

CHAPTER 5

POLLING AND COUNTING ARRANGEMENTS

PART I : GENERAL

5.1 A poll would be held in a contested election as well as in an uncontested election. Please refer to Chapter 4 for the respective voting systems. Regarding the polling arrangements and polling hours for both contested and uncontested elections, please refer to Part III of this chapter. *[Added in January 2022]*

5.2 A No Canvassing Zone (“NCZ”) will be designated outside each polling station to ensure that electors can gain access to the polling station without interference. In addition, a No Staying Zone (“NSZ”) in which no one is allowed to stay or loiter will also be designated in the immediate vicinity outside the entrance/exit of a polling station to avoid any obstruction of entry/exit. *[Added in January 2022]*

5.3 About 30 minutes before the commencement of poll (or 15 minutes for dedicated polling stations situated in penal institutions), the Presiding Officer (“PRO”) will admit the candidates, their election agents or polling agents into the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. After the close of poll, the PRO will lock and seal the ballot boxes in the presence of the candidates and their agents, if any. The count will only commence when polling at all polling stations has closed. *[Added in January 2022]*

5.4 Only electors and designated authorised persons are allowed entry into a polling station. Electors requiring assistance from others for entering into a polling station may make a request to the PRO for discretionary

arrangements as appropriate. *[Added in January 2022]*

5.5 In order to increase the flexibility, efficiency and accuracy in the issuance of ballot papers, starting from the 2022 CE Election, an electronic poll register (“EPR”) system will be adopted in the procedures of issuing ballot papers at the main polling station, which will include scanning the identity cards of the electors, verifying the registered particulars of electors and issuing ballot papers to the electors. Upon entry to the polling station, electors can follow the instructions provided by polling staff on site and collect ballot papers at any of the ballot paper issuing desks. Please refer to Parts VI and VII of this chapter for details. *[Added in January 2022]*

5.6 The ballot is autonomous and secret. No one may use any force or threaten to use force against a person to make him/her to vote or not to vote for any particular candidate at a contested election or to vote or not to vote in support of the candidate at an uncontested election. Also, no one is obligated to disclose which candidate he/she has voted for or is going to vote for at a contested election or whether or not he/she has voted or is going to vote in support of the candidate at an uncontested election. *[Added in January 2022]*

5.7 After collecting the ballot paper, an elector should immediately proceed to a voting compartment to mark the ballot paper on his/her own. Each voting compartment can only be used by one elector at a time only. Based on the principle of the autonomous and secret ballot, the law prohibits anyone (not even the relative or friend of the elector) to accompany or assist an elector to vote. If an elector has difficulty in marking his/her ballot paper, he/she may, as stipulated under the law, ask the PRO or the PRO’s deputy to mark the ballot paper on his/her behalf according to his/her voting preference, in the presence of 1 polling staff as a witness. Please refer to para. 5.42 below for details. *[Added in January 2022]*

5.8 No one is allowed to display, circulate, share or discuss with others any material containing the name and/or number of a candidate inside the polling station or the NCZ. Such acts are against the law. Nevertheless, it is not prohibited by the law for an elector to enter the polling station with a memorandum containing the name or number of the candidate of his/her choice (such as a leaflet bearing the information of the candidate or a reminder note commonly known as “thunder in the palm (掌心雷)”) for that elector’s own reference to mark the ballot paper inside the voting compartment. *[Added in January 2022]*

5.9 Under no circumstances is anyone allowed to induce an elector to vote or not to vote for a particular candidate at a contested election or to vote or not to vote in support of the candidate at an uncontested election by offering advantages, food, drink or entertainment, by using force or duress against a person, or by a deception, or to wilfully obstruct or prevent an elector from voting at the election. Such acts violate the ECICO. There are occasions when electors may require others to assist or transport them to access the polling station. However, the above acts must not be done deliberately to induce an elector to vote or not to vote for a particular candidate at a contested election or to vote or not to vote in support of the candidate at an uncontested election. For details about corrupt conduct to wilfully obstruct or prevent another person from voting at an election, please refer to para. 17.26 of Chapter 17. *[Added in January 2022]*

5.10 Exit polls may be conducted outside the exit of the polling station within the NCZ by organisations approved by the REO. Participation in any exit poll is entirely voluntary. Electors need not disclose to the organisations concerned which candidate they have voted for at a contested election or whether or not they have voted in support of the candidate at an uncontested election unless they wish to do so voluntarily. Please see Chapter 15 for matters relating to exit polls. *[Added in January 2022]*

PART II : THE VENUE

Gazettal of Notice

5.11 The CEO must designate by notice in the Gazette a place as the main polling station, a place as the counting station, and one or more places as dedicated polling station(s) (i.e. a place situated inside penal institutions or other suitable places (e.g. police stations) for registered electors who are imprisoned or held in custody by the law enforcement agencies on the polling day to cast their votes) at least 10 days before the polling day. Subject to the availability of suitable venues, both the main polling station and the counting station will be set up at the same location, or locations in close proximity to each other, with accessibility to electors with mobility difficulty [s18 of the EP (CEE) Reg]. *[Amended in January 2010, November 2011 and October 2016]*

5.12 If both the main polling station and the counting station are set up at the same location, the venue will be partitioned into 2 parts, i.e. the main polling station and the counting station. Within the counting station, there will be a counting zone, a media centre and seating areas for the electors, the candidate(s) and his/her/their agent(s), and members of the public to observe the counting of votes [s 46 of the EP (CEE) Reg]. *[Amended in January 2010 and January 2022]*

No Canvassing Zone and No Staying Zone

5.13 An area outside each polling station will be designated as the NCZ and NSZ, the boundaries of which will be determined by the RO. All candidates will be notified of these zones before the polling day [s 23 of the EP (CEE) Reg]. The RO may also authorise the PRO to vary the NCZ or the NSZ on the polling day [s 23(5A) of the EP (CEE) Reg]. (See Chapter 14) *[Amended in January 2007, January 2010 and October 2016]*

PART III : VOTING AND COUNTING

Polling Hours of Contested Election

5.14 At a contested election where there is more than 1 validly nominated candidate, multiple rounds of voting may need to be held on the polling day, and generally the first round of voting will start from 9 am until 11 am (except for dedicated polling stations situated in penal institutions – please see para. 5.15 below). Thereafter the count will start. If none of the candidates obtains more than 750 valid votes, another round of voting has to be held in accordance with the voting system described in Part I of Chapter 4. The new round of voting will start from 3 pm until 4 pm. The count will follow thereafter. If again none of the candidates obtains more than 750 valid votes and more than 2 candidates remain after the elimination process, the third round of voting will be held as required in accordance with the voting system. This round, if required, will start from 7 pm until 8 pm. Again, the count will follow thereafter. In the event that there is a need for the fourth round or further rounds of voting to be conducted in accordance with the voting system, it will be held on the following day [s 17(3) of the EP (CEE) Reg]. Under the voting system, where only 2 candidates remain or only 2 validly nominated candidates contested in the election and none of them obtains more than 750 valid votes in a single round of voting conducted for them, the election proceedings will be terminated and no further round of voting will be conducted [s 22(3)(e) of the CEEEO]. For details of the voting system, please refer to Part I of Chapter 4. *[Amended in January 2007, January 2010, November 2011 and January 2022]*

5.15 Different polling hours may be appointed for dedicated polling stations situated in penal institutions. As there is a need to separate some persons imprisoned or held in custody from others inside the penal institutions, the Commissioner of Correctional Services shall assign a time slot during the polling hours of a dedicated polling station situated in a penal institution to an elector allocated to that polling station to vote, and inform the elector of the time

slot assigned. The Commissioner of Correctional Services must assign time slots so as to give the electors a reasonable opportunity to vote. An elector to whom a time slot is assigned may only cast his/her vote during that time slot (see para. 5.45 below). [S 17(7) to (11) of the EP (CEE) Reg] *[Amended in January 2007, January 2010 and October 2016]*

Polling Hours of Uncontested Election

5.16 At an uncontested election where there is only 1 validly nominated candidate, the time for conducting the poll will be published in the Gazette notice and in the polling notice sent to electors at least 10 days before the polling day. The polling arrangements in respect of the dedicated polling station are similar to those for a contested election as set out in para. 5.15 above. For details of the voting system, please refer to Part II of Chapter 4. *[Added in January 2007 and amended in January 2010 and October 2016]*

Polling Notice

5.17 For both contested and uncontested elections, at least 10 days before the polling day, the REO will issue to each elector a polling notice. The polling notice details the polling date, the address of the polling station allocated to him/her, and the time of the single round or the first 3 rounds of voting, depending on the number of validly nominated candidate(s). Along with the polling notice, there will be a location map of the polling station, detailed voting instructions and procedures on how the poll and the count will be conducted. If the CEO decides to change the polling station, the CEO must as early as practicable inform the electors, RO and PRO concerned in a manner deemed appropriate. To allow electors serving a sentence of imprisonment on the polling day to receive the polling notices as early as possible, the REO will send the polling notices to the penal institutions where the electors are serving their sentences insofar as practicable. [S 19 of the EP (CEE) Reg] *[Amended in January 2007, January 2010 and January 2022]*

5.18 At both contested and uncontested elections, the RO shall give notice in writing to a candidate or the election agent or any counting agent of the address of the counting station and the time of counting of votes. *[Added in January 2007 and amended in October 2016]*

PART IV : INSIDE AND OUTSIDE THE POLLING STATION

5.19 The PRO will be responsible for maintaining order inside a polling station, the NCZ and the NSZ. At the main polling station, there will be police officers and members of the Civil Aid Service (“CAS”) present to provide assistance whenever necessary. For dedicated polling stations, the PRO will be assisted by officers of the CSD or other law enforcement agencies. *[Amended in January 2010]*

5.20 About 30 minutes (or 15 minutes for dedicated polling stations situated in penal institutions) before the commencement of poll, the PRO will admit the candidate(s), his/her/their election agent(s) or polling agent(s) into the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. The PRO will show them that the sealed packets are not tampered with before opening them and the ballot boxes are empty before locking and sealing them. [S 29 of the EP (CEE) Reg] The PRO will also inform and show to such persons the number of ballot papers in his/her possession. For each candidate, only 1 such person may be present to observe the opening of sealed packets of ballot papers and the locking and sealing of ballot boxes: a candidate, the election agent or a polling agent. *[Amended in January 2022]*

5.21 For dedicated polling stations situated in penal institutions, due to security reasons,

- (a) at a dedicated polling station situated inside a maximum security prison, only a maximum of 2 candidates may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes;
- (b) at a dedicated polling station situated in a penal institution other than a maximum security prison, only a maximum of 2 candidates, their election agents or polling agents may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes.

Admission of candidates, election agents or polling agents to the aforesaid dedicated polling stations to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes will be on a **first-come-first-served basis**. (Please refer to Chapter 7 for the procedures for election agents or polling agents to apply for admission to dedicated polling stations situated in penal institutions.)

[Amended in November 2011 and January 2022]

5.22 Where no candidates or none of their agents are present at the polling station, the above process of opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes will be conducted in the presence of any 2 of the following persons inside the polling station: police officers, members of the CAS, officers of the CSD or polling staff (as the case may be). *[Amended in January 2010, October 2016 and January 2022]*

5.23 Unless it is not practicable to do so, the PRO will arrange a copy of the relevant Introduction to Candidates published by the REO to be displayed outside the main polling station, or inside a dedicated polling station, to facilitate easy reference by electors. *[Amended in November 2011 and October 2016]*

5.24 The CEO will display a map or plan showing the respective boundaries of the main polling station, counting station and dedicated polling station outside the main polling station and counting station, or inside a dedicated polling station [s 18(7) of the EP (CEE) Reg]. An NCZ will be designated outside the polling station to ensure the undisturbed passage of electors into the polling station. An NSZ in which no one is allowed to stay or loiter will also be designated in the immediate vicinity outside the entrance/exit of a polling station to avoid any obstruction of entry/exit. Canvassing activities within an NCZ will not be allowed (except for the static display of EAs authorised by the RO, such as EAs mounted at designated spots). A notice of the determination of the NCZ and a map or plan showing the boundary of the area will be put up at or near the polling station. (See Chapter 14) *[Amended in January 2007, January 2010, November 2011 and October 2016]*

5.25 On the polling day, a person must not:

- (a) engage in canvassing for votes (including suggesting not to vote for any candidate in the case of a contested election, or suggesting not to vote in support of the candidate in the case of an uncontested election) in an NCZ; *[Amended in January 2007]*
- (b) use a sound amplifying system or device for any purpose in the NCZ without lawful authority, except for the performance of duties by officers of the CSD on the polling day at the dedicated polling stations situated in penal institutions; *[Amended in November 2011]*
- (c) use a sound amplifying system or device, or conduct any activity (e.g. lion dance) for canvassing votes, so that the sound emitted by the activity can be heard in the NCZ; *[Amended in January 2007 and October 2016]*

- (d) display in the NCZ any promotional material relating to any candidate or the election of the CE, except for static display of EAs authorised by the RO (e.g. EAs mounted at designated spots);
[Amended in October 2016]
- (e) stay or loiter in the NSZ without the express permission of the PRO;
- (f) fail to comply with a lawful direction given by the RO or the PRO in an NCZ or NSZ;
- (g) cause an obstruction to any person who is in the NCZ or NSZ and on his/her way to vote; or
- (h) otherwise misconduct himself/herself in an NCZ or NSZ.

[S 24 of the EP (CEE) Reg]

5.26 If a person contravenes the requirements in para. 5.25 above, he/she may be required by the RO or PRO to produce his/her identity card for inspection and ordered by the RO or PRO to leave the NCZ or NSZ immediately. If he/she fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the RO or PRO, or an officer of the CSD or any law enforcement agency if the NCZ or NSZ is determined in relation to a dedicated polling station. The person so removed may not re-enter the relevant zone except with the express permission of the RO or PRO.
[Amended in January 2010 and October 2016]

5.27 A person who violates the provisions in paras. 5.25 and 5.26 commits an offence with a maximum penalty of a fine at level 2 (\$5,000) and an imprisonment for 3 months [s 82 of the EP (CEE) Reg].

PART V : ADMISSION TO THE POLLING STATION

5.28 Other than electors, only the following persons may be admitted to a polling station:

- (a) a member of the EAC;
- (b) the RO;
- (c) an Assistant Returning Officer (“ARO”);
- (d) the CEO;
- (e) the PRO;
- (f) a polling staff;
- (g) a candidate;
- (h) an election agent (not applicable to dedicated polling stations situated in maximum security prisons);
- (i) a polling agent appointed for the polling station (not applicable to dedicated polling stations situated in maximum security prisons);
- (j) a public officer on duty at the polling station, including a police officer and a member of the CAS, etc.;
- (k) an officer of the CSD and other law enforcement agencies on duty at dedicated polling stations;
- (l) a child who accompanies an elector who enters the main polling

station for the purpose of voting (if the PRO considers that the child should not be left unattended while that elector is inside the polling station and will not disturb or cause inconvenience to any person in the main polling station);

- (m) a person authorised in writing by a member of the EAC or the CEO, subject to the conditions as imposed in the authorisation; or
- (n) a person authorised in writing by the RO for liaison purposes.

[S 26 of the EP (CEE) Reg] *[Amended in January 2007, January 2010 and October 2016]*

A notice will be displayed at the entrance to the main polling station or inside dedicated polling stations to show that only electors and designated/authorised persons may be allowed to enter. *[Amended in January 2010]*

5.29 For each candidate, only 1 of the following persons may be present in a dedicated polling station (other than that situated inside a maximum security prison) to observe the poll at any one time: a candidate, the election agent or the polling agent. For security reasons,

- (a) only a maximum of 2 candidates may be present at any one time to observe the poll at a dedicated polling station situated inside a maximum security prison;
- (b) a maximum of 2 candidates, election agents or polling agents may be admitted to a dedicated polling station situated in a penal institution other than a maximum security prison at any one time.

Admission to the dedicated polling station is on a **first-come-first-served basis**. Observers will have to take turn in case more than 2 candidates/agents intend to

observe the poll at the same time. The PRO may regulate the number of people entering the dedicated polling station (see also Chapter 7). *[Added in January 2010]*

5.30 Except for electors, police officers, officers of the CSD, officers of any law enforcement agencies or members of the CAS who are on duty, all other persons permitted to enter a polling station are required to make a **Declaration of Secrecy** on a specified form¹⁰ before entering the polling station and observe the regulations on the secrecy of voting [s 69 of the EP (CEE) Reg]. *[Amended in January 2010]*

PART VI : HOW TO ISSUE BALLOT PAPERS

5.31 In accordance with s 34 of the EP (CEE) Reg, an EPR system will be adopted in the procedures for issuing ballot papers at the main polling station to increase the flexibility, efficiency and accuracy in issuance of ballot papers. If the polling stations concerned are dedicated polling stations, or in the event of a EPR system failure, the printed copy of EC FR will be used by polling staff in issuing ballot papers.

(a) Use of EPR System in Issuing Ballot Papers

Upon entry to the polling station, an elector will be directed to one of the ballot paper issuing desks to collect the ballot paper. The polling staff will request the elector to present his/her Hong Kong Permanent Identity Card (“HKID”). The polling staff will then check the elector’s HKID, and scan it with a tablet so as to verify whether the person is a member of the EC. If a specified identity document other than the HKID is presented by the elector, then the

¹⁰ Declaration can be made before Commissioner for Oaths/member of the EAC/RO/CEO/Justice of the Peace/solicitor with a practising certificate.

PRO's authorisation is to be obtained for the manual input of the elector's HKID number into the EPR system for verification purpose.

The polling staff will softly call out the name of the elector as stated in the entry in the EPR system. The polling staff will then show 1 unmarked ballot paper to the elector and issue the ballot paper to the elector. The EPR system will record the time of issuing ballot paper to the elector, but **no record will be made** as to which particular ballot paper is given to the elector. To ensure accurate record-keeping, the elector may view his/her name and partial HKID number on the screen of the EPR system during the issuance process.

(b) **Use of Printed Copy of EC FR in Issuing Ballot Papers**

If the polling stations concerned are dedicated polling stations, or in the event of EPR system failure, the **printed copy** of EC FR will be used by polling staff in issuing ballot papers. The polling staff will check the elector's identity document against the entry in the printed copy of EC FR to verify whether the person is a member of the EC. Thereafter, the polling staff will softly call out the name of the elector as stated in the entry in the printed copy of EC FR, and draw a line across the name and the identity document number therein to indicate that the ballot paper has been issued to the elector. The polling staff will conduct the line-drawing under observation of the elector to ensure accuracy, while at the same time covering up the entries of other electors in the printed copy of EC FR to ensure the privacy of other electors' personal data.

The polling staff will show 1 unmarked ballot paper to the elector and issue the ballot paper to the elector, and then request the elector to acknowledge the ballot paper is received. No record will be made as to which particular ballot paper is given to the elector.

(c) **Use of Printed Copy of EC FR in the Event of EPR System Failure**

In case the EPR system breaks down while in use on the polling day rendering the system inoperable, the fallback arrangement will be activated and the polling staff will use the printed copy of EC FR (as stated in (b) above) to issue ballot papers to electors until close of poll. At the same time, the fallback mode of the EPR system has to be activated to retrieve the information from the local storage device of the system inside the polling station. With this storage device, the polling staff can, prior to issuance of any ballot papers, check to confirm that an elector applying for ballot paper has not collected any ballot paper at the polling station when the EPR system was in use. The HKID numbers of electors who have collected their ballot papers when the EPR system was in use are recorded in the storage device in an encrypted form, but the personal particulars of these electors, such as their names, will not be recorded.

[S 34 of the EP (CEE) Reg] *[Amended in January 2022]*

At the time of issuing the ballot paper, the polling staff will also supply an elector with a chop with a “✓” sign.

5.32 To facilitate the verification of the total number of ballot papers issued, the counterfoil of each ballot paper bears a serial number on its front. However, the serial number will not appear on the ballot paper, and neither the polling staff nor the EPR system will record the serial number of the ballot paper issued to an elector [ss 30(3) and 34(4) of the EP (CEE) Reg]. The polling staff and the EPR system will only register the quantity of ballot papers issued to electors at the ballot paper issuing desks for calculating the hourly voter turnout and cumulative voter turnout. *[Amended in January 2022]*

5.33 According to the established procedures, all ballot papers are issued at the ballot paper issuing desks and counted towards the cumulative voter turnout. “TENDERED” ballot papers and ballot papers issued to electors in replacement of “SPOILT” ballot papers must be handled by the PRO and issued at the PRO desk (please refer to paras. 5.50 and 5.51 below for details). *[Added in January 2022]*

PART VII : QUEUING ARRANGEMENT

5.34 Electors have to queue up to enter the polling station. A seated waiting area is provided outside the polling station for electors with special needs to take rest before entering the polling station to collect their ballot papers. Besides, to avoid long queues during the poll, a number of ballot paper issuing desks and voting compartments will be set up inside the polling station. The practical arrangements for electors to collect their ballot papers at ballot paper issuing desks will be different having regard to different ways of issuing ballot papers.

(a) Queuing Arrangement When the EPR System is Used

When ballot papers are issued via the EPR system, all ballot paper issuing desks are equipped with the tablets of the EPR system.

The ballot paper issuing desks are no longer individually confined to a group of HKID prefixes allocated according to the printed copy of EC FR, and electors can flexibly collect their ballot papers at any ballot paper issuing desks.

(b) **Queuing Arrangement When Printed Copy of EC FR is Used**

As for polling stations where the EPR system cannot be adopted, the printed copy of EC FR will be used in issuing ballot papers. To avoid duplicate issuance of ballot papers, the printed copy of EC FR will be split into parts, by the alphabetical prefixes of HKID number. The number of parts shall match the number of the ballot paper issuing desks, and the parts of the printed copy of the EC FR are then distributed to the issuing desks accordingly. Electors are required to collect their ballot papers at their respective ballot paper issuing desk according to their HKID number. A line will be drawn across the entry of the elector in the printed copy of EC FR when that elector has collected the ballot paper.

(c) **Queuing Arrangement When Switching to Printed Copy of EC FR is Required due to EPR System Failure**

In case the EPR system is rendered inoperable after it breaks down during use, the polling station should activate the fallback mode and switch to using the printed copy of EC FR for issuing ballot papers. The arrangement of collecting ballot papers at each ballot paper issuing desk will be identical to the arrangement when using the printed copy of EC FR for issuing ballot papers. However, polling staff must first check the record in the encrypted local storage device and confirm that the elector has not collected any ballot paper prior to activation of the fallback mode so as to avoid duplicate issuance of ballot papers.

[Added in January 2022]

**PART VIII : PRESENTATION OF DOCUMENT FOR
COLLECTING BALLOT PAPER**

5.35 Upon arrival at the polling station, an elector should show to the polling staff at the ballot paper issuing desk the original of any of the following documents. The elector only be issued with the ballot paper only if the PRO or polling staff is satisfied with the document presented:

- (a) the original of the elector's HKID;
- (b) alternative documents:
 - (i) a document issued by the Commissioner of Registration to the elector certifying that the elector is exempt, under regulation 25 of the Registration of Persons Regulations (Cap 177A), from being required to register under the Registration of Persons Ordinance (Cap 177);
 - (ii) a document issued by the Commissioner of Registration acknowledging that the elector has applied:
 - (1) to be registered under the Registration of Persons Ordinance; or
 - (2) for a new HKID issued under regulation 13 or 14 of the Registration of Persons Regulations but is awaiting its issuance;

- (iii) a valid HKSAR Passport issued to the elector under the Hong Kong Special Administrative Region Passports Ordinance;
 - (iv) a valid HKSAR seaman's identity book issued to the elector under regulation 3 of the Immigration Regulations (Cap 115A);
 - (v) a valid document of identity issued to the elector under regulation 3 of the Immigration Regulations; or
- (c) a document evidencing the elector's report to a police officer of the loss or destruction of document referred to in para. 5.35(a), (b)(i) or (ii) above, together with the original of a valid passport or similar travel document (not being one referred to in para. 5.35(a), (b)(i) to (v) above) issued to him/her showing his/her name and photograph.

[S 34 of the EP (CEE) Reg] *[Amended in January 2022]*

5.36 An elector applying for a ballot paper at a dedicated polling station situated in a penal institution is required to produce a document issued by the Commissioner of Correctional Services showing the elector's name, photograph and prisoner registration number allocated by the Commissioner to the elector for identification purpose. [S 34 of the EP (CEE) Reg] *[Added in January 2022]*

5.37 If there are reasonable grounds for questioning the bona fides of an elector, the PRO shall ask him/her the following questions at the time of his/her application for a ballot paper (but not afterwards):

- (a) Are you the person registered in the EC FR as follows (the PRO to read the whole entry as it is recorded in the FR)?
- (b) Have you already cast a vote in this round of voting? (for a contested election)

or

Have you already cast a vote? (for an uncontested election)

The person will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO. [S 32 of the EP (CEE) Reg] *[Amended in January 2007]*

5.38 Where there is reasonable cause to believe that a person has engaged in corrupt conduct of impersonation of an elector, the PRO may request a police officer to arrest that person. If the polling station is a dedicated polling station, the PRO may request the officer of the CSD or the law enforcement agency to remove the person concerned from the polling station and report the case to the police. [S 33 of the EP (CEE) Reg] *[Amended in January 2010]*

PART IX : VOTING METHODS

5.39 After being issued with the ballot paper, the elector should immediately proceed to one of the voting compartments to mark his/her ballot paper. One compartment can only be used by one elector at one time. *[Amended in January 2007 and October 2016]*

5.40 An elector must use the chop supplied to mark his/her choice of candidate on the ballot paper at a contested election or his/her choice of “support” or “not support” at an uncontested election. He/She should then fold

the ballot paper so that the marked side is inside, before leaving the voting compartment and insert the folded ballot paper into the ballot box located near the exit of the polling station. *[Amended in January 2007]*

NOTE :

After being issued with the ballot paper, an elector must proceed to a voting compartment to mark the ballot paper immediately and, after casting his/her vote, leave the polling station without undue delay. A person who fails to obey any order of the PRO or misconducts himself/herself commits an offence. The PRO may seek assistance from the police and order the person to leave the polling station immediately [s 27(7), (8) and (10) of the EP (CEE) Reg].

If an elector deliberately makes an error in marking the ballot paper and asks the PRO to issue a new ballot paper to him/her repeatedly, the PRO may reject his/her request. If there is a reasonable cause to believe that a person impersonates an elector to apply for a ballot paper, the PRO may request a police officer to arrest that person [s 33 of the EP (CEE) Reg]. A person engages in corrupt conduct if he/she directly or indirectly, by a deception, induces another person not to vote at the election, or wilfully (whether or not deception is involved) obstructs or prevents another person from voting at the election [s 14 of the ECICO]. It is an offence for a person to take away a ballot paper from a polling station. Furthermore, it is a corrupt conduct for any person to, without lawful authority, destroy, deface, take or otherwise interfere with a ballot paper in use or having been used at the election; or without lawful authority, destroy, remove, open or otherwise interfere with a ballot box in use at the election [s 17 of the ECICO].

Candidates/their agents and electors should make a complaint to the PROs, RO, law enforcement agencies or EAC with regard to any event possibly contravening the electoral law. All complaints will be treated in strict confidence. The EAC will refer any complaints of suspected violation of the law to the law enforcement agencies for follow-up action.

[Added in January 2022]

5.41 An elector with visual impairment who so requests will be provided with a braille template to facilitate his/her marking of the ballot paper by himself/herself [s 37(3) of the EP (CEE) Reg]. The template should be returned to the polling staff after use (for details about the template, see para. 7.38 of Chapter 7). *[Added in January 2022]*

5.42 An elector must mark his/her ballot paper by himself/herself and cannot request other electors to do it on his/her behalf. If an elector is unable to mark the ballot paper by himself/herself (e.g. due to inability to read or visual impairment or other physical conditions), he/she may ask the PRO, Deputy PRO or any Assistant PRO to mark the ballot paper on his/her behalf. The marking of the ballot paper as such must be made in the presence of 1 polling staff as a witness. [S 37(1) of the EP (CEE) Reg] (See paras. 7.37 and 7.38 of Chapter 7) *[Amended in January 2022]*

5.43 **The ballot is secret. No one is allowed to use force or duress, or threaten to use force or duress, against a person to make him/her vote or not vote for any particular candidate at a contested election, or vote or not vote in support of the candidate at an uncontested election [s 13 of the ECICO]. Also no one is required to disclose which candidate he/she has voted for or is going to vote for at a contested election, or whether or not he/she has voted or is going to vote in support of the candidate at an uncontested election.** A person who, without lawful authority, requires or

purports to require an elector to disclose the name of, or any particular relating to, the candidate for whom the elector has voted at a contested election or disclose whether or not he/she has voted in support of the candidate at an uncontested election commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [ss 78 and 82 of the EP (CEE) Reg].
[Amended in January 2007 and January 2022]

5.44 To safeguard the secrecy of the ballot by electors, no one shall, at any time, disclose whether an elector has or has not applied for a ballot paper or voted; or disclose the identity of an elector at a dedicated polling station. Anyone who makes such disclosure, unless otherwise permitted by the law, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [Ss 70(1)(a), (aa), (2) and 82 of the EP (CEE) Reg]
[Added in January 2010 and amended in October 2016]

Issuance of “UNUSED”, “SPOILT” or “TENDERED” Ballot Papers

5.45 If for a reason considered justified by the PRO, an elector cannot cast his/her vote after a ballot paper has been issued to him/her, he/she may, with the permission of the PRO, hand back the ballot paper to the PRO and return later to cast his/her vote [s 35(1) of the EP (CEE) Reg]. If after having been issued with a ballot paper, an elector has become incapacitated from voting by physical illness and has left the polling station without casting his/her vote, he/she may return to the polling station to cast his/her vote before the close of that round of voting at a contested election or the close of poll at an uncontested election, provided that before he/she leaves the polling station, his/her ballot paper has been returned to the PRO [s 35(5) of the EP (CEE) Reg]. For a dedicated polling station situated in a penal institution, the elector concerned will also need to return to cast his/her vote within the existing or any newly assigned time slot [s 35(5B) of the EP (CEE) Reg].

5.46 Under the above circumstances, for the main polling station, the following procedures must be taken by the PRO:

- (a) the PRO must keep the ballot paper in his/her custody and re-issue such ballot paper, in the presence of a police officer to the elector in question when the latter returns before the close of that round of voting at a contested election or the close of poll at an uncontested election to cast his/her vote [s 35(3) of the EP (CEE) Reg]; and
- (b) if at the close of that round of voting at a contested election or the close of poll at an uncontested election, the elector has not returned, the PRO shall endorse the ballot paper with the words “**UNUSED**” and “**未用**”; and show it to each candidate or his/her election agent or polling agent who is present at the time; such ballot paper shall not be put into a ballot box and will not be counted at the counting of votes [ss 35, 39 and 50 of the EP (CEE) Reg].

[Amended in January 2007, January 2010, October 2016 and January 2022]

5.47 For a dedicated polling station, the following procedures must be taken by the PRO and/or the Commissioner of Correctional Services or his/her officer:

- (a) the PRO must keep the ballot paper in his/her custody and return such ballot paper, in the presence of an officer of the CSD or any law enforcement agency, to the elector in question when the latter returns before the close of that round of voting at a contested election or the close of poll at an uncontested election to cast his/her vote [s 35(3) and (6) of the EP (CEE) Reg];

- (c) where a dedicated polling station situated in a penal institution is concerned, the Commissioner of Correctional Services or his/her officer must as far as practicable assign to the elector a new time slot within the polling hours appointed for that dedicated polling station, and notify the elector of the new time slot [s 35(2B) and (5A) of the EP (CEE) Reg]; and
- (c) if at the close of that round of voting at a contested election or the close of poll at an uncontested election, the elector has not returned, the PRO shall endorse the ballot paper with the words “**UNUSED**” and “**未用**” and show it to each candidate or his/her election agent or polling agent who is present at the time; such ballot paper shall not be put into a ballot box and will not be counted at the counting of votes [ss 39 and 50(1)(d) of the EP (CEE) Reg].

[Added in January 2022]

5.48 If any issued ballot paper (whether marked or unmarked) is found abandoned or left behind in a voting compartment or other areas inside the polling station, it must be handed in to the PRO. The ballot paper will be endorsed with the words “**UNUSED**” and “**未用**” on the front and be kept by the PRO. In no circumstances can such ballot paper be put into the ballot box. Such a ballot paper will not be counted at the counting of votes. [Ss 39 and 50 of the EP (CEE) Reg]

5.49 The PRO would only need to keep a ballot paper left in the polling station in his/her custody in the circumstances described in para. 5.45 above when he/she knows which elector had left the ballot paper behind. Otherwise, a ballot paper found to be left in the polling station should be endorsed as “**UNUSED**” and “**未用**” and will not be counted at the counting of votes [ss 39 and 50 of the EP (CEE) Reg]. *[Amended in January 2007 and October 2016]*

5.50 Any elector who has inadvertently torn or damaged his/her ballot paper or has made an error in marking the ballot paper issued to him/her may ask the PRO to exchange it for another unmarked ballot paper. If the PRO considers the request reasonable, he/she will issue a new ballot paper to the elector in exchange for the spoiled ballot paper. Such spoiled ballot paper will be endorsed with the words “**SPOILT**” and “**損壞**” on the front and be kept by the PRO. Spoiled ballot papers will not be counted at the counting of votes. [Ss 40 and 50 of the EP (CEE) Reg] *[Amended in January 2007 and October 2016]*

5.51 Where a person, claiming to be a particular elector on the EC FR, applies for a ballot paper after a person has already been issued with a ballot paper as such an elector, the PRO may issue a tendered ballot paper to the latter elector **only if** he/she is not certain that the latter person is the former person who had been issued with a ballot paper earlier, and the latter person has answered the appropriate questions in accordance with the law as set out in para. 5.37 to the satisfaction of the PRO. The PRO may in such circumstances issue a ballot paper with the words “**TENDERED**” and “**重複**” endorsed on the front. Such a ballot paper shall not be counted at the counting of votes [ss 38 and 50 of the EP (CEE) Reg]. *[Amended in October 2016]*

5.52 After casting their votes, electors shall leave the main polling station and may proceed to the counting station to observe the count, or leave the venue. In a contested election, electors at the main polling station are encouraged to observe the count and stay until the counting result is known so that they may proceed to the polling station for the second round of voting and so on if required (please see para. 5.14). If any additional round of voting is required, the RO will make a public announcement through the electronic media. Electors who have left the venue should keep a close watch on such an announcement and return to the main polling station in time to cast their votes. Alternatively, they may enquire through the REO hotline about the need to return for another round of voting if they do not have access to the electronic media. *[Amended in January 2007 and January 2010]*

5.53 An elector who has cast his/her vote in a dedicated polling station in the first round of voting will be informed by an officer of the CSD or law enforcement agency if an additional round of voting is required. The Commissioner of Correctional Services or his/her officer shall assign a time slot to an elector allocated to vote at a dedicated polling station situated in a penal institution to cast his/her vote in the next round of voting. *[Added in January 2010 and amended in October 2016]*

PART X : CONDUCT INSIDE THE POLLING STATION

5.54 In a polling station, a person must not:

- (a) engage in canvassing for votes (including suggesting not to vote for any candidate in the case of a contested election, or suggesting not to vote in support of the candidate in the case of an uncontested election); *[Amended in January 2007]*
- (b) display any promotional material relating to the CE election or any candidate;
- (c) fail to comply with a lawful direction given by the RO or PRO;
- (d) disrupt the poll or disturb or cause inconvenience to any person; or
- (e) otherwise misconduct himself/herself,

otherwise he/she commits an offence and will be liable to a fine and to imprisonment and may be required by the RO or PRO to produce his/her identity card for inspection and ordered by the RO or PRO to leave the polling station immediately. An elector must cast his/her vote without undue delay. If an elector fails to cast his/her vote without undue delay, the RO or the PRO may

order him/her to leave the polling station immediately. If a person fails to leave immediately as ordered by the RO or the PRO, he/she may be removed by:

- (a) a police officer (if the polling station is the main polling station);
- (b) an officer of the CSD or other law enforcement agency (if the polling station is a dedicated polling station); or
- (c) any other person authorised in writing by the RO or PRO to remove him/her.

The person so removed may not re-enter the polling station on the polling day except with the express permission of the RO or PRO. Nevertheless, the powers conferred on the RO and PRO are not to be exercised to order an elector to leave the polling station or remove an elector from the polling station for the purpose of preventing the elector from voting. [S 27 of the EP (CEE) Reg] *[Added in January 2010 and amended in October 2016 and January 2022]*

5.55 Only the following persons may speak to or communicate with electors, and use a mobile phone, paging machine or any other form of communication device within a polling station:

- (a) a member of the EAC;
- (b) the RO and an ARO;
- (c) the CEO;
- (d) the PRO and other polling staff;
- (e) a public officer, a police officer or a member of the CAS on duty at the polling station;

- (f) an officer of the CSD or other law enforcement agency on duty at a dedicated polling station;
- (g) a person authorised in writing by the RO for liaison purposes; and
- (h) a person authorised in writing by a member of the EAC or the CEO.

[S 27 of the EP (CEE) Reg] *[Amended in January 2007, January 2010, October 2016 and January 2022]*

5.56 Any person who undertakes photographing, filming and video or audio recording within a polling station without the express permission of the PRO, the RO or a member of the EAC, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [ss 27 and 82 of the EP (CEE) Reg]. Normally such permission is only granted to government photographers for publicity purposes. *[Amended in January 2007]*

PART XI : CLOSE OF POLL

5.57 After the close of poll, the PRO will lock and seal the ballot box [s 41 of the EP (CEE) Reg]. Candidate(s) and his/her/their agent(s) can accompany the PRO in the delivery of the ballot boxes from a polling station to the counting station. *[Added in January 2010]*

NOTE :

Under the principle of secrecy of the ballot, given the relatively small number of votes cast at the dedicated polling stations, votes cast will not be counted therein. After the close of poll, the ballot boxes at the dedicated polling stations will be delivered to the

counting station and mixed with the ballot papers received from the main polling station before counting. *[Added in January 2022]*

PART XII : THE COUNT

5.58 The count will be conducted in the presence of the candidate(s), or his/her/their election agent(s) or counting agent(s), if they are present. The ballot box(es) at the dedicated polling station(s) will be delivered to the counting station under police escort. Such ballot box(es), together with the ballot box(es) at the main polling station, will then be unsealed and opened by the RO, witnessed by all those present in the counting zone. The ballot papers cast at all polling stations will be mixed and the count will be conducted manually by counting staff. *[Amended in January 2010]*

5.59 Only the following persons may be present at the counting of votes:

- (a) a member of the EAC;
- (b) the RO, an ARO and counting staff;
- (c) the CEO;
- (d) candidate(s), his/her/their election agent(s) and counting agent(s);
- (e) an elector;
- (f) a public officer, a police officer or a member of the CAS on duty at the counting station; and

- (g) a person authorised in writing by a member of the EAC or the CEO, subject to the conditions as imposed in the authorisation.

Candidate(s) and his/her/their agent(s) are prohibited from entering the restricted zone. Any member of the public may observe the counting of votes from an area (“the public area”) at the counting station set apart for that purpose by the RO, unless the RO considers that his/her presence may:

- (a) cause disorder or disturbance in the counting station;
- (b) disrupt the counting of votes; or
- (c) prejudice the secrecy of the individual votes.

[S 46 of the EP (CEE) Reg] *[Amended in January 2007]*

5.60 Members of the public and the media have the rights to observe the count at the counting station. That said, to maintain order inside the counting station, there are always occasions that the RO has to reject further entrants when the area designated for the public reaches the maximum capacity. To enhance the transparency of the admission arrangement for counting stations, a notice stating the maximum capacity of the public area will be displayed outside the counting station by the RO. *[Added in January 2022]*

5.61 Besides, photography and/or video-recording is allowed inside the counting station. Members of the public (including the media) can take photographs and/or videos inside the public area (excluding inside the counting zone). For record purposes, closed-circuit televisions will be installed in the counting station (including inside the counting zone) to record the actual situation of the counting station (including the public area). *[Added in January 2022]*

5.62 As mentioned in para. 5.52 above, electors may proceed to the counting station to observe the count and wait for the counting result after casting their votes, but they are not allowed to enter or stay inside the counting zone. Every person authorised to be present at the counting zone, other than the police officers and members of the CAS on duty, must make a **Declaration of Secrecy** on a specified form¹¹ before entering the counting zone and observe the regulations on the secrecy of voting [s 69 of the EP (CEE) Reg]. Members of the public and the media present within the public area and the media area will not be required to make a Declaration of Secrecy. *[Amended in January 2010 and January 2022]*

5.63 The valid ballot papers will be placed in separate transparent plastic boxes on the table according to the choices marked by the electors on the ballot papers and counted manually. Questionable ballot papers, if any, will be put aside. The RO will then gather together all candidates or their election/counting agents at a contested election, or, the only validly nominated candidate or his/her election/counting agent(s) at an uncontested election, to witness his/her determination on the validity of these questionable ballot papers. For details of the procedure, see Part XIII below. Thereafter, the valid votes obtained by each/the candidate will be counted. **At no time should a candidate, his/her election agent or counting agent(s) touch any ballot papers.** At the end of the count, the number of ballot papers will be verified by comparing the summation of valid votes cast for individual candidates at a contested election, or valid “support” and “not support” votes cast for the only validly nominated candidate at an uncontested election, as well as invalid ballot papers, with the ballot paper account of the main polling station. *[Amended in January 2007 and January 2022]*

5.64 When the number of ballot papers has been verified, the RO will declare the election result. He/She shall display a notice of the result of the

¹¹ Declaration can be made before Commissioner for Oaths/member of the EAC/RO/CEO/Justice of the Peace/solicitor with a practising certificate.

election at a prominent place immediately outside the counting station and publish the result of the election in the Gazette as soon as practicable [s 55 of the EP (CEE) Reg and s 28 of the CEEEO]. *[Amended in January 2022]*

5.65 Except with the express permission of the RO or a member of the EAC (as the case may be), any person who undertakes photographing, filming and video or audio recording in the counting zone during the period commencing from the time at which the counting of the votes is to begin at the zone and ending upon the completion of the counting and re-count, if any, at the zone commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [ss 47(2) and (2A) and 82(1) of the EP (CEE) Reg]. *[Amended in November 2011]*

5.66 In a counting station, a person must not:

- (a) fail to comply with a lawful direction given by the RO;
- (b) display any promotional material relating to the CE election or any candidate;
- (c) use a sound amplifying system or device for any purpose without lawful authority or the express permission of the RO;
- (d) disrupt the counting of the votes or disturb or cause inconvenience to any person; or
- (e) otherwise misconduct himself/herself,

otherwise he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months and may be required by the RO to produce his/her identity card for inspection and ordered by the RO to leave the counting station immediately. The RO may also require a person to produce

his/her identity card for inspection and order the person to leave the counting station immediately if the person conducts himself/herself in such a way that the purpose of his/her presence is not that for which he/she was authorised or permitted to enter or remain in the counting station. If he/she fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the RO. The person so removed may not re-enter the counting station on the same day except with the permission of the RO [ss 47 and 82(1) of the EP (CEE) Reg]. *[Amended in October 2016]*

PART XIII : RULES RELATING TO COUNTING

Invalid Ballot Papers

5.67 A ballot paper is invalid if:

- (a) it is endorsed on the front with the words “**TENDERED**” and “**重複**”;
- (b) it is endorsed on the front with the words “**SPOILT**” and “**損壞**”;
- (c) it is endorsed on the front with the words “**UNUSED**” and “**未用**”;
- (d) it is unmarked; or
- (e) votes for more than one candidate are recorded for a contested election or both “**SUPPORT**” and “**NOT SUPPORT**” votes are recorded for an uncontested election.

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agent may inspect these ballot papers but is not

entitled to make representations to the RO concerning these ballot papers.
[S 50 of the EP (CEE) Reg] [*Amended in January 2007 and January 2022*]

Questionable Ballot Papers

5.68 Ballot papers with doubtful validity in the following categories are set aside as questionable ballot papers. A questionable ballot paper will be decided as invalid if in the opinion of the RO:

- (a) it has any writing or mark by which the elector can possibly be identified;
- (b) it is substantially mutilated;
- (c) it is not marked in accordance with s 36(1)(b) of the EP (CEE) Reg, i.e.
 - (i) in the case of a contested election, not marked by giving a single “✓” in the circle opposite the name of the candidate of his/her choice on the ballot paper; or
 - (ii) in the case of an uncontested election, not marked by giving a single “✓” in the circle opposite the word “SUPPORT” or “NOT SUPPORT” on the ballot paper;

However, the RO may count that ballot paper if he/she is satisfied that the elector’s intention is clear, notwithstanding the “✓” mark is not placed inside the circle; or

- (d) it is void for uncertainty.

[Ss 50 and 51 of the EP (CEE) Reg] *[Added in January 2007 and amended in October 2016]*

When deciding on the validity of the ballot papers in (a) above, the RO will make reference to the judgment made by the Court on an election petition case (HCAL 127/2003). In that case, the Court ruled that the handwritten tick found on the ballot paper in question in the said election petition was considered a mark by which the elector could possibly be identified. The validity of ballot papers with any other writing or mark will remain to be determined by the RO on a case-by-case basis. [S 51(3) of the EP (CEE) Reg] *[Added in November 2011]*

5.69 A ballot paper which appears to the **counting staff** to be one which may not be valid or which may not be counted for any of the reasons set out in the preceding paragraph will be placed aside as **questionable ballot paper**. The validity of all questionable ballot papers shall be decided by the RO [s 51(2) of the EP (CEE) Reg]. Before the RO makes his/her decision, a candidate, his/her election agent or counting agent(s) is allowed to inspect questionable ballot papers so set aside, in the presence of the RO and (in a contested election) other candidates or their election or counting agents who are present. The candidate(s), his/her/their election agent(s) or counting agent(s) may also make representations to the RO [s 51(1)(b) of the EP (CEE) Reg]. After considering the representations, the RO must make his/her decision on the validity of the questionable ballot paper. *[Amended in January 2007]*

5.70 The determination process will be conducted in the following manner:

- (a) The RO will inform the candidate(s) and the election/counting agent(s) of his/her initial decision on the validity of each questionable ballot paper. A candidate, an election agent or a counting agent, may inspect and make representations concerning

any questionable ballot papers [s 51(1) of the EP (CEE) Reg];

- (b) The RO will then consider their representations and make his/her final decision on the validity of the questionable ballot paper (see para. 5.71 below) [s 51(2) of the EP (CEE) Reg];
- (c) If the RO decides that a questionable ballot paper is invalid and, therefore, not to be counted, he/she must endorse the words “rejected” and “不獲接納” on the front of it. In that case, if any candidate, election agent or counting agent objects to the decision, the RO must also endorse the words “rejection objected to” and “反對此選票不獲接納” on the front of the ballot paper [s 51(4) of the EP (CEE) Reg];
- (d) If any candidate, election agent or counting agent objects to the decision of the RO to count a questionable ballot paper, the RO must endorse the words “acceptance objected to” and “反對此選票獲接納” on the front of the ballot paper [s 51(5) of the EP (CEE) Reg]; and
- (e) The RO shall prepare a statement to record his/her decisions made in respect of all questionable ballot papers [s 51A of the EP (CEE) Reg].

[Amended in January 2007 and October 2016]

5.71 The decision of the RO with regard to any question arising in respect of any ballot paper shall be **final** [s 51(8) of the EP (CEE) Reg], which may only be questioned by an election petition [s 32 of the CEEO].

5.72 After the vote counting is completed, the RO will make known the counting result to the candidate(s) or his/her/their election agents or counting agents present. Candidate(s) or his/her/their election agent(s) may request the RO to re-count the votes, and the RO shall comply with the request unless in his/her opinion the request is unreasonable. [S 53 of the EP (CEE) Reg] *[Added in January 2022]*

5.73 A candidate who obtains more than 750 valid votes in any round of voting is returned at the election. The RO shall as soon as practicable publicly declare that candidate as elected at the election and publish the result of the election in the Gazette. However, if no candidate obtains more than 750 valid votes in the single round of voting conducted for the candidate(s), no candidate is returned at the election. The RO must publicly declare that no candidate is returned at the election, and publish the declaration and the result of the poll as well as a notice of termination of the election proceedings for the election in the Gazette. (Please refer to Chapter 4 for details) [Ss 22 and 28 of the CEEEO] *[Added in January 2022]*

PART XIV : DISPOSAL OF DOCUMENTS

5.74 As soon as practicable after the RO has ascertained the result of the poll in an election, he/she shall seal all the relevant documents and ballot papers into packets. Candidate(s) and his/her/their agent(s) may observe the packaging [s 56 of the EP (CEE) Reg].

5.75 The RO will deposit these sealed packets together with other documents including the nomination form(s), notices of appointment of agents, etc. with the CEO for safe custody for at least 6 months from the termination of the proceedings for or the result of the election to which they relate before they are destroyed. [Ss 57 and 59 of the EP (CEE) Reg]

5.76 **Except pursuant to a court order** in relation to an election petition or other legal proceedings, **no person may inspect any ballot paper in the custody of the CEO.** [S 58 of the EP (CEE) Reg]

PART XV : POSTPONEMENT OR ADJOURNMENT OF THE POLLING OR THE COUNTING OF VOTES

5.77 The CEEO and the EP (CEE) Reg stipulate the provisions on the postponement or adjournment of the polling or counting of votes of a CE election. *[Added in January 2022]*

5.78 If, before the commencement of or during the poll or counting of votes of a CE election, the EAC is of the opinion that the poll or counting is likely to be or is being obstructed, disrupted, undermined or seriously affected by (a) riot, open violence or any danger to public health or safety; (b) a typhoon or other climatic condition of a serious nature; or (c) an occurrence which appears to the EAC to be a material irregularity relating to the election, the poll or counting of the votes, then the EAC may direct the postponement or adjournment of the poll or the counting of votes. [S 21(1) and (2) of the CEEO and s 61(1) and (2) of the EP (CEE) Reg] *[Added in January 2022]*

5.79 If the poll or counting of votes of a CE election has to be postponed or adjourned in accordance with s 21 of the CEEO or s 61 of the EP (CEE) Reg, the EAC shall appoint a date for conducting the poll or counting of votes (if the poll or counting of votes is postponed) or resuming the poll or counting of votes (if the poll or counting of votes is adjourned) as soon as practicable after the postponement or adjournment of the poll or counting of votes. The date appointed must not be later than 14 days after the date originally scheduled. Pursuant to the established contingency measures of the EAC, the poll or counting of votes will usually be postponed or adjourned to the fallback polling day on the following Sunday. The relevant electoral ordinance and regulation

do not provide that the poll or counting of votes once postponed or adjourned can be further postponed or adjourned. [S 65 of the EP (CEE) Reg] [*Added in January 2022*]