

CHAPTER 14

REVIEW AND RECOMMENDATIONS

Section 1 - General Remark

14.1 This report covers the 2022 CE Election and the 2021 ECSS Ordinary Elections. The EAC considers that the two elections were conducted in a fair, open and honest manner. Drawing on the operational experience gained from the 2021 ECSS Ordinary Elections and with the implementation of the relevant improvement measures proposed by the EAC after the above-mentioned election¹⁶, the 2022 CE Election was completed very smoothly. In line with the established practice, the EAC has conducted a comprehensive review of all aspects of the electoral procedures and arrangements with a view to improving the conduct of future elections. The EAC's review findings and the related recommendations are set out in the ensuing paragraphs.

Section 2 – Review and Recommendations

(A) Online Briefing Session for Candidates

14.2 As a usual practice, the EAC will organise a briefing session for all validly nominated candidates at each election for the purposes of providing them with important information of the election and reminding them of the essential requirements under the relevant electoral law and guidelines. On the same occasion, the RO will conduct lots drawing to determine the order of the names

¹⁶ Please refer to the “Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 Election Committee Subsector Ordinary Elections” published by the EAC on 22 October 2021.

of candidates on the ballot paper and to allocate the designated spots for display of EAs.

14.3 For the 2021 ECSS Ordinary Elections, having regard to the COVID-19 epidemic and in order to maintain social distancing, the EAC arranged the lots drawing session by the ROs and the briefing session for candidates on two separate days, with the former held on 23 August 2021 at the HKCEC, and the latter held online on 26 August 2021. As for the 2022 CE Election, owing to infection control and protection considerations for the COVID-19 epidemic, the briefing session for the candidate was also conducted online on 22 April 2022. In these two elections, the REO issued by email the invitations for the online briefing sessions to the candidates and their election agents/campaign teams. Upon successful registration, they were issued with the login details and points-to-note for the online briefing sessions for candidates.

14.4 At the two online briefing sessions for candidates of the elections, the EAC Chairman explained important matters of the elections, while representatives of the ICAC and the Hongkong Post introduced the ECICO as well as the arrangement and requirements of the free postage service for election mail respectively. Furthermore, during the question-and-answer sessions of the briefings, the candidates and their election agents/campaign teams could submit their questions online for the speakers, the CEO, or representatives of DoJ to answer on the spot. The two briefing sessions were broadcast live on TV and the Internet for public viewing. The relevant information of the briefing sessions was also uploaded onto the respective dedicated election websites for candidates, and public's reference.

14.5 **Recommendation:** The EAC considers that the briefing sessions for candidates should continue to be held in future elections, as it helps candidates and their election agents/campaign teams to better understand the electoral laws,

the Guidelines issued by the EAC and the important points-to-note for electioneering activities. The online briefing sessions for candidates of the 2021 ECSS Ordinary Elections and the 2022 CE Election were conducted smoothly. They facilitated participation of candidates and their election agents/campaign teams at any location convenient to them, as well as real-time viewing by the public. Besides, conducting briefing session for candidates online offers the REO greater choice and flexibility in venue selection. In view of the above, the EAC opines that the conduct of briefing session for candidates in online mode could be considered as an option in future even after the epidemic has subsided.

(B) Electoral Arrangements under the COVID-19 Epidemic

14.6 To minimise the risk of the transmission of COVID-19 during the elections, the REO, in consultation with the CHP, implemented the following epidemic prevention measures in the 2021 ECSS Ordinary Elections and the 2022 CE Election:

- (a) all polling/counting staff must wear surgical masks and/or other protective equipment recommended by the CHP. Those with fever or symptoms of respiratory tract infection or reporting sudden loss of taste/smell were forbidden from discharging electoral duties;
- (b) voters/EC members, candidates and their election agents must wear their own surgical masks properly and have their body temperature checked before entering the polling stations. They should use hand sanitisers for cleaning their hands and maintain social distancing;

- (c) transparent partitions were erected at ballot paper issuing desks to separate polling staff and voters/EC members;
- (d) the polling stations were equipped with electronic thermometers to identify voters/EC members, candidates and their election agents who had fever;
- (e) voters/EC members with fever or symptoms of respiratory tract infection or reporting sudden loss of taste/smell were directed to cast votes in the special voting compartments in the polling stations, which were equipped with one air purifier each and were disinfected each time after use;
- (f) candidates and their election agents with fever or symptoms of respiratory tract infection or reporting sudden loss of taste/smell were forbidden from entering polling stations/counting stations. However, candidates could assign other election agents without such symptoms to observe the poll or the count;
- (g) “LeaveHomeSafe” Mobile Application

(i) *2021 ECSS Ordinary Elections*

There is no subsisting electoral law requiring voters to use the “LeaveHomeSafe” mobile application before entering the polling stations, and there is no electoral law stating that those who do not use the “LeaveHomeSafe” mobile application cannot enter the polling stations to cast votes. Taking into account the local epidemic situation before the ECSS Ordinary

Elections, and the fact that voters were present at the polling stations only for a short period of time and had to comply with requirements including social distancing, wearing a mask and no communication with each other, balancing between the voting rights and epidemic prevention, the REO did not require voters to use the “LeaveHomeSafe” mobile application or other alternative measures before entering polling stations to cast their votes;

(ii) *2022 CE Election*

In view of the more serious local epidemic situation before the CE Election and that the “Vaccine Pass” arrangements were already implemented, the REO encouraged EC members to use the “LeaveHomeSafe” mobile application and comply with the “Vaccine Pass” requirements before entering the main polling station. The REO also posted the “LeaveHomeSafe” QR codes of the main polling station along the passage leading to the main polling station in the HKCEC. However, whether or not the EC members used the “LeaveHomeSafe” mobile application or complied with the “Vaccine Pass” requirement would not affect their voting rights;

- (h) All persons entering the CCS-cum-MC were required to use the “LeaveHomeSafe” mobile application to scan the QR code of the CCS-cum-MC as no voting rights implications were involved. Exemption from this requirement was granted to

persons aged below 12, persons aged 65 or above, and persons with disabilities that rendered the use of the “LeaveHomeSafe” mobile application difficult. However, they were required to complete a record form to register their names, the first 4 digits or letters of their identification documents, their telephone numbers and the date and time of their visits. They were also required to present relevant identification documents for verification at the request of the staff during registration. Besides, in the 2022 CE Election, all persons entering or being present in the CCS-cum-MC, save for those who held specified medical exemption certificates or other exempted persons, were required to comply with the relevant requirements under the “Vaccine Pass” arrangements;

- (i) all persons entering the CCS-cum-MC were required to wear masks properly and have their body temperature measured. Persons with fever, symptoms of respiratory tract infection or reporting sudden loss of taste/smell were forbidden from entering the CCS-cum-MC;
- (j) as in the past, the CCS-cum-MC was divided into different zones, with specified routes, for candidates and their election agents, EC members (only applicable to CE election), the media and members of the public, and the persons concerned only have access to their respective zones. As social distancing measures were implemented in the CCS-cum-MC to reduce the risk of the spread of epidemic, each zone was assigned with an appropriate maximum admission capacity;

- (k) PBPS was set up for EC members who were under isolation/quarantine on the polling day of the 2022 CE Election to cast their votes. All ballot papers from the PBPS were disinfected by an ultraviolet light chamber before delivery to the CCS; and
- (l) the post of PA(H) was created to clean and disinfect in polling stations.

14.7 **Recommendation:** The EAC considers that the above epidemic prevention measures were effective in reducing the risks of the transmission of COVID-19 in the above two elections, and bringing the elections to a successful conclusion amid the epidemic. The EAC recommends that if an election were conducted during an epidemic in future, the REO should, in light of the epidemic situation and the government policies and measures on epidemic prevention, work closely with the Health Bureau and the CHP, etc. to develop effective preventive measures for the elections.

(C) **Processing of Forms in relation to EC Members Returned by Nomination by Designated Bodies**

14.8 The Improving Electoral System (Consolidated Amendments) Ordinance 2021 came into effect upon the publication in Gazette on 31 May 2021. Pursuant to the amended electoral law, the EC is composed of 1 500 members returned by 3 methods, namely registration as the ex-officio members, nomination by the designated bodies of the subsectors and election by eligible corporate voters or individual voters in the subsectors.

14.9 Under the improved electoral system, a total of 156 members in 7 subsectors are to be returned by nomination by the relevant designated bodies of

the subsectors, including all members of the religious subsector and the representatives of associations of Hong Kong residents in the Mainland subsector, and some of the members of the technology and innovation subsector, the accountancy subsector, the legal subsector, the sports, performing arts, culture and publication subsector, and the Chinese medicine subsector. Regarding the nomination arrangements for the designated bodies, after the REO collected contacts of the designated bodies prior to the nomination period, the RO issued a letter to each of the designated bodies about two weeks before the nomination period to notify them of the relevant arrangements and points-to-note, and provided them with the relevant nomination forms.

14.10 In the 2021 ECSS Ordinary Elections as held under the amended electoral law, the 27 seats for the newly added representatives of associations of Hong Kong residents in the Mainland subsector were returned by nomination by 27 respective designated bodies. Since the persons-in-charge of some designated bodies were in the Mainland, it might be difficult for them to contact the REO any time to enquire about the nomination arrangements under the amended electoral law. The REO, therefore, assigned dedicated staff responsible for nomination matters to contact the persons-in-charge of the relevant bodies about two weeks before the nomination period to expound on the nomination procedures, points-to-note for completion of the nomination forms, and the requirement for the relevant bodies to submit completed nomination forms to the ROs for the relevant subsectors at the location specified in the Gazette within the nomination period. The REO also reminded them to stay in Hong Kong during the nomination period as far as practicable, and submit the nomination forms as early as possible before the nomination deadline so as to allow time to correct mistakes on the nomination forms, if any, before the deadline.

14.11 In the 2021 ECSS Ordinary Elections, REO staff had to assist the ROs concerned in handling over 1 000 nomination forms within the 7-day nomination

period. As the format of the nomination form and the nomination procedures were different for members returned by nomination by designated bodies and members returned by election, in order to enhance the efficiency in handling nominations and avoid possible confusion caused by receiving both types of nomination forms at ROs' respective offices, the REO arranged for a centralised collection of the nomination forms submitted by designated bodies to the ROs for the relevant subsectors at the REO office in Kwun Tong in this election.

14.12 Besides, regarding seats to be filled up by EC members to be returned by nomination by designated bodies, the CERC is also responsible for reviewing and confirming the eligibility of the nominations. If the number of persons to be nominated by a designated body exceeds the assigned number of seats for the body, the designated body shall indicate which of the nominees are to be given preference in making up the assigned number of seats and those in excess of the assigned number should be ranked. If the designated body has not indicated the ranking of the nominees, the RO shall determine, by drawing lots, the order of priority in which the nominees of that body are to make up the assigned number. The CERC shall determine the validity of nomination of nominees in accordance with the order of priority determined by the body, or by the RO through drawing lots, until the number of seats assigned to the designated body is all filled.

14.13 **Recommendation:** The EAC reckons that receiving different types of nomination forms in relation to different types of EC members at one office may cause confusion as the procedures involved are different. For example, the nomination forms for candidates returned by election must be submitted by the candidates in person together with an election deposit, whereas the nomination forms submitted by designated bodies require signature by someone authorised by the bodies for that purpose without the need to pay an election deposit. In addition, the nomination forms for candidates must be subscribed by not less than 5 voters for the subsector concerned to show consent to the nomination, whereas

there is no such requirement for nomination forms submitted by designated bodies. In the 2021 ECSS Ordinary Elections, a different office specialised in receiving nomination forms submitted by designated bodies was specified by the REO to ensure proper use of resources by allowing staff conversant with handling nomination forms submitted by designated bodies to process nominations more efficiently and reducing the waiting time of those who had submitted the nomination forms. The EAC considers that the above arrangement should continue to be adopted for future elections. In addition, the practice of issuing letters to and liaising with the designated bodies on nomination matters before the nomination period should be maintained as it enhances designated bodies' understanding of the nomination procedures and facilitates the process of receiving nomination forms.

(D) EPR System

14.14 For public elections held before 2021, printed copies of the FR were used in issuing ballot papers by polling staff at ballot paper issuing desks. The PRO would, taking into account the numbers of electors and ballot paper issuing desks at his/her polling station, separate the printed copies of the FR according to the alphabetical prefixes of the HKID numbers of the electors and allocate the relevant part to the respective ballot paper issuing desks. An elector must, according to the alphabetical prefix of his/her HKID number, collect his/her ballot paper at a designated but not any ballot paper issuing desk. Under such arrangements, some ballot paper issuing desks could be left idle during the peak hours and thus the ballot paper issuing process becoming inflexible and inefficient. To enhance the efficiency and accuracy of the ballot paper issuance process, the REO commenced using the EPR System for issuing ballot papers since the 2021 ECSS Ordinary Elections.

(I) *Further enhancement to the system*

14.15 (i) *2021 ECSS Ordinary Elections*

In the 2021 ECSS Ordinary Elections, the problem with the clock inside the system led to statistical errors for ballot papers issued to voters. At that time, the EPR System contractor synchronised the time setting of the clock inside the EPR System's server on the cloud with the Hong Kong Observatory ("HKO") clock but failed to do so for the built-in clocks of the tablets installed with the EPR application. As a result, the time shown on the built-in clocks of the tablets was about two minutes behind the HKO clock. Owing to this time discrepancy, when one of the polling stations retrieved statistical figures on ballot papers issued to voters from the tablets starting from 9:00 am on the polling day, the total number of ballot papers fell short of that recorded in the EPR System by two. For details, please refer to paragraphs 3.8 to 3.12 of the "Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 Election Committee Subsector Ordinary Elections" published by the EAC on 22 October 2021.

(ii) *2021 LCGE*

In view of the operational experience gained in the 2021 ECSS Ordinary Elections, the REO followed up with the EPR System contractor to update the programme and rectify the relevant problems of the system before the 2021 LCGE. Overall speaking, the EPR System operated smoothly throughout the election.

(iii) *2022 CE Election*

With the operational experience of the above two elections, the REO used the EPR System to issue ballot papers in the 2022 CE Election. The process was very smooth and the outcome was satisfactory.

14.16 In addition to the established practice of privacy impact assessment, security risk assessment and audit, independent testing service, computer audit and the Technical Advisory Committee (“TAC”) formed by professionals of the information technology industry which provided evaluation, monitoring and enhancement proposals with regard to the stability, efficiency and quality of the operation of the EPR System, professional advice has also been sought from the Cyber Security and Technology Crime Bureau (“CSTCB”) of the Police starting with the 2021 LCGE. In the entire process from preparation to the conduct of the 2022 CE Election, the REO has obtained their full assistance in developing together a network security checklist for conducting a comprehensive review of the network security measures of the EPR System to further strengthen risk management, including close monitoring of the system network before and during the polling day against potential cyber attacks, in order to ensure smooth completion of the election.

14.17 **Recommendation:** The EAC considers that the REO should, based on the experience gained from the 3 recent public elections (i.e. the 2021 ECSS Ordinary Elections, the 2021 LCGE, and the 2022 CE Election), further enhance the functions of the EPR System before the next election cycle to better prepare for future elections. The system enhancement should include: (a) upgrading its statistical functions in the collection, collation and generation of various types of electoral data so that after the close of poll, polling staff could use these functions to retrieve the data collected for the compilation of different electoral forms thus

replacing some of the forms which are currently still filled in by polling staff by hand, so as to streamline procedures and avoid mistakes associated with manual completion of the forms; and (b) improving the user interface with reference to the hands-on experience of the polling staff, in order to make the system easier to use and operate.

14.18 Moreover, in the 2021 LCGE, an elector was entitled to collect a maximum of 4 ballot papers in the capacities of geographical constituency elector, EC constituency elector, and elector and AR of functional constituency respectively. The EAC considers that the accuracy of ballot paper issuance may be enhanced if the staff at ballot paper issuing desks, when issuing ballot papers to electors using the EPR System, can verify the number and types of ballot papers to be issued by scanning the name or code of the constituency printed on the ballot papers with the device when ballot papers are issued. The REO is thus recommended to conduct feasibility studies on this proposal.

14.19 In the abovementioned 3 elections, the smooth implementation of the EPR System relied on the staunch support from the Office of the Government Chief Information Officer (“OGCIO”). The OGCIO has provided the EAC and the REO valuable advice during the sketching, design and development and implementation phases of the system in the 3 elections. The OGCIO also assisted in forming the TAC of the EPR System so as to bring in views from the profession. At the same time, the OGCIO has sent representatives to attend all meetings of the TAC in order to strengthen the monitoring of the operation and technical performance of the system from multiple perspectives. In addition, in view of the large-scale implementation of the EPR System for the first time in the 2021 LCGE, to ensure the system could be smoothly implemented in nearly 600 polling stations, the OGCIO specifically deployed an Assistant Director of Information Technology Services to be the Project Director of the EPR System since late November 2021 to assist the EAC in monitoring the preparation of the

system for the 2021 LCGE and provide practicable recommendations on technical issues. The EAC is much obliged to the OGCIO for its full support.

14.20 Besides, the TAC of the EPR System has made practicable recommendations on aspects from design, functionality, security and stability of the system to staff training, etc. which facilitated the smooth operation of the EPR System in the 3 elections. The EAC would like to thank the 3 members of the TAC of the EPR System, namely convener Mr Sunny Lee (Vice-President (Administration) of the City University of Hong Kong and Chairman of the Board of the Hong Kong Applied Science and Technology Research Institute), and the two members, Ms Susanna Shen (Head of Corporate IT of the Hong Kong and China Gas Company Limited) and Mr Wilson Wong (Chief Executive Officer of Hong Kong Internet Registration Corporation Limited)) for their inspection and advice. The EAC recommends that TAC should continue to be set up in future elections to provide the EAC and REO with valuable professional advice on the EPR System.

14.21 The EAC would also like to thank the CSTCB of the Police for their support on cyber security and would recommend that the REO should continue to seek their professional advice on cyber security in future elections to ensure that the cyber security measures of the EPR System and other election-related IT systems can meet the cyber security challenges.

(II) Network Connection and Devices

14.22 Regarding the network services required in the 2021 ECSS Ordinary Elections and 2022 CE Election, the REO has engaged network service providers to install the local area networks (“LAN”). The services included the supply, delivery and installation of network equipment for every polling station, the wiring of network cables for all ballot paper issuing desks and their proper

connection with the network switch on-site at the polling stations, the connection of pre-wired broadband cables with the router, and the checking and testing according to the procedures after completion of LAN installation to ensure that all network devices, broadband and network cables were properly installed, connected and operable. As for other hardware equipment of the EPR System, such as tablets, installation was mainly conducted by polling staff under the instruction and assistance of the APROs(IT) or REO staff.

14.23 In the 2021 ECSS Ordinary Elections, the installation and testing of the EPR System was completed on the same day after takeover of venues on the set-up day (i.e. 18 September 2021, the day before the polling day).

14.24 Drawing on the experience from the LAN installation work for the 2021 LCGE, the REO has advanced the takeover of the venue of the main polling station to one week before the polling day (i.e. 1 May 2022) for the 2022 CE Election for the setting up and installation of the LAN and the EPR System equipment within two days so that polling staff of the main polling station would have sufficient time to test the system before the poll, and to conduct various practices before the election after the completion of all set-up at the polling station and without being affected by the installation of the EPR System and network.

14.25 **Recommendation:** The experience of 2022 CE Election has reflected the importance of early set-up and installation of EPR System. This has not only ensured sufficient time for conducting the testing, but has also allowed polling staff to focus on practising before the election without worrying about the progress of the setting-up. Therefore, the EAC recommends that in future elections, the REO should extend the setting-up period, arrange early takeover of the polling station venues, and reserve sufficient days for venue set-up and LAN installation as far as practicable. Meanwhile, the EAC recommends that the REO should consider in-house recruitment within the Government, including IT

staff employed on a term-contract centrally administered by the OGCIO, to support the IT measures in future elections so as to ensure the stability and quality of the service. The REO should also explore simplifying the procedures of system and network installation, so that the polling staff may assist in implementing the setting-up of network service and EPR System under the instructions of APROs(IT) to avoid over-reliance on external technicians, thereby minimising the possibility of preparatory work for elections being affected by network installation.

(III) APROs(IT) and support unit

14.26 To enhance technical support to the EPR System at the polling stations, the REO has created the new post of APROs(IT) since the 2021 ECSS Ordinary Elections and recruited Analyst/Programmer grade staff to take up the posts.

14.27 In the 2021 ECSS Ordinary Elections, each of the 5 OPSs had one APRO(IT) on site. In the 2022 CE Election, the REO recruited a total of 10 APROs(IT) for the main polling station with 76 ballot paper issuing desks. Their main duty was to provide technical support for the EPR System to ensure its proper set-up and operation.

14.28 Besides, to strengthen support for the APRO(IT) during the election period, the REO established an EPR support unit comprising REO staff dedicated for the system development and application support. In the 2021 ECSS Ordinary Elections, members of the support unit took turns to render assistance at the polling stations to ensure proper set-up and smooth operation of the EPR System and to enhance the capability of polling stations in handling system-related emergencies. In the 2022 CE Election, members of the support unit provided stronger and more comprehensive system support for the election by

assisting the APROs(IT) to, inter alia, conduct regular system check-up and replace problematic hardware throughout the whole process.

14.29 **Recommendation:** The EAC considers that, as shown from the experience of the above two elections, the key to ensuring smooth operation of the EPR System is to arrange sufficient number of technical staff at polling stations to provide technical support for the system. Therefore, the EAC recommends that reference should be made to these two elections in future large-scale elections, and sufficient number of on-site APROs(IT) should be designated to each polling station as necessary according to factors of consideration including the number of ballot paper issuing desks, so that the APROs(IT) can provide immediate and appropriate technical support to ballot paper issuing desks under their charge.

14.30 Besides, the EAC noted that in the two elections, the REO arranged members of the EPR support unit to assist APROs(IT) in discharging their duties. Considering this practice desirable, the EAC recommends that the REO should continue to set up support unit in future, and reserve sufficient staff in each district in large-scale public elections to allow prompt deployment of manpower to polling stations for better support when necessary.

(E) Polling Hours and Suggested Voting Timeslots

(i) 2021 ECSS Ordinary Elections

14.31 In accordance with the newly amended electoral law, the EC members are returned by 3 methods, namely registration of ex-officio members, nomination by the designated bodies of the subsectors and election by eligible corporate voters or individual voters in the subsectors. In the 2021 ECSS Ordinary Elections, there were a total of 412 candidates contesting for 364 seats in 13 subsectors. Taking into account the 4 889 voters involved, the REO has set up

5 OPSs over the territory and one DPS in Cheung Sha Wan Police Station for the voters to cast their votes from 9:00 am to 6:00 pm (a total of 9 hours) on the polling day. The polling hours were reduced from 15 hours¹⁷ in the last ECSS Ordinary Elections to 9 hours in this election for better use of public resources.

14.32 Besides, considering that a series of improvement measures (including the EPR System) were first implemented in the said election, the commencement time of the poll was changed to 9:00 am in this election from 7:30 am in the last election in order to allow ample time for staff to check the set-up and equipment at the venue before opening of the polling stations. The close of poll was also advanced to 6:00 pm in this election, as compared with 10:30 pm in the last election, to enable staff to pack up electoral materials, and to commence the count earlier with a view to announcing the election results as soon as possible.

14.33 **Recommendation:** The EAC considers that the REO has made appropriate adjustment to the polling hours having regard to the number of registered voters for the contested subsectors in the 2021 ECSS Ordinary Elections, as well as other relevant factors, such as the need to allow more time to check the newly implemented EPR System before opening of the polling stations. The voter turnout rate of this election, remarkably high at 89.77%, shows that the adjusted polling hours has not affected voters' willingness to vote. The EAC considers that the polling hours of other elections may make reference to such adjustment.

(ii) *2022 CE Election*

14.34 To reduce the risk of COVID-19 transmission at the main polling station and to alleviate EC members from going to the main polling station to vote

¹⁷ In the 2016 ECSS Ordinary Elections, there were 1 239 candidates contested for 733 seats in 25 subsectors, involving 231 769 voters. The REO set up 110 OPSs over the territory and a DPS each in Happy Valley Police Station and Cheung Sha Wan Police Station for the voters to cast their votes from 7:30 am to 10:30 pm (a total of 15 hours).

at the same time, the REO has suggested different voting timeslots of half an hour each for EC members of the 5 EC sectors respectively. EC members were also requested to arrive at the HKCEC 15 minutes before the suggested voting timeslots to undergo security check before entry to the main polling station. Those EC members who were unable to arrive for voting according to the suggested voting timeslot could still vote in the election as long as they reached the main polling station before the end of poll at 11:30 am.

14.35 The main polling station and the DPS at Happy Valley Police Station set up for this CE Election¹⁸ were open from 9:00 am to 11:30 am on the polling day for 1 461 EC members to cast their votes. Compared with the last CE Election, in which the first round of voting was conducted from 9:00 am to 11:00 am¹⁹ for 1 194 EC members to vote, the polling hours in this election were increased to 2.5 hours from 2 hours in the last election.

14.36 **Recommendation:** The EAC noted the voter turnout of this CE Election as follows:

Time (as at)	Cumulative Voter Turnout	Cumulative Voter Turnout Rate (%)
9:30 am	503	34.43
10:00 am	871	59.62
10:30 am	1 139	77.96
11:00 am	1 406	96.24
11:30 am	1 428	97.74

¹⁸ Taking into account the prevailing epidemic situation, the REO set up a PBPS at the Penny's Bay Community Isolation Facility for EC members undergoing isolation or quarantine on the polling day to vote. After the close of poll at the PBPS, sufficient time would need to be reserved for disinfection and delivery of ballot papers to the CCS for vote counting. As such, the polling hours of the PBPS were from 9:00 am to 10:30 am. On the polling day, a total of 6 EC members voted at the PBPS, as detailed in paragraph 14.81 below.

¹⁹ Only one round of voting took place in the 2017 CE Election because one of the candidates already obtained more than half of the valid votes at the first round of voting.

14.37 The implementation of the aforementioned suggested timeslots had the effect of staggering the arrival time of EC members at the main polling station, and brought positive effects to various electoral arrangements, including:

- (a) reducing the chance of traffic jam caused by arrival of vehicles carrying EC members to the HKCEC at the same time, and easing the pressure of various designated drop-off and pick-up points. As a matter of fact, the traffic conditions in the periphery of the HKCEC remained normal on the polling day and the operation of various designated drop-off and pick-up points was generally smooth;
- (b) sparing EC members the need to queue for passing through access control points, and enabling staff of the Admission Unit and the Ushering and Marshalling Unit to usher EC members to the main polling station or CCS-cum-MC in an expeditious and effective manner;
- (c) avoiding queues at the main polling station. On the polling day, except for a short period just after opening of the main polling station, EC members could most of the time enter the main polling station to collect ballot papers and vote without waiting in queue; and
- (d) reducing crowd control pressure on the staff at the main polling station, which was operated in an orderly manner.

14.38 Considering the benefits listed above brought by the implementation of suggested voting timeslots and the above arrangement facilitated most EC members to cast their votes, the EAC opines that, whether an epidemic or not, the

REO should consider adopting the same arrangement of suggested voting timeslots in future CE Elections, taking into account relevant factors such as the number of EC members, the hourly throughput of EC members casting votes that the main polling station can handle, the traffic capacity in the vicinity of the main polling station during the polling hours, so as to ensure smooth conduct of the election, as well as provision of efficient and quality services for EC members.

(F) Special Queuing Arrangement

14.39 To cater for voters who were physically unable to queue for a long time, special queuing arrangement was first adopted in the 2021 ECSS Ordinary Elections in accordance with the newly introduced section 49A of the EAC (EP) (EC) Reg, whereby voters in need (i.e. persons who were 70 years of age or above, pregnant women and persons who were not able to queue for a long time or had difficulty in queuing because of illness, injury, disability or dependence on mobility aids) were accorded priority for collecting ballot papers at ballot paper issuing desks. During the peak hours from 9:00 am to 1:00 pm on the polling day of the 2021 ECSS Ordinary Elections, there were about 5 to 10 voters on average waiting in the special queue at each polling station, and their average waiting time was around 3 to 5 minutes. In addition, the special ballot paper issuing desks could use the EPR System to issue ballot papers to ordinary voters when there was no one lining up in the special queue, allowing for flexible use of ballot paper issuing desks to increase efficiency.

14.40 As for the 2022 CE Election, the number of EC members involved was less than the number of electors in other public elections. In accordance with the experience in the previous CE Elections, the chance that EC members need to queue for a long time for collecting ballot papers was also low. Thus, the special queuing arrangement was not introduced to the CE Election.

14.41 **Recommendation:** The special queuing arrangement was implemented smoothly in the 2021 ECSS Ordinary Elections. The EAC noted feedback from society in general was positive. Drawing on the experience of this election, the special queuing arrangement was also adopted in the 2021 LCGE, which also operated smoothly. The EAC considers that the special queuing arrangement should continue to be in place for large-scale public elections in future (including the ECSS Ordinary Elections, DC Ordinary Elections and LCGEs) to facilitate voting of the aforementioned voters/electors in need.

(G) Queuing Up for Voting

(i) 2021 ECSS Ordinary Elections

14.42 For the 2021 ECSS Ordinary Elections, the REO set up a total of 5 OPSs with 4 ballot paper issuing desks at each OPS. According to the “Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 Election Committee Subsector Ordinary Elections” published by the EAC on 22 October 2021, the main reasons for the long queues at the polling stations in the morning were that staff at ballot paper issuing desks were new to the operation of the EPR System, and were relatively slow in the ballot paper issuing process; voters had more enquiries on the new arrangements and it took time for staff at ballot paper issuing desks to explain to them; some voters had mistakenly marked their ballot papers which needed to be replaced; people who are not voters constituting up to about 10% of the total number of voters had queued at the polling stations and extra time was required to deal with enquiries and ascertaining their eligibility to vote. In addition, a large proportion of the voters cast their votes in the morning of the polling day, amounting to 4 times the voter turnout rate of the 2016 ECSS Ordinary Elections during the same period of time on the polling day. In view of this, the REO immediately deployed additional manpower specially tasked to answer enquiries, so that staff

at ballot paper issuing desks could focus on issuing ballot papers. The Chairman of the EAC also immediately made a public appeal to remind voters that it was not necessary to rush for voting in the morning as the poll would last until 6:00 pm. At noon of the polling day, the long queues started to dissipate and the voter turnout in the afternoon (a total of 6 hours from 12:00 noon to 6:00 pm) was much lower than that in the morning (a total of 3 hours from 9:00 am to 12:00 noon). Please see paragraphs 2.7, 2.8, 2.11 to 2.15 and **Appendix II** of the “Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 Election Committee Subsector Ordinary Elections” for details.

14.43 Separately, the EAC also pointed out in the “Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 Election Committee Subsector Ordinary Elections” that the PRO of a polling station (the Sha Tin Town Hall Polling Station) only operated 3 out of 4 ballot paper issuing desks at the polling station, reserving the remaining ballot paper issuing desk for replacement of ballot papers. Though the CCC instructed the PRO in the morning to put the fourth ballot paper issuing desk into service, the PRO only executed the instruction at noon. In the morning of the polling day, the fourth ballot paper issuing desk served only one voter who requested replacement of his/her ballot paper and was left idle for the rest of the time. As a result, the queuing situation at the Sha Tin Town Hall Polling Station that morning could not be eased. The number of ballot paper issuing desks at each polling station was determined with due regard to the total number of voters assigned for that polling station and the maximum number of voters that could be handled by each ballot paper issuing desk. The EAC considers that the PROs should operate all ballot paper issuing desks available to optimise the use of resources at the polling stations and to ensure a smooth flow of voting. Should there be manpower shortage or other technical problems, the PROs must report to the CCC immediately to seek assistance and directive.

14.44 Moreover, to keep voters informed of the queuing situation at their respective polling stations, the EAC has recommended in the “Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 Election Committee Subsector Ordinary Elections” that, in future elections, the REO should consider arranging polling staff to show the estimated waiting times at certain points of the queues, and examine the feasibility of using information technology or other media to disseminate information on the queuing situation of various polling stations, so that voters could plan their itinerary early and arrange a time to go to the polling stations.

(ii) 2021 LCGE

14.45 Drawing on the operational experience of the 2021 ECSS Ordinary Elections and based on the EAC’s recommendations, the REO has increased the number of OPSs to 630 with a drastic increase in the number of ballot paper issuing desks to 6 200 in the 2021 LCGE held on 19 December 2021, representing an increase of 10% and 122% respectively from the 2016 LCGE as well as a record high among all previous elections, with a view to shortening the waiting time for electors.

14.46 Besides, on the polling day of the 2021 LCGE, the expected queuing time for each OPS was displayed on its dedicated election website, and notice boards were also erected by polling staff outside each OPS and the EC Constituency polling station to remind electors of the expected queuing time.

(iii) 2022 CE Election

14.47 In the 2022 CE Election, the REO has also increased the number of ballot paper issuing desks from 38 in 2017 CE Election to 76, and set up the polling station in the more spacious Exhibition Hall on 1/F of the HKCEC. In

addition, the REO has assigned different suggested voting timeslots to EC members according to the 5 EC sectors respectively, and has appealed to EC members to arrive at the main polling station to vote according to the suggested timeslots (please refer to paragraph 14.34). The aforesaid arrangements has rendered the polling process smoothly. Except for a short period just after opening of the main polling station, EC members could most of the time enter the main polling station to vote without waiting in queue.

14.48 **Recommendation:** Drawing on the experience of the 2021 ECSS Ordinary Elections, the REO has increased the number of polling stations and ballot paper issuing desks in the 2021 LCGE; and increased the number of ballot paper issuing desks in the 2022 CE Election. As a result, the queue for collecting the ballot papers in the latter two elections were shortened substantially. The EAC recommends that where venue and manpower permit, the REO should appropriately increase the number of polling stations and ballot paper issuing desks when organising large-scale public elections in future. Nevertheless, long queues at polling stations will be inevitable if too many voters/electors go to the polling stations to vote within a certain period of time. To keep voters/electors informed of the queuing situation at their respective polling stations, the measures of displaying the expected queuing time described in paragraph 14.46 above should continue to be implemented.

(H) Time Taken for Vote Counting

(i) 2021 ECSS Ordinary Elections

14.49 As in the past, central counting was adopted for the 2021 ECSS Ordinary Elections. Ballot boxes and the related electoral documents and materials (such as counterfoils of ballot papers) from all polling stations were to be delivered to the CCS after the close of poll. According to the established

procedures, all documents must be checked before opening of the ballot boxes and sorting of ballot papers by subsectors, followed by inspection of the ballot papers to ascertain if they are suitably readable by the OMR machines; and screening out of invalid and questionable ballot papers; only then could the ballot papers be fed into the OMR machines in batches for scanning and counting of votes. The ROs should also determine the questionable ballot papers in the presence of the candidates and/or their agents and then arrange manual input of the valid ballot papers into the counting system. Upon completion of the count and confirmation with the candidates and/or their agents that no re-count would be required, the election results would then be announced. Prior to the election, the count had first been estimated to be completed around midnight of the polling day.

14.50 However, in this ECSS Ordinary Elections, it took much longer time than expected to carry out the various procedures, including the delivery and handover of ballot boxes, electoral documents and materials, sorting and screening of ballot papers, counting of votes by OMR machines, determination of questionable ballot papers and announcement of election results. The EAC had conducted a comprehensive review, and set out in Chapters 3 and 4 of the “Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 Election Committee Subsector Ordinary Elections” the reasons for the prolonged time taken in counting votes, as summarised below:

- (a) the built-in clocks of the tablets installed with the EPR System were not synchronised with the HKO clock by the contractor. As the time shown on the tablets was about two minutes behind the HKO clock, when a polling station retrieved from the tablets statistical figures on ballot papers issued to voters since 9:00 am on the polling day, it was found that the total number of ballot

papers issued fell short of that recorded in the EPR System by two. The programming errors were not identified during the polling hours, and it was not until the polling staff was completing the ballot paper account that a discrepancy of two votes was discovered. After a futile effort had been made to identify the reason for the discrepancy, which took up a long period of time, the ballot boxes, ballot paper accounts and related electoral documents and materials were eventually delivered to the CCS, resulting in a delay in commencing the counting of votes;

- (b) counting staff were required to receive both ballot boxes and electoral materials concurrently. During the handover process, since rectification of errors and omissions on the electoral documents took time, there was a delay in the completion of handover procedures and delivery of ballot boxes to the counting zone to commence the count;
- (c) there was only a small number of ballot paper sorting tables (4 in total) in the CCS. As it took longer than expected to open some ballot boxes and sort the ballot papers, the ballot boxes which subsequently arrived would have to wait for assignment of a ballot paper sorting desk;
- (d) there were not enough questionable ballot paper determination tables (3 in total) in the counting zone. Since the questionable ballot paper determination tables were also used for the announcement of initial counting results, and there was an overlapping of the time of determination of questionable ballot papers for some subsectors and the time of announcement of the

initial counting results of others. It took time to wait for the use of the questionable ballot paper determination tables, which slowed down the counting process; and

- (e) in case of paper jams in the OMR machines, staff had to cancel the record of the whole batch of ballot papers from the electronic counting system and then adopt double manual input to record the choices on each ballot paper for counting.

14.51 Improvement measures have been recommended by the EAC in Chapter 5 of the “Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 Election Committee Subsector Ordinary Elections”. First of all, the EAC has recommended rectifying the relevant problems of the EPR System to ensure smooth operation of the system in future elections. The EAC has also recommended that the REO should separate the handover of ballot boxes from that of the electoral documents and materials, and to commence the count immediately once the handover of the ballot boxes is completed. The EAC has recommended that the entire process of vote counting should be reviewed afresh, including manpower deployment and provision of sufficient working space for various counting procedures, such as the opening of ballot boxes, sorting of ballot papers and handling of questionable ballot papers, etc.. Besides, the EAC has recommended that time indicators should be set on the completion for each counting procedure for the staff to follow, so that when problems do arise, the staff can report to and seek directions from their supervisors, the CCC and the EAC in a timely manner. As regards the use of OMR machines for vote counting, the EAC has recommended that the REO should formulate better plans in response to the occurrence of paper jams.

14.52 In addition, the EAC has observed that the CIDS at the CCS failed to announce the detailed counting progress of all subsectors in a timely manner, and

recommends that the REO should enhance the design of the system and allow manual update as and when necessary. The REO should also arrange staff to make timely broadcast at the CCS in case of unexpected incidents or delays during the counting process.

14.53 The EAC has opined that the REO staff at the CCC should remain vigilant against any unusual delays or irregularities detected at the polling and counting stations, and take the initiative to look into problems and render assistance. The REO should also assign more staff who are familiar with and have mastery of the counting process to supervise the operation of the CCS, strengthen the co-ordination among different teams, give timely and appropriate directions, and exercise their own discretion to implement contingency measures if needed. Where necessary, they should report to and seek directions from their seniors, the CCC and the EAC as early as possible.

(ii) 2022 CE Election

14.54 After the close of poll of the 2022 CE Election, ballot boxes containing the ballot papers, accompanied by the PROs of the respective polling stations, were delivered under police escort to the CCS-cum-MC for opening. The ballot papers were then sorted and counted manually. The counting of votes commenced at 11:57 am and was completed at 12:20 pm on the polling day, which only lasted 23 minutes. The process was very smooth.

14.55 **Recommendation:** The EAC noted that its recommendations for the counting arrangements of 2021 ECSS Ordinary Elections mentioned above had been followed up and implemented by the REO in the 2021 LCGE held on 19 December 2021. The major improvement measures, apart from enhancing the training for staff at different ranks and their co-ordination, are as follows:

- (a) as to the synchronisation problem of the built-in clocks of tablets installed with the EPR System application, the REO had arranged to update the application before the 2021 LCGE to synchronise the time setting of the clocks mentioned above with the HKO clock;
- (b) two separate areas were set up in the FC counting zone to receive the ballot boxes (52 counters in total) and other accompanying electoral documents (14 counters in total) respectively;
- (c) a total of 209 counting tables were set up for opening FC ballot boxes, sorting of ballot papers and counting of votes;
- (d) one questionable ballot paper determination table was set up for the EC Constituency and each of the FC counting zone to speed up the determination of questionable ballot papers; and
- (e) with reference to the experience of the 2021 ECSS Ordinary Elections, the counting process for the EC Constituency was streamlined, including simplifying the procedures required to handle any possible paper jams of the OMR machines. Furthermore, to ensure a smooth operation of the EC Constituency counting zone, the REO deployed 7 OMR machines for counting and set up 10 manual key-in entry workstations to process the valid ballot papers which could not be counted by the OMR machines.

The REO has also improved the design of the CIDS by refining the display of counting progress and introducing the manual system update function to meet the actual operational needs of the CCS.

14.56 The EAC noted that in the 2021 LCGE, the counting of votes in the EC Constituency was completed first, with its counting result announced at around 2:00 am on the day after the polling day (i.e. 20 December 2021)²⁰. The overall counting of votes was completed at around 10:00 am on the same day and the counting process lasted for only 11 hours, which is the fastest among the major public elections held in recent years.

14.57 As copious improvements on the counting arrangements have been undertaken since the 2021 LCGE, the counting process for the 2022 CE Election took less than half an hour and went very smoothly. The EAC is satisfied with the counting arrangements. The EAC opines that the REO should continue to adopt the relevant arrangements in future elections.

(I) Individual Barcodes on the Ballot Papers

14.58 As voters in ECSS Ordinary Elections could vote for numerous candidates, the REO has been using OMR machines to count the votes since 1998 in order to improve efficiency. Each ballot paper had all along been printed individually with a unique barcode on the back which served to ensure no double counting of votes during re-feeding of ballot papers into the OMR machine for re-scanning and counting in case of paper jams. Specifically, when paper jams in OMR machines occurred, the unique barcodes on individual ballot papers would allow the counting system to identify whether a particular ballot paper had been counted or not. Otherwise, as in case of paper jams in the OMR machines in the 2021 ECSS Ordinary Elections, staff had to cancel the record of the whole batch of ballot papers from the electronic counting system and then adopt double manual input to record the choices on each ballot paper for counting which was time-consuming.

²⁰ In the 2021 LCGE, the counting of votes commenced immediately at 10:30 pm after the close of poll.

14.59 With the implementation of the EPR System in the 2021 ECSS Ordinary Elections, it was opined that if unique barcodes were printed on individual ballot papers as before, the public may be concerned that voters' voting choices could be identified by retrieving and comparing the ballot paper issuing records stored in the EPR System with the serial numbers of the counterfoils of ballot papers issued at the ballot paper issuing desks, as well as the counting records stored in the counting system through the unique barcodes. In order to alleviate possible public concerns and maintain public confidence in voting secrecy, printing of unique barcodes on the ballot papers was discontinued in the 2021 ECSS Ordinary Elections. According to REO's planned procedures, in the event of paper jams in the OMR machines, counting staff had to cancel the record of that batch of ballot papers from the counting system and then adopt double manual input to enter the choices on each ballot paper into the counting system for counting. However, as the paper jam issue involved batches with a larger number of ballot papers and/or subsectors with more members to return²¹, vote counting for certain subsectors experienced various degrees of delays²² consequently.

14.60 **Recommendation:** The EAC noted that the REO, drawing on the experience from this election, had enhanced the contingency plan for handling paper jams and implemented other measures to improve the counting arrangements (see paragraph 14.55 above for details) in the EC Constituency of the LCGE held on 19 December 2021²³. But upon further consideration, the EPR System and the electronic counting system are in fact two separate systems

²¹ The 3 occasions of paper jams during vote counting involved 20 to 50 ballot papers, and the number of seats of the subsectors concerned ranged from 13 to 80.

²² According to records, the delays ranged from 44 minutes to 1 hour and 39 minutes.

²³ When paper jams occurred, the REO would arrange to void the data of the batch of ballot papers in question from the counting system under the witness of the independent computer auditor, the counting system contractor and the candidates and/or their agents. That batch of ballot papers (except the jammed one(s)) would be re-scanned and counted by another OMR machine whilst the choices on the jammed ballot paper(s) would be inputted manually into the counting system.

with no data sharing between them, and accessing electors' information from the EPR System is an offence unless authorised by the EAC or for investigation by LEAs. Considering that the unique barcodes on ballot papers would bring positive effects on enhancing the overall counting efficiency, the EAC recommends that the REO should favourably consider the feasibility of keeping the unique barcodes on ballot papers on the premise that voting secrecy would be preserved absolutely. The EAC also recommends that the REO should continue to engage independent IT service contractors/auditors to further boost public confidence in the EPR System and the electronic counting system. The REO should also actively consider the possibility of putting electronic counting in use in other elections.

(J) Appointment of the Deputy Presiding Officer

14.61 Following the increase in the number of EC members from 1 194 in the 2017 CE Election to 1 461 in the 2022 CE Election, to enhance the efficiency of ballot paper issuance and operation of the main polling station and to counter the COVID-19 epidemic, a number of new measures have been implemented at the main polling station in the 2022 CE Election compared with the 2017 CE Election, including:

- (a) adopting the EPR System for identity verification of the EC members and issuance of ballot papers;
- (b) significantly increasing the number of ballot paper issuing desks and voting compartments²⁴ ;

²⁴ In the 2017 CE Election, there were a total of 38 ballot paper issuing desks and 70 voting compartments at the main polling station. In the 2022 CE Election, the numbers of ballot paper issuing desks and voting compartments at the main polling station were increased to 76 and 107 respectively.

- (c) ensuring that EC members observed relevant epidemic prevention measures upon entry to the polling station; and
- (d) setting up special voting compartments for EC members with fever/symptoms of respiratory tract infection to vote.

In addition, in light of the COVID-19 epidemic situation, some polling staff who had accepted appointment might not be able to perform electoral duties on the polling day due to isolation or quarantine arrangements. As the REO needed to reserve sufficient manpower for such contingencies, a total of about 280 polling staff were appointed for the main polling station eventually.

14.62 Section 20 of the EP (CEE) Reg provides that the CEO may appoint a PRO to preside at each polling station, a polling officer as the DPRO and any polling officer as an APRO. Therefore, the REO could only appoint one PRO and one DPRO for the main polling station in this CE Election. However, in view of the substantial increase in the number of polling staff and the possibility that the appointed PRO or DPRO might also not be able to perform duties on the polling day due to isolation or quarantine arrangements, the REO considered a corresponding increase in the number of management staff necessary to ensure the smooth operation of the polling station.

14.63 Under the framework of the above legislation (i.e. only one polling officer can be appointed as the DPRO), in order to effectively manage and supervise staff of the main polling station as well as handle the work of the polling station, the REO, with the EAC's agreement, created a new post of "APRO (Supervision)" in this CE Election and appointed 10 APROs (Supervision) to be team leaders in different areas of work to assist the PRO and DPRO in supervising the staff in performing their duties at the main polling station, including:

- (a) coaching the staff on directing EC members to ballot paper issuing desks to collect ballot papers;
- (b) ensuring the smooth issuance of ballot papers at the ballot paper issuing area and replacing the spoilt ballot papers for EC members on a need basis;
- (c) overseeing the operation at the voting compartments, ballot boxes and exit areas;
- (d) registering the candidate and his agents for admission to the main polling station and directing them to observe the unsealing of the sealed packets of ballot papers, locking and sealing of the ballot boxes and conduct of the poll in the designated area; and
- (e) providing operational support, such as maintaining order at the main polling station and handling statistical work of the poll.

14.64 **Recommendation:** The EAC is of the view that the smooth operation of the main polling station is of paramount importance to the successful conduct of CE Elections. With the heavy workload and onerous responsibilities borne by the PRO and the DPRO of the main polling station, they should be assisted by sufficient manpower. The EAC therefore recommends that, when preparing for the CE Elections in the future, the REO may increase the number of supervisory staff as in this election, with a view to sharing the workload of the PRO and DPRO and reducing the pressure arising from managerial duties. At the same time, immediate instructions and assistance can be provided to staff at the polling station and the operational efficiency of the main polling station can be enhanced.

(K) Training, Rehearsals and Practice Sessions for Electoral Staff

14.65 In the 2021 ECSS Ordinary Elections, the staff at the ballot paper issuing desks were new to the operation of the EPR System, and were relatively slow in the ballot paper issuing process, resulted in a longer waiting time for the collection of ballot papers. In view of that in the 2021 LCGE, about 39 000 serving civil servants served as electoral staff and, among them, many had no electoral work experience. A number of new arrangements were implemented in this election, including special queue, the EPR System and measures to prevent the spread of COVID-19, as well as setting up polling stations at boundary control points and Penny's Bay Quarantine Centre. In order to implement the above-mentioned new arrangements and ensure that electoral staff were familiar with their duties, the REO strengthened the training of polling and counting staff in that election, and the election was completed smoothly.

14.66 In the 2022 CE Election, about 310 serving civil servants have served as polling staff²⁵. Drawing from the benefit of training to electoral work, the REO had enhanced the overall training for them in this election, including:

- (a) a general briefing was conducted online for all polling staff. An easy-to-understand approach was adopted to explain in depth the voting system and arrangements in this election, the layout and operation of the main polling station, contingency plans for the EPR System, completion of statistical returns and collation of electoral documents after the poll, various anti-epidemic arrangements, and other matters requiring attention during discharge of duties;

²⁵ Including staff at the main polling station, DPS and PBPS.

- (b) 8 sessions of hands-on practice at the main polling station and 4 sessions of on-site drill and rehearsal at the main polling station in the HKCEC were organised for all staff of the main polling station. The training included hands-on sessions on the use of the EPR System to issue ballot papers, simulated scenarios, measures to tackle unexpected incidents, compilation of statistical returns, demonstration and rehearsal of the work before commencement and after the close of poll, etc. Through hands-on practice, polling staff had a more thorough understanding of their respective posts and familiarised themselves with the workflow of the polling station. Besides, the on-site drill and rehearsal conducted according to polling staff's actual posts could better prepare them for their work on the polling day and nurture their teamwork;
- (c) two practice sessions were arranged for DPS staff and PBPS staff respectively. The sessions included demonstration and rehearsal of preparations before commencement of the poll and collation of electoral documents after the close of poll, hands-on practice on the use of the printed copy of the EC FR to issue ballot papers, etc. They aimed to ensure efficient discharge of duties by the polling staff on the polling day, and prompt delivery of the ballot boxes and electoral documents to the CCS-cum-MC for counting; and
- (d) uploading of video recordings of the online general briefing by the REO to its training platform to help polling staff refresh and reinforce their knowledge of every detail of the workflow. An online quiz, covering polling arrangements, ballot paper issuing process, operation of the EPR System and other matters

requiring attention, was also devised for polling staff to self-assess their knowledge of their duties. In the questionnaires returned by polling staff to the REO, most of the respondents agreed that the online quiz was useful in deepening their knowledge of the duties in polling station.

14.67 In respect of the central counting work, about 30 serving civil servants were engaged in the counting duties in this election. To ensure smooth conduct of the count, the REO specifically recruited civil servants who were experienced in vote counting at CE Elections from various bureaux and departments to help train counting staff and participate in the count.

14.68 Furthermore, in order to enhance familiarisation of the counting staff in this election, the REO had added the following modules:

- (a) setting up a mock counting zone in the office of the Central Counting Team for training and practice purposes. About one month before the election, a training-cum-simulated counting session was arranged for counting staff twice a week. Moreover, to enhance the rapport and quick response capability of the counting staff, discussions and experience sharing were featured in every training session;
- (b) setting up a dedicated website for counting staff. Besides operational manuals, training videos and official video clips of the 2017 CE Election, the REO also uploaded the video recording of each practice session to the website, so that counting staff could review the workflow of the count and every detailed arrangement;

- (c) conducting an on-site simulated rehearsal of the entire counting process for all counting staff, making reference to the practice in the 2021 LCGE. More than 1 400 marked mock ballot papers were provided to enhance the authenticity of the rehearsal; and
- (d) holding a half-day on-site briefing-cum-operation rehearsal for counting staff on the day preceding the polling day, as with past arrangements.

14.69 Meanwhile, in response to the COVID-19 epidemic, the REO adopted a number of anti-epidemic measures when organising in-person training for electoral staff. For instance, all electoral staff were required to undergo a rapid antigen test and obtain a negative result within 24 hours before attending the training. Small-group training was conducted to maintain proper social distancing during practices and reduce the risk of viral transmission.

14.70 **Recommendation:** The EAC considers that the smooth and efficient conduct of this CE Election has confirmed the necessity of providing electoral staff with sufficient training and rehearsals. Drawing on the experience from the 2021 LCGE, the EAC considers that rehearsals and practices have indeed enabled electoral staff to have a better understanding and grasp of their duties. The EAC also noted the REO's efforts made in this election to enhance the diversity of training types, increase the total training hours for electoral staff, and put in focussed efforts to strengthen and set aside more time for hands-on practice and rehearsals.

14.71 The EAC is satisfied with the training arrangements of the REO, including the appropriate anti-epidemic measures adopted for in-person training. For future elections, the EAC recommends that the REO should continue to

enhance the training and rehearsals provided for electoral staff so as to reinforce their work knowledge and skills and ensure their conversancy with the duties assigned. Besides, appointing officers with relevant electoral experience to help with training and electoral work is also conducive to the passing on of electoral knowledge and experience. The EAC expresses its gratitude to all the Heads of Bureaux/Departments for their understanding and approval of temporary release for the officers to attend training and rehearsals arranged by the REO. The EAC hopes that the bureaux/departments would, like what they did in this election, grant temporary release for their staff to attend training and rehearsals in future elections.

(L) Personal Data of an EC Member and His/Her Assistant Wrongly Attached to a Test Email

14.72 On 25 March 2022, the REO issued a letter to EC members providing them with information relating to nomination in the 2022 CE Election. In the letter, the EC members were also invited to provide their and/or their assistants' telephone numbers and/or email addresses so as to facilitate the REO and other departments to inform them immediately by SMS or email of the most updated electoral and contingency arrangements on the polling day of the 2022 CE Election and as needs arose. To verify the accuracy of the telephone numbers and/or email addresses, the REO would send a test SMS and/or email to all EC members and their assistants (if EC members had provided the telephone numbers and/or email addresses of the assistants) in batches on 28 and 29 April 2022.

14.73 To avoid dissemination of the test email to the wrong recipients, before sending out the test emails, a staff member of REO would check the email addresses of the EC members and/or their assistants one by one in the "bcc" field of the draft email against the information on the soft copy each of the reply slips returned by the EC members on the computer. Another staff member would

cross-check the email addresses and confirm the accuracy of the content of the emails before they were sent.

14.74 In the morning of 28 April 2022, REO issued a total of 13 batches of test emails to 848 EC members and their assistants. In the morning of the same day, an REO staff member discovered that a reply slip returned by an EC member to the REO in early April 2022 was wrongly attached in an email sent in bcc mode to 64 EC members and their assistants early in the morning of 28 April 2022. The personal data involved included the names, telephone numbers, email addresses of the EC member and his assistant as well as the signature of the EC member. After checking, it was confirmed that other batches of emails had been issued properly.

14.75 After learning about the incident, the REO immediately reported to the EAC and CMAB and also notified the relevant EC members and their assistants to delete the attachment containing personal data immediately and permanently. The REO also informed the affected EC member and his assistant of the incident in writing and expressed sincere apologies. On the same day, the REO reported the incident to the PCPD and the OGCIO.

14.76 In addition, following the incident, the REO immediately reviewed the procedures for checking and issuing of the emails and instructed staff to cross-check the email addresses in the “bcc” field by using the information on the hard copy of the reply slips, and the staff member responsible for the final check had to confirm the accuracy of both the email addresses and content before sending out the test emails, so as to prevent recurrence of similar incident. The REO staff followed the instructions to check the emails and sent the remaining 18 batches of test emails to another 963 EC members and their assistants from the evening of 28 April to 29 April 2022.

14.77 The REO had completed the investigation on the incident. In light of the investigation findings, the REO believed that the reply slip of the EC member concerned had been accidentally attached by staff to the test email issued to EC members and their assistants during the work process.

14.78 To follow up on the incident, the PCPD is carrying out an investigation into the incident. Besides, a working group comprising representatives from the CMAB, the REO and the OGCIO has been formed to conduct a comprehensive review on the REO's arrangements on information security. The OGCIO has made recommendations in 4 areas including the governance of information security management, awareness and training on information security, secure protection for the operation of the "New Electoral and Registration System", and additional protection for the departmental information technology infrastructure. The REO will implement appropriate improvement measures in accordance with the recommendations put forward by the OGCIO and the PCPD once received.

14.79 **Recommendation:** The EAC has always attached great importance to the protection of personal data of electors. Regarding this incident, the EAC considers that the incident of attaching a copy of a reply slip containing the personal data of an EC member and his assistant to the test email sent to the EC members and their assistants has revealed the inadequacies in REO's work procedures in handling of personal data. The REO must reflect from this incident.

14.80 From a macro perspective, the EAC recommends that the REO should, with reference to the experience gained from incidents on information technology previously, conduct a comprehensive review of the application and security management of information technology in the department from the perspectives of departmental structure, manpower and information technology technical level, and consider expanding the number of information technology professionals on

REO's staff establishment and setting a relevant level of authorisation for each rank, as well as making more extensive use of information technology in electoral work, including the use of suitable applications developed by the department on its own or procured from the market, so as to meet the department's operational needs. At the same time, the REO should implement appropriate improvement measures in accordance with the recommendations made by the PCPD and the OGCIO to prevent recurrence of similar incidents.

(M) Setting up of the Polling Station at the Penny's Bay Community Isolation Facility

14.81 Having regard to the COVID-19 epidemic, the EAC is committed to ensuring that all EC members can exercise their right to vote. Meanwhile, any members of the public, including EC members, must also comply with applicable orders made under the relevant quarantine legislations. Given the epidemic situation in Hong Kong before this CE Election, the REO considered that there might be EC members who, because of the legislative requirements related to isolation/quarantine/"restriction-testing declaration" due to COVID-19²⁶, could not leave the designated places concerned to go out to vote. To allow the affected EC members to exercise their right to vote, the REO, with assistance from the health authorities and relevant departments, set up the PBPS for EC members, who were unable to go to the main polling station on the polling day due to the following situations, to leave the designated places as required to go to the PBPS to cast their votes:

²⁶ Including the Hong Kong laws of Prevention and Control of Disease Regulation (Cap. 599A), Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C), Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E), Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J). Any person regulated by the above legislation (including EC members) must comply with the requirements of the health authorities to stay at the designated place for isolation/quarantine/"restriction-testing declaration", and is prohibited from leaving the relevant places during the designated period.

- (a) under isolation in community isolation facilities;
- (b) under quarantine in quarantine facilities;
- (c) undergoing home quarantine;
- (d) inbound travellers undergoing quarantine at a designated place (for example, quarantine hotels); and
- (e) the Government has issued a “restriction-testing declaration” requiring them to stay in their premises and undergo compulsory testing, and the EC member and/or their household member(s) are later confirmed to carry a positive result.

14.82 By the close of poll, a total of 6 EC members, including 2 EC members infected with COVID-19 and 4 EC members under quarantine, have registered with the REO for casting votes at the PBPS. The REO arranged point-to-point transportation for the EC members concerned to vote at the PBPS. After voting, they were sent back by point-to-point transportation to their isolation/quarantine premises to continue with the isolation/quarantine.

14.83 **Recommendation:** The EAC considers that the setting up of the PBPS for the 2022 CE Election would reduce the risk of spread of COVID-19 in the main polling station and put EC members’ mind at ease to vote in it. It would also facilitate EC members who were under isolation/quarantine to exercise their right to vote on the polling day. The EAC expresses its gratitude to the former Food and Health Bureau (“FHB”), the CHP of the DH, the Security Bureau and the CAS for their assistance in setting up the PBPS for EC members, who were under isolation or quarantine on the polling day of the CE Election, to cast their votes. The EAC considers that if future elections are affected by the epidemic,

the REO should, after taking into account various factors such as the prevailing epidemic situation, anti-epidemic policies, etc., examine the need and feasibility of setting up polling stations similar to PBPS.

(N) **Arrangements for EC Members Entering and Leaving the HKCEC**

14.84 To enhance the security inside the HKCEC, the REO was assisted by the Police in this CE Election to provide RFID devices including electronic gates, checking kiosks and monitoring terminals for verifying the identify of EC members for access control at each of the access control point inside the HKCEC, including the Expo Drive Entrance (Phase 2, New Wing); the entrance from the Expo Drive Central Carpark (Phase 2, New Wing); the entrance of the Hong Kong Trade Development Council SME Centre (Phase 2, New Wing); the Expo Galleria Entrance (connecting to the Golden Bauhinia Square) (Phase 2, New Wing), and the Harbour Road Entrance (Phase 1, Old Wing)).

14.85 The REO followed the practice adopted in the 2017 CE Election of delivering a polling notice attached with a name badge for admission to the HKCEC to all EC members prior to the polling day. Each name badge was attached with an RFID label, with a photo of the EC member concerned and his/her personalised QR code printed thereon for identification. A laser label was also attached to each name badge for anti-counterfeit purpose. When entering the HKCEC, an EC member was required to show his/her name badge and walked through the designated RFID electronic gate for identity verification before he/she was permitted to pass through the access control point. EC members who forgot to bring along their name badges to the venue on the polling day could get a replacement badge from the name badge replacement counter at the entrances after verification of their identity. The printing of an EC member's photo on his/her name badge was a new arrangement in this election to enhance venue security, whereas the personalised QR code printed on the name badge was

a contingency measure. In the event of a service failure of the RFID devices on the polling day, polling staff at the access control points would use tablets to scan the QR code on the name badge of EC members to verify their identity for access control.

14.86 **Recommendation:** The EAC noted that the RFID devices at various access control points have in the main operated smoothly on the polling day and facilitated the access of EC members to the HKCEC. Compared with the arrangement adopted in the 2017 CE Election of scanning the name badges of EC members by staff, the use of RFID technology in this election has enhanced convenience and efficiency. The EAC is satisfied with the new application of RFID technology for access control in this CE Election. Taking into account the smooth operation of the arrangement and the generally shorter polling time in a CE Election, the EAC considers that the same arrangement should continue to be adopted in future CE Elections, so that EC members could enter the venue expeditiously to cast their votes. The EAC expresses its gratitude to the Police for providing the above RFID devices and wishes the Police to continue rendering the same assistance to the REO in future CE Elections.

(O) A Ballot Paper Issued by Polling Staff by Mistake

14.87 At about 10:00 am on the polling day of this CE Election, an EC member inside the main polling station who was about to cast his vote into the ballot box told the polling staff that he had been given two ballot papers at the ballot paper issuing desk. The EC member handed over the extra unmarked ballot paper to the polling staff. The staff immediately led the EC member's way to the PRO desk. In the presence of the EC member and under the witness of an APRO, the DPRO stamped the ballot paper with the chop "UNUSED" and kept custody of it. After the close of poll, that "UNUSED" ballot paper was delivered to the CCS together with other sealed packets of ballot papers and ballot

boxes. During the count, the “UNUSED” ballot paper was set aside as invalid on the spot and not counted. The RO, after ascertaining the result of the poll in the election, sealed the “UNUSED” ballot paper together with all other ballot papers into packets and deposited them with the CEO for safe custody.

14.88 After the close of poll, the polling staff checked the statistics recorded by the EPR System on the number of ballot papers issued at each ballot paper issuing desk against the number of ballot paper counterfoils kept by each ballot paper issuing desk. It was ascertained on the spot that the incident was caused by issuance of two ballot papers to a single EC member by staff at one of the ballot paper issuing desks. No similar problem occurred at any other ballot paper issuing desk. It did not affect the number of ballot papers inside the ballot boxes, which tallied with the statistics recorded by the EPR System. The PRO has notified the RO of the incident at once and the REO has referred it to LEA for investigation.

14.89 **Recommendation:** The EAC noted that the REO had repeatedly stressed to the polling staff through operation manuals and training that no more than one ballot paper should be issued to each EC member in this CE Election. Mock ballot papers were provided at the hands-on practices and rehearsal sessions to help the polling staff acquaint themselves with the ballot paper issuing process. They were also reminded to check the serial number of the next counterfoil when giving out a ballot paper to ensure accuracy of the number of ballot papers issued. Besides, additional APROs were deployed by the REO at the main polling station to oversee the operation of every ballot paper issuing desk. The EAC recommends that the REO should continue to enhance polling staff training on the ballot paper issuing process to make sure that staff at ballot paper issuing desks will reaffirm the accuracy of the number of ballot papers issued before issuing them to electors.

14.90 The EAC has also noted that the EPR System can provide real-time statistics of each individual ballot paper issuing desk in a polling station. This allows polling staff to check the number of electors having collected ballot papers from a particular ballot paper issuing desk as recorded in the EPR System against the actual number of ballot papers issued by that ballot paper issuing desk as calculated from the ballot paper counterfoils. Should problems be identified, follow-up actions can be taken in a timely manner and the course of the incident can be gathered from the staff concerned at the ballot paper issuing desk. The EAC recommends that the REO should continue to utilise and enhance the statistical functions of the EPR System. Complemented with timely checks by polling staff during the polling hours, this may detect early irregularities for prompt and proper response, but also make it possible to collect more relevant information on the spot from the polling staff concerned to facilitate subsequent investigation. The EAC also recommends that the REO should explore the possibility of using some sort of electronic device to monitor the actual number of ballot papers issued so as to prevent the over-issuance of ballot papers.

(P) No Setting up of Polling Stations at Boundary Control Points

14.91 In the previous elections, Hong Kong people in the Mainland could return to Hong Kong to vote on the polling day. In the 2021 LCGE, many of them were unable to return to do so due to the quarantine restrictions under the COVID-19 epidemic. With the assistance of the CMAB and co-operation of the relevant Mainland authorities, the REO set up polling stations at 3 designated Hong Kong/Shenzhen boundary control points on the Hong Kong side (“BCP Polling Stations”). These 3 BCP Polling Stations were situated at the boundary control points at Heung Yuen Wai, Lo Wu and Lok Ma Chau Spur Line. Hong Kong residents who were in the Mainland, upon meeting health and epidemic prevention requirements specified by the Mainland authorities and registering with the REO, could be exempted from the Mainland’s centralised quarantine or

medical surveillance requirements if they returned to the Mainland immediately after casting their votes at BCP polling stations. The above-mentioned BCP Polling Stations were for GC and FC electors only, while the EC Constituency electors were required to cast their votes at the EC Constituency polling station located at the HKCEC.

14.92 However, at the time of the preparation of the 2022 CE Election, the EAC considers that the above-mentioned arrangements for electors to vote without undergoing quarantine on both the Mainland and Hong Kong sides are not practicable in this CE Election. Considering the severe epidemic situation in Hong Kong before the 2022 CE Election, the EAC and REO issued press releases and letters to EC members in January and March 2022 appealing to them to plan their itinerary as early as possible and reserve sufficient time for completing the relevant quarantine requirements upon arrival at Hong Kong. EC members in the Mainland could also, upon fulfilling specified criteria, return to Hong Kong under the “Return2hk Scheme” to vote at the main polling station without being subject to mandatory quarantine.

14.93 **Recommendation:** As pointed out by the EAC in the “Report on the 2021 Legislative Council General Election”, having regard to the limitations posed by the then quarantine and isolation measures and that the cross-boundary personnel could not travel between the Mainland and Hong Kong in time, the setting up of BCP Polling Stations in the 2021 LCGE was a special one-off arrangement to facilitate voters in the Mainland to return to Hong Kong to vote without undergoing quarantine. As stated above, the arrangement for electors to return to Hong Kong to vote without undergoing quarantine on both the Mainland and Hong Kong sides was not practicable in this CE Election.

14.94 Although in this CE Election, no polling stations were set up at the Hong Kong/Shenzhen boundary control points for EC members in the Mainland

to cast their votes, the EAC and REO took a host of facilitation measures for EC members who were outside Hong Kong to exercise their right to vote, including making timely appeals to EC members to plan early their itinerary back to Hong Kong to vote, setting up a hotline and arranging designated taxis to carry EC members, who could not return to Hong Kong early to fulfil the local quarantine requirements, point-to-point to PBPS to cast their votes. The EAC considers that if future elections are affected by an epidemic, the setting up of polling stations at boundary control points should depend on the actual circumstances at the time, with holistic consideration of factors such as the epidemic situation, the Government's anti-epidemic policies, the number of electors affected and the difficulty of electors returning to Hong Kong to vote.