

## CHAPTER 14

### REVIEW AND RECOMMENDATIONS

#### Section 1 – A General Remark

14.1 The EAC is generally satisfied with the smooth conduct of both the 2011 ECSS Elections and the 2012 CE Election, which were organised in an open, fair and honest manner. After the completion of both elections, the EAC, following past practices, conducted a comprehensive review of all aspects of the electoral procedures and arrangements with a view to improving the conduct of future elections. The significant areas under review and the related recommendations are set out in the ensuing paragraphs.

#### Section 2 – Review and Recommendations

##### The 2011 ECSS Elections

##### (I) Matters relating to Preparation Work

##### (A) Setting up of polling stations

14.2 There were several complaints from voters that the polling stations assigned to them were not conveniently located. Some voters pointed out that the number of polling stations set up for the 2011 ECSS Elections were far less than the number of polling stations set up for the 2011 DC Election. They considered that the inconvenient locations of the polling stations might discourage voters to vote.

**Recommendation:**

14.3 The EAC noted that in view of the relatively small electorate of the 2011 ECSS Elections, the number of polling stations set up in the elections were understandably much smaller than that in the general/ordinary elections of the LegCo and DC. While the established arrangement had ensured that voters were assigned to vote at polling stations which were close to their registered residential address, it was inevitable that some voters would have to travel longer distance to their assigned polling stations to cast votes when compared to their experience in the 2011 DC Election. It was also unavoidable that many voters could not be assigned the same polling stations which they used to go to for casting votes in the past DC and LegCo elections. The EAC further noted that, in some isolated incidents, more conveniently located venues had indeed been identified by the REO for setting up polling stations but, for various reasons, could not be made available on the polling day. The EAC would like to take the opportunity to appeal to voters for their understanding of the constraints and difficulties faced by the REO in the search for suitable venues for setting up polling stations. More importantly, it would be neither realistic nor cost-effective to make available the same number of polling stations as in the case of a LegCo general election or a DC ordinary election, given the relatively small size of the ECSS electorate. In any case, it is worth noting that the average number of voters assigned to a polling station in the ECSS Elections is only about one-third of that in the 2011 DC Election. Nevertheless, to the extent possible and reasonable, the REO would continue to make every effort to set up polling stations at conveniently-located venues for voters to cast votes in future elections.

(B) Election deposit

14.4 A candidate of the DC subsector submitted his nomination paper together with the required election deposit in the form of cheque to the RO on 22 November 2011, notwithstanding that candidates had been strongly advised to hand in the election deposit in cash or by cashier order if they submitted the nomination in the last three working days of the nomination period to avoid the risk of invalidation of the nomination due to dishonoured cheque. Due to the time required for bank-in arrangements and cheque clearance, the Treasury could only confirm with the REO on 25 November 2011 that the cheque was dishonoured. As nomination already closed on 24 November 2011, the candidate was unable to make good the deposit before the close of nomination. On the advice of the NAC, the nomination of the candidate was therefore ruled not valid by the RO.

**Recommendation:**

14.5 To avoid the risk of nomination being rendered not valid as a result of dishonoured cheque, the EAC considers that in future elections, the REO should continue to remind nominees through appropriate channels of the advantage of making the election deposit in cash or by cashier order. Nominees should be made aware of the unwarranted risk of dishonoured cheque and, subsequently, lack of time to make good the nomination at stake.

## **(II) Matters relating to Operational Aspects**

### **(C) Quoting the name of an organisation as political affiliation in Introduction to Candidates**

14.6 A complaint had been received from an organisation against a candidate for quoting the name of an organisation under the entry of political affiliation in the Introduction to Candidates without its prior consent. At the time when the complaint was received, the Introduction to Candidates had not been distributed. Subsequently, as a result of clarification with the candidate concerned, the candidate agreed to remove such information. The REO then revised the relevant Introduction to Candidates for distribution to voters.

#### **Recommendation:**

14.7 The EAC considers it important to provide voters with correct information in the Introduction to Candidates. To forestall the recurrence of the above incident in future elections, the REO should remind the candidates in the Guide on Completion of Grid Paper of the need to obtain the prior consent of an organisation before quoting its name in the entry of political affiliation in the Introduction to Candidates.

### **(D) Delivery of ballot boxes to the counting tables**

14.8 In the 2006 ECSS Election, there were concerns about the time taken for the delivery of ballot boxes from ballot box reception and deposit areas to the counting zones as they were located separately on different floors of the HKCEC. Hence, the EAC made a recommendation in the Report on the 2007

CE Election that the central counting station should be large enough to accommodate both the counting zones and the ballot box reception and deposit areas on the same floor. Taking into account the aforesaid recommendation, the REO secured Halls B, C, D and E on Level 3 of the HKCEC, which was large enough to accommodate both the ballot box reception and deposit areas and the counting zones, to serve as the central counting station for the 2011 ECSS Elections.

**Recommendation:**

14.9 The arrangement for accommodating both the counting zones and the ballot box reception and deposit areas on the same floor in the 2011 ECSS Elections had contributed significantly to the quick delivery of the ballot boxes from the ballot box reception and deposit areas to the counting zones, thus facilitating the early commencement of the count. The EAC considers the aforesaid set-up conducive to the smooth and efficient conduct of vote counting and should continue to be adopted in future elections, such as the LegCo Election, which require the setting up of a central counting station.

(E) Design of ballot paper

14.10 In view of the large number of candidates in some subsectors, some candidates enquired as to whether arrangements could be put in place in the 2011 ECSS Elections to allow emblems or other particulars to be shown against individual candidates on the ballot papers for easy identification, as in the DC and LegCo elections. Such arrangements would facilitate voters to identify the candidates of their choice when marking the ballot papers.

14.11 The REO considered it technically infeasible to accede to the request having regard to the large number of candidates (ranging from 19 to 164) contesting for individual subsectors in the 2011 ECSS Elections and the operational need to have all the essential identification particulars of candidates (such as the candidate numbers and names of all candidates) to be printed on one side of the ballot paper to facilitate the reading by OMR.

14.12 As a possible way to facilitate voters to mark the ballot papers, the EAC Chairman stated, when meeting the media after touring a mock polling station on 7 December 2011, that voters could bring along a paper listing the candidate numbers of their choices for easy reference when marking the ballot papers, provided that they would not show that paper to other persons inside the polling station and, they would not leave behind that paper when leaving the polling station. Besides, all polling stations would have the Introduction to Candidates of the various subsectors for reference by voters. Subsequently, a press release was issued to widely publicise the above message and other important points to note by voters.

**Recommendation:**

14.13 Given the current design of the ECSS Elections, it is not feasible to accommodate more particulars pertaining to candidates on the ballot papers. The best possible advice has been given to voters on the marking of ballot papers in the circumstances, as explained in paragraph 14.12 above. Such advice should continue to be taken into consideration in conducting future elections of the ECSS.

(F) Provision of address labels to candidates

14.14 For environmental protection, the REO had continued with the established practice of providing address labels of voters to candidates for free postage of EAs only upon their request. Also, address labels of those voters who had provided their email addresses for receiving EAs were not printed and distributed to candidates. Out of the 1,577 validly nominated candidates, 854 candidates requested address labels and/or Candidate Mailing Label System (“CMLS”) CD-ROM. However, 143 candidates failed to collect the requested items eventually. In addition, quite a number of candidates had used only a small amount or even none of the address labels received from the REO and returned the unused address labels to the REO for disposal afterwards.

**Recommendation:**

14.15 In future elections, the REO should make stronger appeal to candidates that to avoid wastage, they should plan and consider carefully whether and how they would need the address labels for sending out EAs.

(G) Inaccurate information on address labels and Candidate Mailing Label System CD-ROM

14.16 The 2011 DC Election was held about one month before the 2011 ECSS Elections. Newly elected DC members could only be registered in the two DC subsectors and relevant voters information could only be updated after the DC Election held in November 2011. Some candidates of the DC subsectors reported that out-of-date information on voters was found in the address labels and CMLS CD-ROM distributed to them. The REO launched an investigation into the case promptly and found that the incorrect information

had been included in the aforesaid electoral materials due to a technical error made when updating the database of voters information. As a remedial measure, the REO immediately produced an updated version of the address labels and the CMLS CD-ROM for replacement and distribution to the candidates.

**Recommendation:**

14.17 The EAC considers that it is an isolated incident due to a technical error. To forestall the recurrence of similar incidents in future, the REO should enhance the checking process to ensure the accuracy of information before the production of the address labels and CMLS CD-ROM for distribution to the candidates.

(H) Deployment of ballot box tracking system

14.18 A new dedicated computer system namely the BBTS was developed for the 2011 ECSS Elections with a view to enhancing the efficiency and monitoring of the counting process. The system had performed useful functions in registering the arrival of ballot boxes from polling stations, facilitating the allocation of ballot boxes to sorting tables with reference to the size of the polling stations, and tracking the progress in respect of sorting of ballot papers at individual sorting tables. The system was developed and fully tested several months before the Elections. Further on-site tests were conducted before the full operation of the system in the central counting station on the polling day.



**Recommendation:**

14.19 The BBTS had enhanced the efficiency of the counting process of the 2011 ECSS Elections and therefore should be used again in future elections. Also, the REO should explore the possibility of deploying the BBTS with suitable modifications in the 2012 LegCo Election, in which all the ballot papers of the Functional Constituencies would be counted in a central counting station.

**The 2012 CE Election****Matters relating to Preparation Work****(A) Polling hours and advice to EC members**

14.20 The duration of the polling hours of the first round of poll was kept at two hours from 9:00 a.m. to 11:00 a.m. having regard to the increase in the number of EC members from 800 to 1,200. Although EC members were familiar with the location of the HKCEC where the main polling station was situated, they were strongly encouraged to arrive well before 10:00 a.m. (i.e. one hour before the close of the first round of voting) to avoid possible bunching towards the end of the polling time or any delay caused by other unforeseen circumstances on the polling day. A waiting lobby was designated outside the main polling station for early arrivals and admission to the waiting lobby commenced at 8:00 a.m. on the polling day. The appeal to arrive early at the main polling station was generally well heeded by EC members and proved to be very effective as over 50% of the EC members arrived at the main polling station by around 10:00 a.m. on the polling day.

**Recommendation:**

14.21 The arrangements set out in paragraph 14.20 above were conducive to the smooth conduct of the poll and should continue to be adopted in future elections.

**(B) Name badges with barcodes for verification**

14.22 Following the practice adopted in the 2007 CE Election, a name badge and a polling notice were provided to all EC members prior to the poll. To enhance the venue security, a barcode was printed on each name badge which would be scanned before allowing an EC member to pass through the access control points in the HKCEC. Only a few EC members had not brought along their name badges to the main polling station and needed to be provided with replacement badges.

14.23 Having regard to the increase in the number of EC members, the number of ballot paper issuing desks was increased from 22 to 33, grouped into six color zones. To facilitate polling staff to usher an EC member to the right ballot paper issuing desk efficiently, the relevant color zone, in addition to the code of the ballot paper issuing desk allocated to the EC member, was also printed at the lower part of the name badge.

**Recommendation:**

14.24 The requirement that EC members had to display the aforesaid name badges had facilitated the verification work and ensured the smooth access of EC members to the HKCEC. Also, the measure set out in paragraph 14.23 had in particular helped a lot to expedite the process of directing EC members to the

right ballot paper issuing desks. Therefore, similar arrangements should be put in place in future elections.

(C) Traffic control and designation of drop-off and pick-up points

14.25 Having regard to the limited parking spaces available for use at the HKCEC and the busy traffic nearby, the REO had encouraged EC members to go to the main polling station by public transport. Special arrangements were also made in collaboration with the Police and the HKCEC to ensure the smooth vehicular traffic at the venue. EC members arriving at the HKCEC in private vehicles or taxis would be directed to use the designated drop-off points clearly marked on a transportation map sent to each EC member for reference before the polling day. To avoid congestion during the polling hours, EC members were advised beforehand that no vehicles would be allowed to pick up passengers at the designated drop-off points. Instead, other locations at the HKCEC were designated as pick-up points for use by private vehicles driven to pick up EC members. To facilitate vehicular traffic control near the HKCEC, a vehicle entry permit was also given to EC members so that those who preferred to come in private vehicles could display the permit on the windscreen of their vehicles for identification purpose. EC members were also requested to complete a survey form to provide the REO with information on their mode of transport to the main polling station to facilitate an early assessment of the likely traffic condition on the polling day.

**Recommendation:**

14.26 As the arrangements mentioned in paragraph 14.25 above had contributed substantially to the effective regulation of traffic in the vicinity of the HKCEC on the polling day and had facilitated EC members to assess how

they should plan and make their trips to the venue, the EAC considers that there is merit in putting in place similar arrangements in future elections.

(D) Order in the main polling station

14.27 In the appeal letters sent to all EC members together with the polling notice, they were reminded of the behavior which was prohibited inside the main polling station. To reinforce the message on secrecy of votes and, in particular, to remind EC members that showing ballot papers or the votes thereon to others inside the polling station would contravene the law, special emphasis was given to the prohibition by law in the aforesaid appeal letter. Specifically, EC members were reminded not to communicate with others inside the main polling station, in particular not to show their vote on the ballot paper to others and to film, take photograph or make any audio or video recording. They were also reminded not to remove a ballot paper from the main polling station. When entering the main polling station, EC members were further reminded to switch off their mobile phone by REO staff.

**Recommendation:**

14.28 The EAC considers it necessary to remind EC members of the need to follow relevant rules and regulations in the main polling station in order to ensure an orderly process. The EAC is of the view that the measures set out in paragraph 14.27 above are appropriate and recommends that they should be adopted again, as applicable, in future elections.

### **Section 3 – Publication of the Report**

14.29 The EAC recommends that this report be made public, at a time the CE thinks appropriate, so that the public may be kept posted as to how the EAC conducted and supervised the 2011 ECSS Elections and the 2012 CE Election.