Commission (“EAC”) understands that the REO had made its best efforts. The EAC hopes that schools, institutions and organisations can take into account public interest and fulfil their social responsibility by making available their venues for setting up of polling stations. The EAC recommends that, in the provision of premises and venues to the schools or subvented organisations, the Government should consider including in the relevant land grants a requirement that the schools and subvented organisations must assist in the preparation of public elections, and make available their venues and facilities for the setting up of polling stations, actively consider making the date following the polling day a school holiday.

(B) Difficulties in Recruitment of Polling Staff

The REO has encountered tremendous difficulties in recruiting electoral staff. As many as 20 000 civil servants were required to serve as electoral staff, but the deadline for application had to be extended several times due to insufficient applications, and appeals were made many times by the permanent secretaries and department heads to civil servants to apply for the electoral posts. The EAC considers that the REO should explore the possibility of appointing, in addition to serving civil servants, retired civil servants as electoral staff in future elections in order to meet the increasing manpower demand due to rising voter turnout. With the experience of retired civil servants (especially those who served as electoral staff before retirement), the elections could be conducted in a better and more efficient way. Besides, the REO should review and enhance the training programmes for electoral staff.

(C) Formulation of Contingency Plans for Receipt of Nomination Forms from Candidates

The EAC is of the view that, the contingency plans and fallback venues for receipt of nomination forms from candidates during the nomination period prepared for this election has proven to be effective and practical, and such arrangements should continue in the future. The EAC also suggests that, when a relevant contingency plan is activated, the REO should announce the temporary change of address in a more user-friendly way to the candidates. Apart from issuing a timely press release through the ISD and displaying notices at the original RO offices, the REO should also post the press release on the election website as soon as possible.

(D) Review on the Arrangement of the Briefing Session for Candidates

The EAC organises a briefing session for validly nominated candidates at every election. However, soon after the commencement of the briefing for this election, some people seriously disrupted the order of the venue, and the briefing session was eventually cancelled in the course. The EAC is of the view that briefing session for candidates is a good opportunity for the candidates and their agents to better understand the electoral legislation and guidelines. As long as the circumstances permit, briefing sessions for candidates should continue to be conducted as far as possible. Nevertheless, in view of the problems of disruption of the order at the briefings in recent years, the REO should consider drawing up fallback arrangements and look into the feasibility of conducting briefing sessions with the aid of information technology (“IT”), including producing audio-visual materials and uploading them online for viewing by the candidates as well as for reference by the public.

(E) Relocation of Polling Stations and Setting up Reserve Polling Stations as Contingency Measures

A total of five polling stations originally located inside tertiary institutions across the territory were relocated after careful risk assessment a few days before the polling day. The EAC notes that the REO had strived to make the most appropriate arrangements in the shortest time, and hopes that the electors concerned understood the constraints. The EAC is of the view that more reserve polling

stations should be set up for larger Districts so that in case a polling station in a remote location needs to be relocated, the electors affected can vote at a reserve polling station within a shorter distance. The EAC also encourages the electors to provide the REO with their telephone numbers and/or email addresses so that they may be able to receive the latest electoral information.

(F) Pilot Scheme for Mobile Input System for Electoral Statistics

The Mobile Input System for Electoral Statistics (“MISES”) is an Internet-based online application developed by the REO for the polling staff to input, calculate, verify and submit three sets of electoral data on the polling day, namely the hourly voter turnouts, numbers of complaints and counting results. The EAC is pleased to note that the pilot run was largely successful, and considers that the REO should explore other options that could provide more stable network connection for MISES in order to enhance the efficiency of data transmission and the overall performance of the system. The REO should also consider extending the pilot run to some constituencies in the upcoming Legislative Council General Election (“LCGE”) to further test the accuracy and stability of MISES.

(G) Arrangements for Queueing at Polling Stations

In the morning of the polling day, about 720 000 electors turned up to vote within the first three hours after the opening of polling stations, which was three times the voter turnout of the same period of time in the last District Council (“DC”) ordinary election. As a result, there were long queues of people at many polling stations. Owing to the large number of electors turning up to vote and the limited queuing space at the ballot paper issuing desks, most of the electors had to queue outside the polling stations. The EAC considers that the REO should learn from the experience of this election and carefully review the current arrangement of the order of electors’ entries in the register and the distribution of work among the ballot paper issuing desks, and explore how to make the work at the issuing desks more even, so as to speed up the voting process and channel the flow more effectively. In addition, the EAC notes that there were suggestions that electors with special needs, such as pregnant women, physically handicapped persons with mobility difficulties and senior citizens (e.g. those aged 70 or above), should be allowed to vote with priority. The EAC

understands that caring for people with special needs is an element that a civilised and caring society ought to embrace. The EAC is seeking the views of the public on the proposal for priority voting through public consultation on the Proposed Guidelines on Election-related Activities in respect of the LegCo Election, and consider the views received and then decide how to deal with it in future elections.

(H) Production of Identity Documents to Apply for Ballot Papers

According to section 53 of the EAC (Electoral Procedure) (DCs) Regulation (Cap. 541F) (“EAC (EP) (DC) Reg”), upon arrival at the polling station, an elector should produce to the polling staff at the ballot paper issuing desk the original of his/her Hong Kong identity card or other specified alternative documents before a ballot paper can be issued to him/her. And, section 56 of the EAC (EP) (DC) Reg stipulates that before issuing a ballot paper to an elector, the PRO or polling staff should place a line across the name and identity document number of the elector in the copy of the final register to denote that a ballot paper has been issued to that elector. The EAC is of the view that in order to allay electors’ concerns and to refine the ballot paper issuing procedures, the REO should explore how to ascertain accurate verification of electors’ identity by the polling staff, and to enable electors to witness the crossing out of their entries in the register by the polling staff upon their collection of ballot papers without seeing the information of other electors on the register.

(I) Delivery of Sorted Ballot Papers from Ballot Paper Sorting Stations to Main Counting Stations

The EAC notes the sorting and transportation arrangements formulated by the REO for dedicated polling stations’ (“DPS”) ballot papers. The delivery was affected by the higher number of ballot papers processed by the BPSS and the higher number of constituencies involved, and some PROs being not familiar with the relevant delivery and receipt procedures, as well as certain persons at the venues who queried the delivery arrangement for DPS ballot papers. As a result, certain main counting stations (“MCSs”) experienced delay in the receipt of ballot papers. The EAC is of the view that the REO should study how to optimise the delivery process and deploy manpower and vehicles in a more flexible way, and

consider increasing the number of staff at ballot paper sorting stations (“BPSSs”) so as to effectively cope with the extra workload stemming from the ever rising increase in voter turnout and number of constituencies. The EAC also considers that the REO should strengthen training to explain in detail to PROs of MCSs the procedures for receiving DPS ballot papers sorted by BPSSs, and should notify the PROs concerned on whether there will be DPS ballot papers to be delivered to their MCSs on the polling day soonest practicable. More efficient mode of notifications, such as SMS, should also be considered. In view of the rising public concern about electoral matters and the public being unfamiliar with the arrangement for transporting ballot papers cast at different types of polling stations to the corresponding counting stations, the REO should also enhance publicity.

(J) Enhancing the Public’s Knowledge on the Polling and Counting Arrangements at Special Polling Stations

When the ballot papers of the special polling station of Kennedy Town & Mount Davis Constituency (A07) arrived at the MCS located at HKYWCA Western District Integrated Social Service Centre, Victoria Road, Western District (Code: A0701), some people in the MCS raised doubts about the origin of the ballot papers inside the green ballot box due to unfamiliarity with the relevant arrangements. They even surrounded and obstructed the staff concerned from entering the MCS. The EAC considers that, in view of the insufficient knowledge of the public about the arrangement of delivery of ballot papers cast at different types of polling stations to the MCS, the REO should strengthen the training for PROs and step up the publicity in explaining to the public the procedures of sorted ballot papers cast at various types of polling stations, and the legal requirements and practical arrangement for delivering sorted ballot papers to the MCS. And, if a special polling station has to be set up across the constituencies, the arrangement should be publicised as soon as practicable to dispel unnecessary doubts by the public. Also, the law enforcement agencies (“LEAs”) should also formulate plans so that reinforcement can be deployed promptly if a polling/counting station were surrounded and/or the electoral staff were intimidated. Besides, in order to enhance transparency, the REO should consider clearly displaying the information inside designated MCSs on the polling day to allow the public to understand the relevant arrangement for the avoidance of recurrence of similar incidents.

(K) Confusion Occurring in the Process of Determination of Questionable Ballot Papers

In this election, the count at the Po Chui Catholic Secondary School Counting Station (Code: J2601) of the Yau Tong West Constituency (Code: J26) in Kwun Tong District was completed relatively late because disputes had arisen during the determination of questionable ballot papers by the PRO. The PRO was also alleged to have left the counting station and have covered ballot papers with inappropriate objects during the count, causing dissatisfaction among the people thereat. Besides, a candidate had attempted to prevent the PRO from determining questionable ballot papers by leaving the counting station, leading to a halt in the counting process. The EAC considers that the REO should strengthen its training for the PROs in future to prevent recurrence of similar incidents. And, the REO should look into ways in determining the maximum capacity of the public area in a counting station in future elections, having regard to the actual circumstance of the counting station, and to record the names of members of the public who enter the counting station. The REO should also look into the staff and equipment for video-recording the entire counting process in the counting zone so as to assist the LEAs with the necessary evidence in future. However, the above recommendation should strike a balance between protecting the public's access to information and maintaining the order at the counting station. Furthermore, the REO must also note the restrictions regarding video-taking in the counting stations under the relevant legislation. Besides, according to section 70 of the EAC (EP) (DC) Reg, the PRO must keep the order at the counting station and if a person misconducts himself/herself, the PRO may order the person to leave the counting station and also the person may be removed by a police officer. According to section 69 of the Regulation, a person who fails to comply with a lawful order given by the PRO at or in the vicinity of a counting station or behaves in a disorderly manner there commits an offence, and is liable to a fine and to imprisonment for three months. As such, the REO should strengthen the training for the electoral staff concerned with respect to keeping order at counting stations, and provide adequate support to them so as to enforce the relevant laws strictly and when necessary, remove the persons who violate the law from the counting station and seek the assistance of police officers to arrest them. On the other hand, the REO should also strengthen its publicity and public education on relevant counting procedures (e.g. the PRO's

determination of questionable ballot papers and the consideration on a request for recount), in order to enhance the transparency of the elections and ensure that the counting of votes can be conducted smoothly; and to remind members of the public of the legal consequences if they do not follow the lawful order made by the PRO or misconduct themselves in the counting station.

(L) Dispute over the Request for Recount of Ballot Papers

During the count at the Lok Sin Tong Leung Chik Wai Memorial School Counting Station (Code: S2701) of the Shing Hong Constituency (Code: S27) of Kwai Tsing District, a large number of ballot papers were set aside as questionable ballot papers. Some people at the counting station, including one of the candidates and her agent, queried the decisions made by the PRO on the questionable ballot papers and requested a recount. However, the request was rejected by the PRO. The persons concerned were very dissatisfied with that. Not only did they not accept the PRO's decision and explanation, they also stopped the polling staff from packing the ballot papers and electoral documents after the completion of the count in accordance with the law. As a result, the venue of the counting station could not be returned to the school until the evening of the day following the polling day. The EAC considers that the REO should strengthen the training and guidance for PROs and electoral staff on the determination of questionable ballot papers. In addition, the REO should consider prominently displaying in counting stations the sample ballot papers for determining the validity of questionable ballot papers in future elections in order to enable the public to have a better understanding and to dispel their doubts. In parallel, the REO should also step up the publicity and educational campaign for the sake of strengthening the knowledge of the general public about the arrangements on the determination of questionable ballot papers. Besides, the REO should in future elections strengthen the training and guidance for PROs and electoral staff on counting procedures, and provide sufficient support to them so as to keep the order at the counting stations and ensure that they would be able to discharge their duties smoothly. And, the REO should also strengthen the publicity and educational campaign on the counting procedures in order to enhance the transparency of elections, ensure the smooth running of the counting process, and avoid the recurrence of similar incidents.

(M) Packing, Delivery and Storage of Electoral Documents After the Close of Poll

The EAC is pleased to learn that the REO has implemented improvement measures on the packing, delivery and storage of electoral documents for this election and would like to thank the GPA for its help in identifying the store, and considers that the REO should continue to put in place and refine the relevant measures in future elections to ensure safe and proper custody of electoral documents.

(N) Application of Information Technology to Enhance the Polling and Counting Procedures

Since a large number of electors turned up at the polling stations during the early polling hours on the polling day of this election, there were queues at certain polling stations. There were views suggesting that the REO should use IT to expedite the voting process. The EAC is of the view that computerisation of the electoral process should be the way forward. Nevertheless, the acceptance by the public should be carefully considered when implementing electronic voting. In any case, with the development of IT, the REO should continue to carry out studies to assess the feasibility of using IT in different aspects of the election process with a view to making better voting and counting arrangements.

(O) Media Reports on the “Reversal” of Election Results

In the early morning of the day following the polling day, it was reported in the media that the election results at two counting stations were reversed due to a discrepancy in the results between the first count and recount. Subsequently, the EAC received numerous complaints from members of the public questioning the impartiality of the counting work at the counting stations concerned, namely the Pei Ho Street Sports Centre Counting Station (Code: F0701) of the Nam Cheong Central Constituency in Sham Shui Po District and the Fei Ngan Kindergarten Counting Station (Code: J1902) of the Lam Tin Constituency in Kwun Tong District. After investigation, the REO found that the relevant media reports were not accurate, and inconsistent with the actual situation and results of the counts.

The EAC notes that the media reports on the “reversal” of election

results of the Nam Cheong Central Constituency (F07) and Lam Tin Constituency (J19) were not accurate, not in accordance with the actual situation and results of the counts mentioned above. The EAC deeply regretted that the public might have been misled by such reports on the counting work of the counting stations concerned, and hence became anxious and/or suspicious of the fairness of the counts. The EAC is of the view that the REO should step up its publicity to deepen the knowledge and understanding of the public (including the media) of the counting procedures, and strengthen the training for PROs so that they could explain the counting procedures to the candidates, their agents, the media and members of the public at the scene whenever necessary to avoid misunderstanding and expel doubts, and minimise the chance of recurrence of similar incidents. And, the REO should review the relevant procedures of the SIC by specifying the circumstances under which the SIC can treat the counting result as the final election result to be submitted to the RO for announcement so as to prevent the recurrence of similar incidents.

(P) Printing and Checking of Ballot Papers

In the Carmel Leung Sing Tak School Polling Station (Code: J1001) (“Leung Sing Tak Polling Station”) of the On Lee Constituency (Code: J10) of the Kwun Tong District, two ballot papers which belong to the Fei Tsui Constituency (Code: C14) of the Eastern District (but not the On Lee Constituency (J10)) were found, and were not counted eventually. After the election, the REO and the Government Logistics Department (“GLD”) which was responsible for the printing of the ballot papers have investigated the incident, and believe that the said discrepancy was caused by human error that two ballot papers for the On Lee Constituency (J10) had been wrongly replaced by two for the Fei Tsui Constituency (C14) by the staff concerned in the course of the internal quality checking by GLD. The EAC considers that the incident is serious as it has inevitably affected public confidence in the handling of ballot papers by the relevant departments. Nevertheless, the incident had no impact on the final election results. No willful act in contravention of the electoral legislation had been found in the investigation, and it could not be ruled out that human negligence might be the cause of the incident according to the circumstantial evidence. However, any situation where there is an opportunity to wrongly issue to an elector a ballot paper for a constituency to which he/she does not belong will affect the rigour of the election process. It is also absolutely unacceptable that among a stack of ballot papers

for a constituency, there are ballot papers for another constituency mixed with them. Although the REO and GLD had put in place respectively multiple checking measures in the process to ensure that the ballot papers were in order, the incident revealed that the relevant measures were not watertight and the performance of their staff concerned was found wanting. The EAC urges the REO and GLD to learn from the experience of the incident and formulate clearer working procedures in order to enhance the professionalism in the checking of ballot papers.

(Q) The Obvious Difference between Voter Turnout and Number of Ballot Papers Actually Counted

After the close of the Election, the election results of all the constituencies were uploaded onto the election website for public perusal. Thereafter, the REO received a letter from one of the candidates of the Kwai Fong Constituency (Code: S14) of Kwai Tsing District, pointing out that the voter turnout of the constituency as shown on the election website was less than the total number of votes that the three candidates of the constituency had received. As such, the candidate enquired about the reasons for the discrepancy. In view of the above, the EAC has immediately requested the REO to investigate into the causes of the difference. However, after the preliminary investigation by the REO, the reasons for the difference still could not be figured out. Since the incident might have involved illegal conduct, the REO had referred the case to the LEA for investigation. Moreover, the REO had also sent letters to inform the candidates of the constituency of the incident and remind them that they could question the election result by lodging an election petition under section 49 of the District Councils Ordinance. As far as it is known, no candidate at the counting station requested a recount. The EAC notes that the PRO concerned did not familiarise himself with the operational manual, failed to handle the “SPOILT” ballot papers in accordance with the established procedure and had made a few mistakes, including incorrectly arranging the re-issuance of new ballot papers to electors at the ballot paper issuing desks, as well as wrongly endorsing the “SPOILT” ballot papers received with the word “TENDERED”, resulting in errors in the number of voter turnout and the figures on the ballot paper account, and therefore comparison cannot be made between the ballot paper account and the number of ballot papers actually counted. There were obvious problems with the performance of the PRO. The EAC has instructed the REO to

investigate further into and clarify the relevant responsibilities of the PRO involved, and take appropriate follow-up actions as necessary. The REO must also strengthen the training for PROs in order to prevent similar incidents from happening again.

(R) Rumours and False Information About the Election

On and before the polling day, quite a number of rumours and false information about the election were circulated on the Internet and social media platforms. In view of this, the EAC and the relevant Government departments quickly clarified the false information through different channels to avoid the electors from being misled and influenced. The EAC is of the view that elections pertain to the general public and that any irresponsible act with the intent to compromise an election should not be tolerated. For complaints which involve criminal liability, the EAC has referred them to LEAs for follow-up according to the established procedures. The EAC urges relevant Government departments to step up preventive and law enforcement vigour in future public elections to curb such irresponsible acts. On the other hand, the REO also appeals to the public to discern fact from fiction and not to misbelieve rumours, or to refrain from spreading rumours. Besides, the REO should also enhance publicity and public education on the voting and counting arrangements, including producing audio-visual materials and uploading them online for reference by members of the public, so as to enhance their awareness and understanding.