

PART ONE

PREFACE

CHAPTER 1

OVERVIEW

Section 1 – Introduction

1.1 The sixth term of the Legislative Council (“LegCo”) commenced on 1 October 2016 and was to end on 30 September 2020. However, amid the severe Coronavirus Disease 2019 (“COVID-19”) epidemic situation and in order to protect public safety and public health, the Chief Executive (“CE”) in Council invoked the Emergency Regulations Ordinance (Cap 241) to make the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation (Cap 241L) on 31 July 2020, for postponing the general election of the seventh term of the LegCo originally scheduled for 6 September 2020. Thereafter, the Standing Committee of the National People’s Congress (“NPCSC”) made a decision on 11 August 2020 that the sixth term of the LegCo would continue to discharge its duties for not less than one year until the commencement of the seventh term of the LegCo.

1.2 On 11 March 2021, the National People’s Congress (“NPC”) passed the Decision of the NPC on Improving the Electoral System of the Hong Kong Special Administrative Region (“HKSAR”). The NPCSC adopted on 30 March 2021 the amended Annex I and Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (“Basic Law”), revising the method for the selection of the CE and the formation of the LegCo. Among other things, the composition of LegCo would include a new Election Committee

Constituency (“ECC”) to be returned by members of the Election Committee (“EC”). Taking into account that the ECC of the LegCo would be returned by the EC which was formed in accordance with the newly amended Annex I to the Basic Law, and all candidates in LegCo elections would have to be nominated by 2 to 4 members of each sector of the EC, the 2021 Election Committee Subsector Ordinary Elections (“ECSSOEs”) was required to be held before the LegCo general election. On 14 April 2021, the Government introduced the Improving Electoral System (Consolidated Amendments) Bill 2021 to the LegCo, proposing an amendment to the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation to change the date of the general election of the seventh term of the LegCo to 19 December 2021. The Improving Electoral System (Consolidated Amendments) Ordinance 2021 (“Amendment Ordinance”) was passed by the LegCo on 27 May 2021. It was published in the Gazette and came into effect on 31 May 2021.

1.3 In accordance with section 6(3) of the Legislative Council Ordinance (Cap 542) (“LCO”), in order to enable a LegCo general election to be held, the CE may, before the end of a term of office of the LegCo, prorogue the LegCo to terminate its operation. Taking into account the date of the general election of the seventh term of the LegCo on 19 December 2021 and the nomination period from 30 October to 12 November, the CE specified 30 October 2021, which was the commencement date of the nomination period, as the date from which the sixth term of the LegCo would stand prorogued, so as to ensure that all candidates (including serving LegCo Members) would compete on a level playing field. Thereafter, the CE in Council, in accordance with section 4(3) of the LCO, specified 1 January 2022 as the

commencement date of the seventh term of office of the LegCo for four years.

Number of Members to be Returned

1.4 According to the amended Annex II to the Basic Law, the seventh term of the LegCo is composed of 90 Members, whereby 20 should be returned by Geographical Constituencies (“GCs”), 30 by Functional Constituencies (“FCs”) and the other 40 by the new ECC. The number of Members to be returned for the 10 GCs and the 28 FCs respectively are listed in **Appendix I**.

This Election

1.5 In the 2021 LegCo General Election, a poll was required for all of the constituencies. The Candidate Eligibility Review Committee (“CERC”), which is responsible for reviewing and confirming the eligibility of candidates for membership of the LegCo by virtue of Annex II to the Basic Law, reviewed the nominations of candidates in a total of 154 nomination forms after the end of the nomination period. Among which, 51 candidates were validly nominated for 40 ECC seats, 67 candidates were validly nominated for a total of 30 seats in 28 FCs (excluding 1 candidate whose nomination was determined to be invalid), and 35 candidates were validly nominated for 20 seats in 10 GCs.

1.6 A total of 1 426 EC members have cast their votes for the ECC on the polling day, amounting to 98.48% of the total electorate of 1 448 for the ECC. For the FCs, a total of 70 490 electors have cast their votes, amounting to 32.22% of the

total electorate of 218 811 for FCs. As for GCs, 1 350 680 electors have cast their votes, amounting to 30.20% of the total electorate of 4 472 863 for GCs.

Section 2 – Election Report to the Chief Executive

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

1.8 This report aims to give a detailed account of the preparatory work conducted by the EAC and the Registration and Electoral Office (“REO”), and the implementation of the electoral arrangements and handling of complaints for this election, as well as to put forth recommendations for improvements in future elections having reviewed the effectiveness of various electoral arrangements and taken into account the experience gained from this election.

PART TWO

BEFORE THE POLLING DAY

CHAPTER 2

DELINEATION OF GEOGRAPHICAL CONSTITUENCIES

2.1 According to the amended Annex II to the Basic Law, there are to be 10 GCs in the territories of Hong Kong. The Amendment Ordinance was published by Gazette and came into effect on 31 May 2021. The LCO was amended accordingly. In view of the change in the number of GCs and the urgency of holding the 2021 LegCo General Election, section 18(5) of the amended EACO stipulates that the EAC would not be required to submit a report containing recommendations for the delineation of GCs and the names proposed by the EAC for each constituency for the general election of the seventh term of the LegCo. The boundaries of the 10 GCs for the seventh term of the LegCo were delineated by the Government based on the constituency boundaries for the 2019 District Council (“DC”) Ordinary Election as recommended by the EAC and approved by the CE in Council. The delineation of the boundaries of GCs was all in compliance with the criteria set out in the EACO to ensure that each GC comprised a number of contiguous whole DC constituencies and that the projected population of each GC did not deviate from the resulting number (i.e. by multiplying the population quota by the number of Members to be returned by that GC) by more than 15%. According to the amended sections 18 and 19 of the LCO:

- (a) there are to be 10 GCs:
 - (i) Hong Kong Island East (comprising Eastern District and Wan Chai District);

- (ii) Hong Kong Island West (comprising Central and Western District, Southern District and Islands District);
- (iii) Kowloon East (comprising Kwun Tong District and the south-eastern part of Wong Tai Sin District);
- (iv) Kowloon West (comprising Yau Tsim Mong District and Sham Shui Po District);
- (v) Kowloon Central (comprising Kowloon City District and the north-western part of Wong Tai Sin District);
- (vi) New Territories South East (comprising Sai Kung District and the eastern part of Sha Tin District);
- (vii) New Territories North (comprising North District and the north-western part of Yuen Long District);
- (viii) New Territories North West (comprising Tuen Mun District and the south-eastern part of Yuen Long District);
- (ix) New Territories South West (comprising Kwai Tsing District and Tsuen Wan District); and
- (x) New Territories North East (comprising Tai Po District and the western part of Sha Tin District);

(b) 20 Members should be returned for all GCs; and

(c) the number of Members to be returned for each GC is 2.

2.2 The maps and descriptions of the delineation of GCs above were uploaded onto the EAC's website on 1 June 2021, and were made available for public viewing at the Home Affairs Enquiry Centres of all Districts, the REO, management offices of public housing estates, and major and district public libraries starting from 10 June 2021.

2.3 For the general election for the eighth term of the LegCo onwards, the EAC will continue to discharge its statutory function of reviewing the boundaries of the LegCo GCs in accordance with the requirements of the EACO.

CHAPTER 3

REGISTRATION OF ELECTORS

Section 1 – Qualification for Registration

3.1 In accordance with the LCO, only a registered elector (i.e. a person whose name appeared on the Final Register of Electors (“FR”) published in October 2021) or an EC member (i.e. a person whose name appeared on the EC FR published in October 2021) are eligible to vote in this election. The qualifications for registration as electors for GCs and FCs and the circumstances under which an elector is disqualified from voting at an election are stipulated in the LCO.

Geographical Constituencies

3.2 An individual is eligible to be registered as a GC elector and registered in the 2021 FR if he/she:

- (a) is aged 18 years or above as at 25 July 2021;
- (b) is a permanent resident of Hong Kong;
- (c) ordinarily resides in Hong Kong and at the time of applying for registration, his/her residential address provided in the application form is his/her only or principal residence in Hong Kong;

(d) holds a valid identity document or has applied for a new/replacement identity document; and

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

3.3 Section 24(2) of the LCO provides that a person is not, by virtue of being registered as an elector in an existing FR of GCs, entitled to be included as an elector in any subsequent register if the Electoral Registration Officer (“ERO”) is satisfied on reasonable grounds that the person no longer resides at the residential address recorded against the person’s name in that existing register and the ERO does not know the person’s new principal residential address (if any) in Hong Kong. The system for registration as electors in Hong Kong operates on a system of self-declaration. The subsisting legislation does not make it mandatory for electors to update their residential addresses. Therefore, even if an elector has failed to report changes in the registered residential address, as long as his/her registration particulars remain in the register, he/she remains eligible under the relevant legislation to vote in the GC according to the principal address as recorded against his/her name in the register.

Functional Constituencies

3.4 Sections 20 and 25 of the LCO stipulate the qualification for registration as electors for the 28 FCs. In brief, the electorates of the 28 FCs are from particular business, social, professional or other groups. In light of the abolition of the former DC (first) FC, former DC (second) FC and former Information Technology FC pursuant to the Amendment Ordinance, all registered electors for these FCs were

directly removed from the FC registers. If the electors concerned met the registration eligibility of other FCs, they could submit applications for registration in another FC for which they were eligible during the period of 2021 Special Voter Registration (“VR”) Arrangements from 1 June to 5 July 2021 in order to be included in the 2021 FR. Besides, for individuals and bodies eligible to be registered as electors in the 3 newly created FCs (namely the Commercial (third) FC, Technology and Innovation FC, and Hong Kong Special Administrative Region deputies to the National People’s Congress (“NPC deputies”), Hong Kong Special Administrative Region members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC members”) and representatives of relevant national organisations FC), they could submit applications for registration in these FCs (irrespective of whether they were currently registered as FC electors) during the above-mentioned period. Furthermore, given the changes in qualification for registration for the 6 FCs (namely the Agriculture and Fisheries FC, Transport FC, Tourism FC, Catering FC, Sports, Performing Arts, Culture and Publication FC, and Medical and Health Services FC), individuals and bodies eligible to be registered as electors for these FCs, could submit applications for registration in these FCs during the above-mentioned period (irrespective of whether they were currently registered as FC electors).

3.5 The electorates of FCs consist of both natural persons and corporate bodies. For a natural person to be an FC elector, apart from fulfilling the qualification for registration for the corresponding FC, he/she must be a registered GC elector. Among the 28 FCs, 19 are composed of corporate electors. A corporate elector is required to cast its vote through an authorised representative

(“AR”) who is a natural person and a GC elector appointed by the governing authority of the corporate elector to vote on its behalf.

3.6 The appointment or replacement of the AR must be registered with the ERO. An AR of a corporate elector cannot be appointed as the AR of another corporate elector at the same time. If an AR of a corporate elector is eligible to be registered as an individual elector for another FC, he/she may apply for such registration. No person/body can be registered as an elector in two or more FCs. A person/body qualified to be registered in more than one FC is allowed to be registered in only one of the FCs of his/her/its choice. If a person is eligible to be registered in the Heung Yee Kuk FC, he/she can only be registered in that FC. Besides, if a person is eligible to be registered in the NPC deputies, CPPCC members and representatives of relevant national organisations FC as well as other FCs (except the Heung Yee Kuk FC), he/she can only be registered in the former. If a body is eligible to be registered in any of the 7 designated FCs¹ as well as other FCs, the body can only be registered in one of the 7 designated FCs.

Election Committee Constituency

3.7 Only EC members are entitled to vote at an election for the ECC of the LegCo. The FR of the fifth term of the EC, which was applicable to this election, was published on 22 October 2021, containing the particulars of 1 448 EC members therein. Notices were also published in the Gazette on 27 October and 8 December 2021 to amend the EC FR in order to reflect the changes in the ex-officio membership of the EC.

¹ Namely (i) Agriculture and Fisheries FC, (ii) Insurance FC, (iii) Transport FC, (iv) Finance FC, (v) Sports, Performing Arts, Culture and Publication FC, (vi) Technology and Innovation FC and (vii) Catering FC.

Section 2 – Registration Regulations

3.8 The EAC has put in place two sets of regulations for the purpose of implementing the procedure relating to the registration of electors. The Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541A) (“EAC (ROE) (GC) Reg”) governs the registration of GC electors and the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541B) (“EAC (ROE) (FCSEC) Reg”) governs the registration of FC electors.

3.9 In order to enhance the accuracy of the particulars in the registers of electors, from 1 February 2018 onwards, electors who submit applications for change of registered residential address are required to submit address proof issued in the last three months at the same time. For electors who are the authorised occupants of public rental housing under the Housing Department (“HD”) or registered residents in the tenancy of subsidised housing under the Hong Kong Housing Society (“HKHS”) applying for change of registered residential address, if the addresses in the tenancy records match the residential addresses provided by the electors, address proof requirement for such electors may be exempted.

Section 3 – The Voter Registration Campaign and Special Voter Registration Arrangements

3.10 The 2021 VR Campaign was launched on 18 February 2021 and originally scheduled to end on 25 June 2021. In light of the Amendment Ordinance which was published in the Gazette and came into operation on 31 May 2021, the REO implemented the Special VR Arrangements from 1 June to 5 July 2021 to allow individuals and bodies whose eligibility for registration was affected and those who were newly eligible for registration to handle their VR matters. The overall objectives of the VR campaign were to encourage eligible persons of all relevant age groups to register as electors, remind registered electors of the importance of updating their registration particulars (especially their residential addresses) with the REO, promote the Online Voter Information Enquiry System (www.voterinfo.gov.hk) and the service of the REO hotline (2891 1001), encourage registered electors or applicants to provide their telephone numbers and email addresses to facilitate communication, and remind electors to reply to the inquiry letters issued by the REO by the statutory deadlines (i.e. 2 May 2021 for GCs and 19 September 2021 for GCs and FCs).

3.11 Throughout the VR campaign period, a wide range of publicity activities were staged by the Government to achieve the objectives set out in paragraph 3.10 above. These included broadcasting Announcements of Public Interest (“APIs”) on television, radio and the Internet platform; placing advertisements on corporate journals, at major MTR stations, bus stops and other public transport systems, on social media, websites and mobile device applications of newspapers, and at

government and non-government venues; as well as displaying posters, buntings and banners.

3.12 Throughout the VR campaign, persons of different age groups and all walks were reached through community promotion to encourage registration as electors and updating of residential addresses. Leaflets printed by the Independent Commission Against Corruption (“ICAC”) were also distributed to remind the public of the importance of providing true and accurate information for registration as electors, and disseminate the message that any person who knowingly or recklessly gives false or misleading information for VR commits an offence no matter the person concerned has voted at an election or not. Besides, roving registration counters were set up by the REO at 6 Registration of Persons Offices and 9 centres for the Territory-wide Identity Card Replacement Exercise of the Immigration Department (“ImmD”). VR Assistants were deployed thereat to assist the public in registering as electors or updating their registration particulars. When applying for replacement of a smart identity card, a registered elector could choose whether to give consent for the ImmD to transfer his/her personal particulars to the REO for verifying particulars on the registers of electors. After verifying the relevant information, if the REO found any discrepancy between the elector’s principal residential address and that recorded in the registers of electors, it would send a letter to the elector to request provision of address proof so as to further process his/her application for change of registered address.

3.13 In addition, the REO also sent letters to households who had moved into newly completed housing estates appealing to them to report changes of residential

addresses and, if they had not registered as electors, invite them to make registration before the statutory deadline (i.e. 2 May 2021).

3.14 The REO also sent letters to appeal to specified bodies under the LCO to encourage their eligible members to make registration in FCs.

Section 4 – Enhanced Checking on Voter Registration

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

3.16 Apart from the above-mentioned checking measures, the REO also conducted regular verification of address data through cross-matching with other

government departments and strengthened the verification of address data with ImmD in order to enhance the accuracy of the registration particulars of electors.

Measures taken included:

- (a) liaising with the Buildings Department to obtain the latest list of demolished buildings or vacated buildings pending demolition;
- (b) liaising with the Urban Renewal Authority to obtain the information on buildings which had completed acquisition and occupier relocation;
- (c) implementing collaborative arrangement with District Offices (“DOs”) to identify buildings to be demolished or already vacated; and
- (d) working with the ImmD under the new collaborative arrangement on updating registered residential addresses obtained in the course of smart Identity Card replacement to follow up on cases of electors who failed to respond to the reminding letters.

3.17 In the 2021 VR cycle, the number of electors covered by various checking measures implemented by the REO totalled about 1.99 million out of the 4.46 million electors on the FR for 2020. Based on the results of checking, the REO had reasonable grounds to believe that the registered residential addresses of about 60 000 electors were no longer their only or principal residences in Hong Kong. The REO therefore issued statutory inquiry letters to these electors in

accordance with the relevant electoral law and requested the electors concerned to confirm whether their registered residential addresses in the FR were still their only or principal residential addresses. About 18 000 of these electors replied before the statutory deadline. The remaining approximately 42 000 electors who failed to respond under the inquiry process were included in the omission list (“OL”). If electors who were included in the OLs wished to reinstate their VR, they had to reply to the reminding letters issued by the REO on or before the statutory deadline of 9 October 2021 or lodge a claim from 26 September to 9 October 2021 for consideration by the Revising Officer (“RevO”) in accordance with the electoral law. Out of the 42 000 electors concerned, about 8 000 replied to the reminding letters before the statutory deadline and were reinstated in the FR with the approval of the RevO. For the remaining 34 000 or so electors, they were not included in the FR because they failed to provide the relevant information in accordance with the electoral law. The outcome of the checking exercise showed that the inaccuracies detected in respect of registered residential addresses were mostly because of the failure on the part of electors to update their registered residential addresses with the REO in a timely manner after moving home.

3.18 Besides enhancing the accuracy of electors’ registered residential addresses for GCs, the REO continued to verify the registration particulars of electors for the FCs in the 2021 VR cycle. The electorates of FCs consist of individual and corporate electors. Eligibilities for registering in FCs include (1) listed bodies under the LCO; (2) licence/registered qualification holders under specified legislation under the LCO; and (3) members (bodies or individuals) or staff of the specified bodies under the LCO.

3.19 In order to ensure the accuracy of the registration particulars of the FC electors, the REO collects in every VR cycle information from the relevant specified bodies about their members or staff so as to verify and ascertain the registration eligibility of individuals/bodies in the FCs concerned, and to remove those who are no longer eligible for registration. During the checking process, if it is confirmed that the registration eligibility of individuals/bodies does not meet the relevant statutory requirements, the REO will issue inquiry letters to the individuals/bodies concerned in accordance with the electoral law and request them to present proof that they are still eligible for registration before the relevant statutory deadline. If the individuals/bodies concerned fail to provide the requested information before the deadline, the REO will include them in the OL of the FCs. For the purpose of VR, all specified bodies must provide the REO with information about their members who meet the eligibility requirements in the relevant FCs under the LCO upon its request. The information provided must be true and accurate and failure to do so will constitute a breach of the relevant electoral law.

3.20 Generally speaking, if an elector for a particular FC is a member of a specified body, this means that he/she/it is entitled to vote at the general meetings of the specified body as provided by its constitution which has been approved by the Secretary for Constitutional and Mainland Affairs for VR purposes. The relevant provisions under the LCO clearly stipulate the governing of the registration of FC electors. The specified bodies should strictly follow the application criteria and approval procedures stipulated in their constitutions when processing applications for membership. Since the 2012 VR cycle, the REO has been issuing letters to the specified bodies annually to appeal to them to strengthen their membership administration and comply with their constitutions, to adopt

proper procedures to ensure propriety and higher transparency in membership administration, and to exercise due diligence in providing up-to-date membership information to the REO. In respect of the 2021 LegCo General Election, the REO joined hands with the ICAC to provide corruption prevention advisory services to 34 specified bodies to further disseminate the message of good corporate governance and the importance of transparent membership administration. The Constitutional and Mainland Affairs Bureau (“CMAB”), REO and ICAC will review the effectiveness of the measures implemented in connection with the VR for FCs to ensure that the specified bodies understand their obligation in maintaining a proper and transparent membership administration system.

3.21 According to the subsisting electoral law, if there are changes in the business addresses of corporate FC electors (i.e. listed bodies or members of specified bodies), they should promptly provide the latest address information to the REO for updating. Besides, according to the LCO, some bodies/corporate members of the bodies must have been operating as such bodies/must have been corporate members of the bodies and have been operating for the 3 years immediately before their VR applications so as to be eligible for registration in the relevant FCs. If there is information or evidence showing that individual registered corporate electors have dissolved and are no longer in operation or the persons concerned are no longer corporate members of the bodies, the REO will initiate the statutory inquiry process for such electors and strike off their registration if they fail to give a valid reply.

3.22 As mentioned in paragraph 3.4 above, as the Amendment Ordinance was published in the Gazette and came into operation on 31 May 2021, the former DC

(first) FC, former DC (second) FC and former Information Technology FC were already abolished, and all existing electors registered in these FCs would be directly removed from the registers of FC electors and would not be subject to the inquiry process or issuance of inquiry letters. In addition, the REO started sending inquiry letters to more than 20 000 registered electors in the FCs on 23 June 2021 to notify them that they might no longer be eligible for registration in their original FCs and thus might not be included in the 2021 Provisional Register of Electors (“PR”) for FCs. Under the Amendment Ordinance, the composition of the electorate for 9 FCs (namely the Real Estate and Construction FC; Commercial (second) FC; Industrial (first) FC; Financial Services FC; Sports, Performing Arts, Culture and Publication FC; Import and Export FC; Textiles and Garment FC; Wholesale and Retail FC; and Catering FC) had been changed to include corporate electors only. Existing individual electors were no longer eligible for registration in these FCs. Inquiry letters were sent by the REO to these individual electors to notify them of the circumstances above and that if they met the registration eligibility of any other FCs, they should submit an application before the end of the Special VR Arrangements in order to be registered in an FC for which he/she was eligible.

Section 5 – The Provisional and Final Registers

3.23 A total of 106 888 and 22 757 VR application forms were received for GCs and FCs respectively by the end of the Special VR Arrangements on 5 July 2021. In the 2021 FRs, there were 83 024 and 7 216 newly registered electors for GCs and FCs respectively.

3.24 The REO published the PRs for GCs and FCs on 26 September 2021. The PRs for GCs and FCs contained the names and principal residential addresses of electors who were included in the previous FRs and whose particulars had been updated by the REO based on information reported by the electors concerned or obtained from other sources. The PRs also contained the particulars of qualified applicants and bodies who had applied for registration as electors during the period of the Special VR Arrangements between 1 June and 5 July 2021 and those of the existing FC electors who continued to be eligible for registration.

3.25 The OLs were also published by the REO on 26 September 2021. The OLs contained the particulars of persons who were formerly in the 2020 FR but were not included in the 2021 PR and were proposed to be omitted from the 2021 FR on the grounds that the ERO had reasons to believe that these persons had been disqualified or had ceased to be eligible for registration (e.g. persons who had passed away, persons who had informed the ERO that they did not wish to be registered, persons who had changed their principal residential addresses but the new residential addresses were not known to the ERO, or persons who were no longer qualified members of the specified bodies of the relevant FCs).

3.26 Individual/corporate electors would be listed on the OLs if they are no longer eligible due to changes in the registration eligibility of their original FCs under the Amendment Ordinance. However, if an individual/corporate elector was originally registered in an FC which has been abolished (i.e. the former DC (first) FC, former DC (second) FC or former Information Technology FC), the elector's registration in the FC would also be deleted, and the elector would not be listed on the OL.

3.27 On 15 October 2019, the Junior Police Officers' Association of the Hong Kong Police Force made a leave application to the Court of First Instance of the High Court (HCAL 3042/2019) for judicial review against the release of "linked information" showing the names and principal residential addresses of the registered electors to the public and candidates on the ground of doxxing (i.e. extensive leaking of personal information) against serving police officers and their family members and also sought an urgent interim injunction to prohibit the ERO from making the FRs available for public inspection or providing the particulars of electors to any person.

3.28 After the trial was concluded in the Court of First Instance, an appeal was brought to the Court of Appeal for review. In accordance with the judgment handed down by the Court of Appeal on 21 May 2020 and the Court Order made at the hearing on 27 May 2020 (CACV 73/2020), only validly nominated candidates, representatives of the political parties/organisations² and representatives of the press³ are allowed, for election-related purposes, to inspect FRs that show the linked information of individual electors. Regarding those parts of FRs not showing individual electors' linked information, such as a part of a register of FCs that shows the information of corporate electors, they may be made available for inspection by the public. The PRs and OLs for this election were made available for inspection by the press and political parties/organisations at the two specified

² A "political party/organisation" means a body or an organisation that is incorporated, or is registered or exempt from registration, under any law of Hong Kong, and -

- (a) was provided an extract under section 41(1) of the EAC (ROE) (FCSEC) Reg for a purpose related to a previous election; or
- (b) was represented by a validly nominated candidate at a previous election; or
- (c) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election.

³ "press" means a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services.

REO's offices located at 10/F, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong and 13/F, Kowloonbay International Trade & Exhibition Centre ("KITEC"), 1 Trademart Drive, Kowloon Bay, Kowloon during the REO's ordinary business hours with effect from 26 September to 9 October 2021. As for the parts of the PRs and OL for FCs which did not show the linked information of individual electors, they were available for public inspection during the same period and at the same locations. The claims and objections against any entries in the PRs could be lodged with the ERO according to the normal procedure from 26 September to 9 October 2021.

3.29 Upon the deadline for lodging claims and objections (i.e. 9 October 2021), two notices of claim (involving the same number of electors) were received by the ERO. The RevO processed the above-mentioned two notices of claim in October 2021 and dismissed these two requests lodged by claimants.

3.30 The 2021 FRs were published on 29 October 2021, listing in total the particulars of 4 472 863 GC electors and 219 254 FC electors. A breakdown of electors by GCs and FCs is at **Appendices II to IV**. In accordance with the judgment on the above-mentioned judicial review case handed down by the Court of Appeal on 21 May 2020 and the order granted at the hearing on 27 May 2020, the FR was made available for inspection by validly nominated candidates, representatives of the political parties/organisations and representatives of the press during the REO's ordinary business hours. The FRs for FCs that did not show the linked information of individual electors were also made available for inspection by the general public.

CHAPTER 4

LEGISLATION GOVERNING THE ELECTION

Section 1 – Ordinances and Subsidiary Legislation

4.1 The 2021 LegCo General Election was governed by the following ordinances:

- (a) the EACO which empowers the EAC to perform its various functions in the supervision and conduct of the election;
- (b) the LCO which provides the legal basis for conducting the election;
and
- (c) the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) (“ECICO”) which prohibits election-related corrupt and illegal matters and is administered by the ICAC.

4.2 The above ordinances are complemented by the following 10 pieces of subsidiary legislation stipulating the detailed procedures for the conduct of the election:

- (a) the EAC (ROE) (GC) Reg;
- (b) the EAC (ROE) (FCSEC) Reg;

- (c) the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541C) (“EAC (NAC) (LC) Reg”);
- (d) the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541D) (“EAC (EP) (LC) Reg”);
- (e) the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap 541M);
- (f) the Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap 541N);
- (g) the Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap 542C);
- (h) the Legislative Council (Election Petition) Rules (Cap 542F);
- (i) the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap 554D); and
- (j) the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation.

Section 2 – Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021

4.3 Article 104 of the Basic Law provides that when assuming office, the CE, principal officials, Members of the Executive Council and of the LegCo, judges of the courts at all levels and other members of the Judiciary in the HKSAR must, in accordance with the law, swear to uphold the Basic Law and swear allegiance to the HKSAR of the People’s Republic of China (“PRC”). On 7 November 2016, the NPCSC adopted the Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China by the Standing Committee of the National People’s Congress (“Interpretation”) on 7 November 2016, which explains that oath taking is the legal prerequisite and required procedure for public officers specified in Article 104 of the Basic Law to assume office, and must comply with the legal requirements in respect of its form and content. The Interpretation also makes it clear that an oath taker shall bear legal responsibility in accordance with the law if he/she makes a false oath or, after taking the oath, engages in conduct in breach of the oath.

4.4 In addition, Article 6 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“National Security Law”), which was promulgated on 30 June 2020, also stipulates that a resident of the HKSAR who stands for election or assumes public office shall confirm in writing or take an oath to uphold the Basic Law and bear allegiance to the HKSAR of the PRC in accordance with the law.

4.5 To accurately implement the requirements stipulated in Article 104 of the Basic Law, the Interpretation and the National Security Law, the Government

tabled the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021 to the LegCo on 17 March 2021 to amend several ordinances. The amendments under the Bill relating to LegCo elections include the following:

- (a) amending the LCO to specify that a person will be disqualified from being a Member of the LegCo if he/she breaches an oath or fails to fulfil the legal requirements and conditions on “upholding the Basic Law and bearing allegiance to the HKSAR of the PRC”, and improving the mechanism in case of such a breach or failure; and
- (b) introducing restrictions in LegCo elections such that a person who has vacated an office or been disqualified from entering on an office for declining or neglecting to take an oath, breached the oath or failed to fulfil the legal requirements and conditions on “upholding the Basic Law and bearing allegiance to the HKSAR of the PRC” will be disqualified from being nominated and elected in the LegCo election held within 5 years.

4.6 The Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021 was passed by the LegCo on 12 May 2021. The amendments came into operation on the date of publication by Gazette (i.e. 21 May 2021).

Section 3 – Improving Electoral System (Consolidated Amendments) Bill 2021

4.7 The NPC passed the Decision of the NPC on Improving the Electoral System of the HKSAR on 11 March 2021, followed by the NPCSC’s adoption of the amended Annex I and Annex II to the Basic Law on 30 March 2021 to revise the method for the selection of the CE as well as the method for the formation of the LegCo and its voting procedures. The followings are amendments under the Bill relating to LegCo elections:

- (a) amending the date of the 2021 LegCo General Election set out in the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation from 5 September 2021 to 19 December 2021;
- (b) updating the composition and formation of the LegCo:
 - (i) the number of Members of the LegCo shall be increased from 70 to 90;
 - (ii) the method of formation shall be changed so that 40 Members are to be returned through the new ECC by the “block vote” voting system (i.e. each EC member shall vote for not more than or less than 40 candidates on the ballot paper), 30 Members are to be returned through 28 FCs by the “first past the post” voting system, and 20 Members are to be returned through 10 GCs by the “first past the post” voting system with each GC returning 2 Members;

- (iii) the former DC (first) FC, former DC (second) FC and former Information Technology FC shall be abolished, and the former Medical FC and Health Services FC shall be combined to form the Medical and Health Services FC (the electorate also includes the representatives of the Chinese Medicine sector);
 - (iv) 3 new FCs, namely the Commercial (third) FC, Technology and Innovation FC, and NPC deputies, CPPCC members and representatives of relevant national organisations FC, shall be created; and
 - (v) the composition of the electorate for 9 FCs shall be changed to include corporate electors only;
- (c) amending the VR arrangements: providing for special arrangements for the 2021 VR cycle, including a special VR deadline, the revised arrangements for claims and objections, the specified publication dates of different registers of electors, and revising the regular VR process thereafter;
- (d) revising the eligibility for becoming candidates in LegCo elections: specifying that the eligibility of candidates standing for LegCo elections is to be reviewed and confirmed by the newly established CERC. The CERC will take into account the opinions of the Returning Officer (“RO”) and the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region

(“Committee on National Security”) in determining whether the nomination of a candidate is valid;

- (e) setting out the election expenses limits for GCs, FCs and the ECC effective from the 2021 LegCo General Election;
- (f) providing for the electoral arrangements for the ECC of the LegCo;
- (g) introducing a new offence under the ECICO to prohibit any person from inciting another person not to vote or to cast a blank or invalid vote by way of public activity during an election period, and stipulating that any person who wilfully obstructs or prevents another person from voting at an election commits an offence of corrupt conduct;
- (h) implementing the electronic poll register (“EPR”) in LegCo elections and amending the relevant provisions of subsidiary legislation under the EACO, including:
 - (i) specifying the manner of making a record on the FR electronic copy upon issuance of the ballot paper(s) to an elector so as to accommodate the use of the EPR;
 - (ii) specifying that the FR in printed form (if used) should be sealed in packets at the close of the poll, and that the FR

(whether in printed or electronic form) should be retained for at least 6 months after a poll before destruction; and

(iii) introducing new provisions to implement the FR electronic copy for the purpose of the relevant ballot paper issuance process; stipulating the permitted use of the electronic copy of the FR; empowering the EAC to authorise access to the FR electronic copy for specific purposes (such as for technical maintenance and for use in the ballot paper issuance process); and providing for the offences in relation to accessing the FR electronic copy without lawful authority, damaging any data or information contained in the FR electronic copy, or tampering with the FR electronic copy;

(i) enhancing the compilation and inspection of the registers of electors: to ensure a transparent mechanism for inspecting the registers of electors while protecting the privacy of electors' personal particulars. The enhancement measures⁴ include:

(i) restricting access to the parts of registers containing individual electors only to the press subscribing to the Government News and Media Information System, political parties/organisations and validly nominated candidates only, while the parts of the registers containing only corporate electors will be made available for public inspection;

⁴ The enhancement measures will be implemented with effect from 1 May 2022.

- (ii) redacting partially the electors' personal particulars on the registers of electors; and
- (iii) extending the requirement for address proof to all new VR applications;
- (j) empowering the Presiding Officers ("PROs") to set up a special queue for electors in need (including persons aged 70 or above, pregnant women, and persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids);
- (k) empowering the Chief Electoral Officer ("CEO") to require schools and non-government organisations receiving grants from the Government to make available their premises for use as polling stations and/or counting stations in public elections; and
- (l) abolishing the withholding financial assistance payable until disposal of election petitions arising from LegCo elections.

4.8 The Improving Electoral System (Consolidated Amendments) Bill 2021, tabled by the Government to the LegCo on 14 April 2021, was passed on 27 May 2021. Most of the amendments came into operation on the date of publication in the Gazette (i.e. 31 May 2021).

Section 4 – Personal Data (Privacy) (Amendment) Bill 2021

4.9 A large number of doxxing cases (i.e. extensive leaking of personal data) have taken place in society since June 2019, where personal data were dispersed and reposted on online platforms. Thereupon, the Government tabled the Personal Data (Privacy) (Amendment) Bill 2021 to the LegCo on 21 July 2021 to stipulate doxxing as a criminal offence. The Personal Data (Privacy) (Amendment) Bill 2021 was passed by the LegCo on 29 September 2021 and came into operation on 8 October 2021.

4.10 The amended Ordinance applies to the doxxing acts of disclosing personal data contained in the registers of electors for the LegCo elections. According to section 64(3A) of the amended Personal Data (Privacy) Ordinance (Cap 486) (“PD(P)O”), a person commits an offence if he/she (as a discloser) discloses any personal data relating to a person (as a data subject) contained in any register of electors or in any extract of any register of electors without the relevant consent of the data subject with an intent to cause any specified harm⁵ to or being reckless as to whether any specified harm would be (or would likely be) caused to the data subject or any family member of the data subject, and the discloser will be liable on summary conviction to a fine of \$100,000 and to imprisonment for 2 years. According to section 64(3C) of the amended PD(P)O, if the disclosure causes specified harm to the data subject or any family member of the data subject, and satisfies the elements of the offence under section 64(3A), the discloser will be

⁵ In accordance with section 64(6) of the PD(P)O, “specified harm”, in relation to a person, means (a) harassment, molestation, pestering, threat or intimidation to the person; (b) bodily harm or psychological harm to the person; (c) harm causing the person reasonably to be concerned for the person’s safety or well-being; or (d) damage to the property of the person.

liable on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 5 years.

CHAPTER 5

THE GUIDELINES

Section 1 – The Preparatory Work

5.1 Under section 6(1)(a) of the EACO, the EAC is empowered to issue electoral guidelines to facilitate the conduct and supervision of an election. The purpose of issuing electoral guidelines is to ensure that all public elections are conducted in an open, fair and honest manner. The EAC will update the electoral guidelines before each public election. On the basis of the existing guidelines, revisions are made taking into account changes in electoral law and experience from previous elections. The electoral guidelines are not law, and cover the two aspects as follows: (1) to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law; and (2) to promulgate a code of conduct based on the principle of fairness and equality with regard to election-related activities not stipulated by the law.

5.2 As the general election of the seventh term of the LegCo was originally scheduled on 6 September 2020, the EAC released in June 2020 the Guidelines on Election-related Activities in respect of the Legislative Council Election (“Guidelines”) applicable to that LegCo general election. Thereafter, amid the severe COVID-19 epidemic situation, the Government decided to postpone the election. On 30 March 2021, the NPCSC adopted the amended Annex I and Annex II to the Basic Law to revise the method for the selection of the CE and the

formation of the LegCo. On 14 April 2021, the Government introduced the Improving Electoral System (Consolidated Amendments) Bill 2021 to the LegCo to amend the related local legislation and change the date of the general election for the seventh term of the LegCo to 19 December 2021. Following its passage by the LegCo on 27 May 2021, the Amendment Ordinance was published in the Gazette and came into operation on 31 May 2021. Subsequently, the EAC revised the June 2020 edition of the Guidelines in light of the changes made to the composition of the LegCo and the method for its formation under the Amendment Ordinance. The updated Guidelines, which reflect the new arrangements and procedures of LegCo elections, should apply to the 2021 LegCo General Election on 19 December 2021 and any LegCo by-elections afterwards. The update was also made with reference to the Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections published in July 2021, as well as other legislative amendments in respect of LegCo elections as mentioned in Chapter 4 and the operational experience gained in past elections.

5.3 Although section 6(2) of the EACO stipulates that the EAC shall consult the public in relation to the Guidelines, exceptions are allowed when the EAC considers that such consultation is not practicable due to the existence of an urgent need to issue the Guidelines. The EAC did not conduct public consultation on the Guidelines this time, mainly because with the enactment of the Amendment Ordinance at the end of May 2021, the EAC and the REO had to prepare and arrange for 3 major elections, namely the ECSSOEs, the LegCo General Election and the CE Election, in accordance with the amended electoral law under a very tight schedule. In addition, majority of the revisions to the Guidelines were made pursuant to the Amendment Ordinance, which had been discussed and passed by

the LegCo. Therefore, the EAC considered it not necessary to conduct public consultation on the Guidelines.

Section 2 – The Guidelines

5.4 The latest Guidelines, as compared with the edition issued in June 2020, have incorporated the following major amendments:

(I) Changes Pursuant to Amendments to Electoral Legislation

- (a) specifying that the sixth term of the LegCo should continue to discharge its duties after 30 September 2020 until the beginning of the seventh term of office of the LegCo;
- (b) updating the number of seats and composition of the LegCo;
- (c) specifying the allocation of seats and respective voting systems for GCs, FCs and the ECC;
- (d) updating the composition of GCs, FCs and the ECC;
- (e) specifying the important dates in relation to registration under the “Special VR Arrangement” for 2021 and the regular arrangement of VR cycles in 2022 and thereafter;
- (f) updating the eligibility for registration as FC electors;

- (g) specifying that the decision to appoint or replace an AR of an FC corporate elector may only be made by the governing authority, by whatever name called, of the corporate elector;
- (h) specifying that effective from 1 May 2022, an applicant for new VR is required to submit address proof together with the application form to prove that the address stated in the application is the principal residential address of the applicant;
- (i) specifying that starting from the 2022 VR cycle, only specified persons may inspect the registers of electors containing the particulars of individual electors. Only the first character/word of the name of an individual elector (whether in Chinese or English) and his/her registered residential address will be shown on such registers of electors for inspection. Meanwhile, registers containing only entries of corporate electors are unaffected and will be made available for public inspection;
- (j) specifying that as a special arrangement for claims and objections lodged in relation to the PRs for 2021, the RevO would determine the claim or objection on the basis of written submissions only, without a hearing;

- (k) setting out clearly the statutory arrangement in the case of death or disqualification of a validly nominated candidate in different periods of an election;
- (l) specifying the eligibility for being nominated as a candidate in an election for the ECC;
- (m) updating the circumstances in which a person shall be disqualified from being nominated as a candidate and from being elected as a LegCo Member. It is specified that any person who, within 5 years before the polling day, vacates an office or is disqualified from entering on an office under the law for declining or neglecting to take a specified oath; or is declared or decided in accordance with any law to be in breach of a specified oath, or to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the PRC, shall be disqualified from being nominated as a candidate and from being elected as a LegCo Member;
- (n) updating the methods for nominating candidates in a LegCo election;
- (o) specifying the amount of election deposit payable by each candidate for the ECC;

- (p) updating the circumstances for the return of election deposit, and specifying that the deposit will be returned to the candidate if the election has failed;
- (q) setting out the composition of the CERC as well as its duties to review and confirm the eligibility of candidates. The CERC may request the opinion of the RO and may also make a decision based on the opinion of the Committee on National Security. No legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security. Relevant procedures are also updated regarding the determination of the validity of nominations and declaration of valid nominations;
- (r) updating the deadline for submitting applications for the registration of names and emblems to the EAC;
- (s) specifying the setting up of an ECC polling station for ECC electors to vote. Since only one GC ballot box would be set up in the ECC polling station for EC members of different GCs to cast their votes for the respective GCs, the ECC polling station would be converted to a ballot paper sorting station (“BPSS”) after the close of poll for sorting GC ballot papers. The sorted GC ballot papers would be delivered to the designated main counting stations and mixed with the ballot papers of relevant GCs for counting. The ECC and FC

ballot papers would be delivered to the central counting station (“CCS”) for counting;

- (t) specifying that the CEO may, by written notice, require an owner or occupier of a building occupied by any school or organisation/association/body receiving grants from the Government to make available the premises for use as a polling station or counting station, and that a person who fails to comply with the requirement is liable to pay a financial penalty of \$50,000;
- (u) specifying the procedures for issuing ballot papers under different situations in polling stations. For issuing ballot papers by using the EPR system, an elector/AR may observe on the display screen of the EPR system his/her name, part of his/her Hong Kong Identity Card (“HKID”) number and the type(s) of ballot paper(s) issued to ensure accurate record-keeping;
- (v) specifying that as a caring measure for electors/ARs with special needs (including senior citizens aged 70 or above, pregnant women and persons who, because of illness, injury, disability or dependence on mobility aids, are not able to queue for a long time or have difficulty in queuing), the PRO may make special queuing arrangement, and specifying the practical arrangements to be made having regard to different ways of issuing ballot papers under different situations;

- (w) specifying how ballot papers should be marked and how they should be cast into the ballot boxes in the case of an ECC election;
- (x) updating the types of invalid FC ballot papers, and specifying that a ballot paper will not be regarded as valid if the vote recorded thereon is for a deceased or disqualified candidate whose name and other information are crossed out;
- (y) specifying the arrangements and procedures for counting ECC ballot papers;
- (z) specifying the procedures for the RO to declare election results after the counting of votes and re-counts (if any);
- (aa) specifying that in the case of an ECC election, an election petition may be lodged by 10 or more members of the EC entitled to vote at the election, or by a person claiming to have been a candidate in the election;
- (bb) specifying that a document published by a candidate during the election period is regarded as an election advertisement (“EA”) if it contains the details of the work done by the candidate in the capacity of the CE, an EC member, a LegCo Member, a DC member, a member of the Heung Yee Kuk, or the Chairman/Vice-Chairman or a member of the Executive Committee of a Rural Committee or a Rural Representative;

- (cc) specifying that a candidate who is validly nominated for a GC, the Labour FC or the ECC may send a joint election mail to electors. The mail may contain the information of any other candidate who is also validly nominated for that GC, the Labour FC or the ECC, as the case may be;
- (dd) specifying the permitted maximum amounts of election expenses to be incurred by candidates;
- (ee) specifying the limits regarding the relief for minor errors in election returns which allow correction by ECC election candidates;
- (ff) specifying the amount of financial assistance payable to ECC election candidates;
- (gg) specifying that a person engages in illegal conduct if he/she carries out any activity in public during the election period that incites another person not to vote or to cast an invalid vote, and setting out the activities that are regarded as “activity in public”; and
- (hh) specifying that a person engages in corrupt conduct if he/she, by means of deception, induces another person (or gets another person to induce a third person) not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates at an election. A person also engages in corrupt conduct if he/she wilfully obstructs or prevents another person (or gets another person to obstruct or prevent a third person) from voting at an election. In

addition, it is also an offence to aid, abet, incite or attempt the said offence.

(II) Changes Made to Align with Other Electoral Guidelines

- (a) reminding candidates that it is imperative for any candidate claiming to be “independent” or “non-affiliated” (or other similar descriptions) to have the factual basis for such claim. Candidates should seek independent legal advice in advance if they have any doubts about the information on political affiliation to be provided for the nomination form and the Introduction to Candidates. Besides, it is an offence for a candidate to make a false statement about his/her political affiliation in an election-related document;
- (b) reminding candidates to ensure that they have the factual basis for the content of any EA published by them in order to avoid disputes and lawsuits;
- (c) reminding candidates of earlier court judgments on applications for relief of liability for EAs. If an applicant did not observe the obligation to file an election return, the court would require some good reason before it should exercise its discretion to grant relief, which was to be exercised in a manner which is consistent with the integrity of the electoral legislation;

- (d) reminding candidates that those who fail to submit an election return as required by the law are liable to a fine and to imprisonment, and may be disqualified as with conviction of illegal conduct;
- (e) reminding candidates that any personal particulars contained in a register of electors or extract of the register can only be used for the election-related purposes specified under the electoral legislation, and that it is an offence to abuse or misuse such information, or use such information for other purposes, or disclose the elector's personal data without his/her consent and disclose such information with an intent to cause any specified harm or being reckless as to whether any specified harm would be (or would likely be) caused to the elector or any family member of the elector;
- (f) reminding the persons or organisations conducting exit polls that no collection or retention of any personal data of electors/ARs is allowed;
- (g) reminding candidates to avoid any act that may be perceived as electoral corruption during the election period; and
- (h) reminding candidates to obtain before the publication of EAs the written consent from their supporters if the names of the supporters are to be included in the EAs. Besides, to comply with section 27(1A) of the ECICO, the written consent has to be a single document expressly stating the supporter's consent to include

his/her/its name, logo or pictorial representation in the candidate's EAs. Regardless of the number of supporters, the written consent has to be a single document rather than a composite document comprising multiple letters, documents or a chain of correspondence messages.

(III) Changes Made to Reflect the New Electoral Arrangements and Procedures

- (a) specifying that in order to facilitate the smooth conduct of elections and minimise the impact of the elections on schools' operation, the Government has designated the day following LegCo general elections and DC ordinary elections as a school holiday;
- (b) updating details of the combined polling arrangements in light of the establishment of the ECC; and
- (c) specifying that in relation to the ECC in a LegCo general election, due to the considerable number of seats and candidates involved, broadcasters and the print media may have practical difficulties in mentioning all the other candidates of the constituency in the same programme or publication when producing and publishing news reports and feature reports related to the election of a candidate. Therefore, the media may provide to the viewers, listeners or readers through the programme or publication only the total number of candidates in the constituency and also the platform on which the

names of the other candidates of the constituency are mentioned by the media.

(IV) Changes Made to Further Clarify the Content of the Guidelines

- (a) specifying that in respect of eligibility for being nominated as a candidate, in determining whether or not a person has been “ordinarily resided in Hong Kong”, a host of factors and the circumstances of the case should be taken into consideration; and
- (b) reminding candidates that to prevent an email containing an election mail from being erroneously detected as a spam email and blocked by the email system, candidates should understand the sending limit adopted by the relevant email service provider before arranging the sending of election mails to their electors through email in bulk. If necessary, candidates may consider first applying to their email service providers for raising the daily sending limit of their email accounts.

(V) Changes Made to Incorporate Amendments Proposed by Other Government Departments/Organisations

- (a) attaching the latest version of the “Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organisations and Members of the Public” issued by the Office of the Privacy Commissioner for Personal Data, so as to stress the need

to comply with the PD(P)O when conducting electioneering activities that may involve the collection and use of personal data.

Section 3 – Publication of the Guidelines

5.5 The EAC published the Guidelines on 25 October 2021 and informed the public through a press release. The Guidelines were uploaded onto the EAC's website and made available for public viewing at the Home Affairs Enquiry Centres of all Districts and the REO on the same day.

CHAPTER 6

APPOINTMENTS AND NOMINATIONS

Section 1 – Candidate Eligibility Review Committee

6.1 On 11 March 2021, the NPC passed the “Decision of the NPC on Improving the Electoral System of the HKSAR”, under which the CERC of the HKSAR shall be established. According to the newly amended Annex II to the Basic Law, the CERC is responsible for reviewing and confirming the eligibility of candidates for LegCo Members. The Committee on National Security shall, on the basis of the review by the National Security Department of the Police, make findings as to whether a candidate standing for a LegCo Member meets the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the PRC, and issue an opinion to the CERC in respect of candidates who fail to meet such legal requirements and conditions.

6.2 Under section 9A of the Chief Executive Election Ordinance (Cap 569) (“CEEEO”), the CERC consists of the chairperson, at least 2 but not more than 4 official members and at least 1 but not more than 3 non-official members. Each member of the CERC is to be appointed by the CE by notice published in the Gazette. Only a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law is eligible for appointment as the chairperson or an official member, and only a person who is not a public officer is eligible for appointment as a non-official member. Besides, the CE shall report any appointment made to the Central People’s Government for the record. The Government announced the

appointment of the chairperson and members of the CERC on 6 July 2021, with Mr John Lee Ka-chiu, the Chief Secretary for Administration, as the chairperson, 3 official members including Mr Erick Tsang Kwok-wai, the Secretary for Constitutional and Mainland Affairs, Mr Casper Tsui Ying-wai, the then Secretary for Home Affairs, and Mr Tang Ping-keung, the Secretary for Security, and 3 non-official members including Miss Elsie Leung Oi-sie, Mrs Rita Fan Hsu Lai-tai and Professor Lawrence Lau Juen-ye. The appointment took effect from 6 July 2021. The Government published the appointments in the Gazette on 9 July 2021.

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

6.3 The EAC published a notice in the Gazette on 8 October 2021 appointing 10 District Officers of the HAD and 23 directorate officers of the relevant policy bureaux and departments as ROs for GCs, FCs and ECC respectively.

6.4 The EAC Chairman held a briefing session for ROs at the Conference Hall of Central Government Offices in Tamar on 20 October 2021. The briefing session was also attended by the CEO of the REO, and representatives of the Department of Justice (“DoJ”) and ICAC. The EAC Chairman highlighted some important matters and relevant electoral arrangements for the ROs’ attention, including the Amendment Ordinance, the nomination procedures, the CERC and the work of ROs, appointment of agents, polling and counting arrangements, the EPR and the arrangement of special queues, precautionary measures against COVID-19, matters relating to the No Canvassing Zone (“NCZ”) and No Staying Zone (“NSZ”), provisions in the legislation and the Guidelines governing EAs,

electioneering activities and election expenses, and handling of complaints. A representative from the ICAC also briefed the participants on the major provisions of the ECICO and the procedures for referring complaints related to the Ordinance to the ICAC.

Section 3 – Appointment of Assistant Returning Officers

6.5 To provide assistance to the ROs in discharging their duties, the EAC appointed 89 Assistant Returning Officers (“AROs”) who were senior officers of the HAD or relevant policy bureaux and departments. In addition, 70 AROs(Legal) were also appointed to provide legal advice to the ROs and PROs and to assist in determining the validity of questionable ballot papers during the count. They were all legally qualified persons in the civil service, the majority of whom came from the DoJ and the rest from departments such as the Intellectual Property Department, Lands Department and Legal Aid Department.

Section 4 – Appointment of Nominations Advisory Committees

6.6 The EAC appointed 10 legal professionals each constituting a Nominations Advisory Committee (“NAC”) under the EAC (NAC) (LC) Reg to provide the prospective candidates and ROs with advice on matters relating to whether a prospective candidate is eligible to be nominated, or disqualified from being nominated (i.e. matters as provided in sections 37 and 39 of the LCO), when necessary. Nevertheless, according to section 1(2) of EAC (NAC) (LC) Reg, the NACs are not empowered to advise on any matter relating to the requirements stipulated in section 40 of the LCO (including the declarations by candidates on

upholding the Basic Law and bearing allegiance to the HKSAR, and the lodging of deposit by candidates (see paragraph 6.10 below for details)). Members of the NACs included Mr Wong Ching-yue, Senior Counsel, Mr Jin Pao, Senior Counsel, Mr Derek Chan, Senior Counsel, Mr Kevin Chan, Mr Johnny Ma, Ms Grace Chow, Mr Lewis Law, Mr Mike Lui, Mr Adrian Lai and Ms Ann Lui. They were experienced members of the legal profession not affiliated with any political organisations. Their appointment was published in the Gazette on 30 September 2021. During their appointment period, the NACs received a total of 4 requests from prospective candidates and ROs for legal advice. The advice provided by the NAC on a prospective candidate's eligibility to be nominated as a candidate does not indicate whether his/her nomination is valid or not. The decision on the validity of the nomination remains finally with the CERC.

Section 5 – Nomination of Candidates

6.7 The nomination period commenced on 30 October 2021 and ended on 12 November 2021. The two-week period of nomination was published in the Gazette on 8 October 2021 by the CEO. Persons seeking candidature were required to submit their nomination forms in person to the respective ROs during the nomination period.

6.8 Legislative provisions governing the eligibility for being nominated as a candidate at the LegCo election, the disqualification from being nominated as a candidate or elected as a LegCo Member, and the requirements to be complied with by nominated candidates are set out respectively in sections 37, 39 and 40 of the LCO. In addition, as stipulated in section 40(1)(b)(i) of the LCO, the nomination

of a candidate is invalid unless a declaration is made in the nomination form to the effect that he/she will uphold the Basic Law and bear allegiance to the HKSAR.

6.9 According to Annex II to the Basic Law and the LCO, the CERC is responsible for assessing and validating the eligibility of candidates for LegCo Members. The CERC may request the ROs to provide advice to the CERC regarding the nominations of candidates. If the CERC is in doubt about the eligibility for nomination of a candidate, it may request the ROs or the candidate direct to provide the required information. The candidate must submit relevant information in the manner specified by the CERC. It may also make decision pursuant to the opinion of the Committee on National Security. The Committee on National Security shall, on the basis of the review by the National Security Department of the Police, decide whether a candidate standing for a LegCo election meets the legal requirements and conditions on “upholding the Basic Law and bearing allegiance to the HKSAR of the PRC”, and issue an opinion to the CERC in respect of candidates who fail to meet such legal requirements and conditions. According to Article 14 of the National Security Law, no institution, organisation or individual in the HKSAR shall interfere with the work of the Committee on National Security. Information relating to the work of the Committee on National Security shall not be subject to disclosure.

6.10 Under the subsisting law, the validity of a candidate’s nomination is solely determined by the CERC. The EAC is neither empowered nor involved in the making of such decision and will not provide any advice. The EAC will only make practical arrangements for the election according to the list of validly nominated candidates determined by the CERC. In accordance with section 19 of

the EAC (EP) (LC) Reg, if the CERC decides that a nomination is invalid, the CERC must endorse on the nomination form the decision and the reason(s) for it, and the RO will make available a copy of the nomination form for public inspection pursuant to section 14 of the EAC (EP) (LC) Reg. If any person is disqualified from being a candidate at an election, he/she may make an election petition to question the result of the election in accordance with section 61 of the LCO. However, by virtue of Annex II to the Basic Law and the electoral law, no legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate pursuant to the opinion of the Committee on National Security.

6.11 By the end of the nomination period, a total of 154 nomination forms were received by the ROs for the 10 GCs, 28 FCs and ECC. Out of these nomination forms, 35 were received by the ROs for the GCs, 68 were received by the ROs for the FCs (including 1 nomination form which was determined to be invalid) and 51 were received by the RO for the ECC.

6.12 The number of nomination forms received by the ROs for the GCs, FCs and ECC, as well as the number of nominations ruled valid or invalid by the CERC as published in the Gazette on 19 November 2021 are tabulated below:

	No. of nomination form received	No. of validly nominated candidate	No. of invalidly nominated candidate
GC	35	35	0
FC	68	67	1
ECC	51	51	0

6.13 One candidate for the Medical and Health Services FC is determined as invalidly nominated as he is a prescribed public officer under section 39(5)(f) of the LCO, and is thus disqualified from being nominated as a candidate pursuant to section 39(1)(a)(ii) of the LCO. The CERC had endorsed on the relevant nomination form its decision and reasons for the decision in accordance with section 19 of the EAC (EP) (LC) Reg. The RO had also made available a copy of the nomination form for public inspection pursuant to section 14 of the Regulation.

Section 6 – Briefing Session for Candidates

6.14 The EAC will organise a briefing session for validly nominated candidates at each election for the purpose 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 conducts lots drawing to determine the order of the names of candidates on the ballot paper and to allocate a set of designated spots for display of EAs.

6.15 For this LegCo General Election, the EAC has made alternative arrangements with regard to the realistic situation. Having regard to the need to maintain social distancing amid the COVID-19 epidemic, and also the disruption of orderly conduct at the candidates' briefings held in recent years, the EAC has made the lots drawing session by the ROs and the briefing session for candidates on two separate days. Besides, the briefing session for candidates was conducted online.

6.16 The RO determined the order of names of candidates of GCs, FCs and ECC to appear on the ballot papers and the allocation of the designated spots for display of EAs by means of lots drawing at the Hong Kong Convention and Exhibition Centre ("HKCEC") on 18 November 2021. As for the briefing session for candidates, it was conducted online on 19 November 2021 and at the same time broadcast live on TV and the Internet for public viewing. Topics covered in the briefing session included electoral law and guidelines on election-related activities, the appointment and roles of various types of agents, the polling and queuing arrangements, the EPR system, measures for tackling COVID-19, conduct of electioneering activities, counting arrangement, arrangement for the public zone at the media centre ("MC") of the CCS, requirements pertaining to EAs and election expenses, and the need to protect the privacy of electors with respect to personal data used for electioneering purposes. Representatives from the ICAC and Hongkong Post introduced the ECICO as well as the arrangement and requirements of the free postage service for election mail respectively. The relevant information of the briefing session has also been uploaded onto the dedicated election website for candidates' and public's reference.

Section 7 – Introduction to Candidates

6.17 In accordance with section 31 of the EAC (EP) (LC) Reg, the poll card, together with the Introduction to Candidates, location map of the polling station, Guide on Voting Procedure and the ICAC leaflet on clean election were sent to each registered elector/AR at least 10 days before the polling day by the REO. The Introduction to Candidates contained the name, photograph, electoral message and other details of each of the candidates to facilitate electors/ARs in making an informed choice when casting their votes for particular candidates. For the sake of environmental protection, these documents were printed on paper made from wood-pulp derived from sustainable forests with environmentally friendly ink used.

6.18 To assist persons with visual impairment in reading the contents of the Introduction to Candidates, the REO appealed to candidates to provide typed texts of their messages to enable persons with visual impairment to read the contents of the document with the aid of software. The typed texts have been uploaded onto the dedicated election website. About 34% of the candidates heeded the advice and provided the REO with typed texts of their messages.

6.19 Regarding the poll card mails received by electors of the New Territories North West GC mistakenly contained the Introduction to Candidates of another GC, please see Chapter 14 for details.

CHAPTER 7

ARRANGEMENTS RELATED TO POLLING AND COUNTING

Section 1 – Recruitment of Polling and Counting Staff

7.1 In past elections, the REO recruited serving civil servants to perform electoral duties at polling stations and/or counting stations. A civil servant applying for an electoral post must have his/her application form completed by the Departmental Secretary or his/her supervisor with recommendation for approval of the application and consent for temporary release of the applicant from his/her daily duties to attend the related training programmes, venue set-up work, etc. to be conducted before the election.

7.2 Having reviewed this past practice, the EAC recommended in the Report on the 2020 LegCo General Election to change the recruitment of polling and counting staff to an arrangement in which the Heads of Department/Grade to make available suitable and sufficient serving civil servants to serve as electoral staff of various ranks instead. To ensure sufficient manpower to serve as electoral staff on the polling day of the LegCo election, the HKSAR Government adopted the recommendation and the REO, taking into account the staffing and operation of various departments, issued a circular memorandum in August 2021 to invite Heads of Bureaux and Departments to nominate serving civil servants to serve as electoral staff. Subsequently, the Secretary for the Civil Service issued a letter to all civil servants in October 2021 and instructed civil servants nominated by Heads of

Bureaux and Departments to take up electoral duties in the upcoming LegCo election with a view to making the election a success.

7.3 This LegCo General Election is the largest election following the improvement to the electoral system. In view of the increase in the number of LegCo seats to 90, and the series of improvement measures implemented in this LegCo General Election such as the implementation of the EPR system and the setting up of special queues for electors in need, the REO, with the experience gained from the ECSSOEs held on 19 September 2021, had adopted a series of improvement measures such as largely increasing the number of ballot paper issuing desks and voting compartments, together with the enhanced preventive measures against the COVID-19 epidemic, as well as the need to set up polling stations at 3 boundary control points (“BCP Polling Stations”) at Heung Yuen Wai, Lo Wu and Lok Ma Chau Spur Line, etc., the number of electoral staff increased from 36 000 as originally planned to 39 000.

7.4 Those who were appointed as PROs, Deputy Presiding Officers (“DPROs”) and Assistant Presiding Officers (“APROs”) were civil servants at officer rank or above while other polling staff were civil servants of other ranks. As in the past, electoral staff generally would not be deployed to polling stations where they would cast their votes to avoid any actual or perceived conflicts of interests (except for the electoral staff of the 3 BCP Polling Stations who were approved by the EAC to vote at the polling stations where they worked). Each appointee was also required to disclose if he/she had any close relationship with any candidate, and if so, he/she would not be assigned to work in any of the polling stations concerned/the CCS. This arrangement would help safeguard the neutrality

and independence of the electoral arrangement and maintain the integrity of the election.

7.5 In deploying staff to the polling stations, the REO would take into account the specific needs of each polling station, the working experience of a staff member in previous elections, and would arrange the staff to work in the polling station which was closer to the district where he/she lived in as far as possible.

Measures Adopted to Facilitate Electoral Staff's Voting

7.6 To facilitate polling staff to cast their votes, PROs would arrange polling staff to cast their votes at their allocated polling stations without compromising the operation of the polling station as far as practicable. Besides, the following measures were taken for this LegCo General Election, with a view to allowing polling staff to return to their duties as soon as possible:

- (a) since polling staff would be on duty throughout the entire polling hours, in order to avoid delaying their resumption of duties because of long queue for voting, they could present the polling staff identification of their polling stations concerned to the staff on duty at the polling stations and be permitted to enter the polling stations for queuing in the special queue to collect ballot papers;
- (b) for staff serving at the 3 BCP Polling Stations, and government staff discharging their duties at the related boundary control

points, such as staff from Department of Health (“DH”), ImmD, the Police, Customs and Excise Department, Fire Services Department, the REO had made special arrangement for them to cast their votes therein, as the 3 polling stations are located in the Closed Areas which are remote and not easily accessible by public transport; and

- (c) as a one-off arrangement, Civil Service Bureau’s special approval had been sought for polling staff to take taxi to and from their allocated polling stations to vote in this election; the taxi fee incurred would be reimbursed in full upon production of receipts certified by their PROs.

7.7 Apart from the polling staff, the following law enforcement officers, subject to compliance with specified conditions and verification by their departments, might also be permitted to enter their allocated polling stations for priority queuing to collect ballot papers after presenting the approval letter issued by the relevant departments to the polling staff there, so that they could return to their duties as soon as practicable:

- (a) Police officers who were required to work long hours on the polling day to perform security duties for the election, maintain public order or participate in other special/emergency duties, or whose work locations (e.g. outlying islands or Penny’s Bay) were far away from their allocated polling stations; and

- (b) ICAC officers who were required to work long hours on the polling day to help the PROs handle complaints and enquiries related to the ECICO and take immediate intervention or law enforcement actions as and when necessary.

Section 2 – Briefing and Rehearsal for Presiding Officers and Their Assistants

7.8 Given the important role played by PROs and DPROs in the election, the REO organised two one-day polling management training sessions for them on 12 November and 7 December 2021 at Wan Chai Queen Elizabeth Stadium (“QES”) and Sha Tin Town Hall respectively. Unlike the half-day polling management training in the past, a one-day programme was specially provided this time. The EAC Chairman and the Secretary for Constitutional and Mainland Affairs also attended the training to brief the staff, reminding PROs and DPROs not only to ensure that the election should be conducted fairly, openly and honestly, but also appropriately implement highly efficient and user-friendly arrangements so as to facilitate electors and candidates. The briefing included important provisions of the Amendment Ordinance, new arrangements of setting up special queues for electors with special needs and using the EPR, measures against COVID-19 in polling stations, polling and counting procedures, the work procedures to be adopted after the poll, complaints handling, crisis management and keys to building team spirit. There was also experience sharing by PROs with profound experience in electoral work. Besides, the REO arranged nearly 60 sessions of hands-on practices and rehearsals on simulated scenarios for PROs and DPROs, covering the set-up of polling stations and preparatory work, the work immediately after the close of polling stations, the contingency plans for the failure of the EPR system, the counting procedures, etc., with a view to allowing staff to handle matters on

queueing, issuing of ballot papers, polling, counting and complaints-handling more efficiently on the polling day, and have a better understanding of the contingency measures to deal with unexpected incidents.

Section 3 – Training for Polling and Counting Staff

7.9 To enable the electoral staff of all levels familiarise themselves with their duties, the REO arranged 25 training sessions and 20 hands-on practice sessions at QES, KITEC, Hong Kong Coliseum and HKCEC in November and December 2021. Topics included the polling and counting procedures, reminding polling-cum-counting staff of the new arrangements in this election including special queues for electors in need, the EPR system and precautionary measures against COVID-19, counting work, and the measures to tackle unexpected incidents and the mock counting demonstration and exercise. The REO particularly arranged hands-on practice sessions on the EPR system operation for polling staff so that they could operate the system in person and familiarise themselves with details of the procedures, so as to ensure that the process of the issuance of ballot papers was smooth. In addition, the REO organised 10 workshops for polling staff responsible for compiling statistical returns.

7.10 There were also general briefings for all staff of Dedicated Polling Stations (“DPSs”) inside penal institutions and police stations and BPSSs on the operation of these stations. The briefing for DPSs was conducted at Causeway Bay Community Centre on 10 November 2021, while the one for BPSSs was conducted at Shun Lee Tsuen Sports Centre on 24 November 2021.

7.11 In respect of the central counting work, the REO organised a total of 30 training sessions at various venues from 17 November to 9 December 2021 for counting staff responsible for counting ECC and FC votes at the CCS. Apart from the introduction to the operational arrangements and counting procedures of the CCS, each training session had hands-on practices and exercises on handling simulated scenarios to ensure that the counting staff were familiar with all the important aspects of the counting procedures. As in the past, the REO also arranged a briefing-cum-mock-operation session for all counting staff working in the CCS on 18 December 2021, i.e. the day preceding the polling day to strengthen their understanding of their duties.

7.12 Apart from the above-mentioned training programmes, to enhance the understanding of the counting procedures of the electoral staff in the CCS, the REO had specially added two rehearsals for this LegCo General Election:

- (a) on 16 December 2021, i.e. three days before the polling day, the REO organised a simulated on-site rehearsal for all 120 counting staff and ROs of the ECC to familiarise them with the counting procedures. The EAC also attended the rehearsal. The simulated activities covered all counting procedures from receiving ballot boxes and electoral documents, visual screening and sorting of ballot papers, counting of votes with Optical Mark Recognition (“OMR”) machines, determining questionable ballot papers, inputting votes manually to confirming counting results. The contingency measures to be

taken in case of paper jams or multifeeds were also included in the simulated rehearsal; and

- (b) on 17 December 2021, i.e. two days before the polling day, the REO organised an in-depth training-cum-rehearsal session for over 500 Counting Supervisors and Assistant Counting Supervisors for FC at supervisory level to deepen their understanding of the relevant counting procedures. This simulated rehearsal was also conducted on-site in the CCS and gave counting staff ample practice opportunities to enhance their work knowledge and response capability.

7.13 On the other hand, considerable efforts were used to improve, update and revamp the training materials for electoral staff of all levels with a view to enhancing their understanding of their core duties and familiarising them with the relevant legislation. 3 training videos for polling staff were also produced by the REO, featuring the polling and counting arrangements, the operation of the EPR system, and various scenarios on common problems encountered by polling staff at polling stations on the polling day and the recommended handling procedures respectively. In addition, “gentle reminders” were issued by email to all PROs, DPROs and APROs from 14 to 17 December 2021 to refresh and strengthen their understanding of the polling and counting arrangements and to highlight some issues which merited special attention during the election.

7.14 Besides, the REO also produced respective training videos for counting staff who were responsible for the FCs and the ECC at the CCS. The training

videos introduced the operation of the CCS as well as the workflow of various functional units so that the counting staff could acquire a deeper understanding of their job duties by watching the videos in tandem with the operational manuals.

Section 4 – Venues of Polling Stations

7.15 The REO set up 630 ordinary polling stations (“OPSs”) in this election for ordinary electors/ARs, some were procured with the proactive assistance of CMAB and other related bureaux/departments. The number of polling stations was 10% more than that in the 2016 LegCo General Election, and it is the largest when compared with previous elections. Key factors for consideration in identifying venues as polling stations included their accessibility, convenience for electors with mobility difficulties or electors in wheelchairs and the availability of sufficient space for the purposes of both polling and counting of votes. Where possible, the REO would select venues which had been used as polling stations in the same election cycle for this LegCo General Election.

7.16 Arising from the Amendment Ordinance, section 28A of the EAC (EP) (LC) Reg has been added to empower the CEO to require by written notice the owner or occupier of premises occupied by any school or organisation/association/body receiving grant from the Government’s general revenue to allow a person authorised by the CEO to carry out site visits. If the CEO considers the premises suitable for use as a polling station or a counting station, the CEO may require by written notice the owner or occupier to make available the premises for use as a polling station or a counting station in a LegCo election and allow a person authorised by the CEO to carry out preparatory work

and store materials at the premises. Anyone who fails to comply with the above requirements is liable to a fine of \$50,000. Besides, to facilitate the smooth conduct of major public elections and minimise the impact of the elections on schools' operation, in accordance with Education Bureau Circular No. 5/2020, starting from the school year 2020/21, all schools offering formal curriculum, including secondary schools, primary schools, kindergartens and kindergarten-cum-child care centres of the public sector, Direct Subsidy Scheme and private sector, shall designate the day following DC ordinary elections and LegCo general elections as a school holiday.

7.17 Besides OPSs, DPSs were set up in 3 police stations and 19 penal institutions respectively for registered electors who were remanded or detained by the law enforcement agencies ("LEAs") other than the Correctional Services Department ("CSD"), and registered electors who were imprisoned or remanded by the CSD on the polling day to cast their votes.

7.18 In addition, the REO set up an ECC polling station in the HKCEC for ECC electors to cast their ECC, GC and FC (if any) votes.

7.19 Since the outbreak of the COVID-19 pandemic, cross-boundary travel between the Mainland and Hong Kong has yet to fully resume and a large number of Hong Kong residents are still in the Mainland. To enable electors living in the Mainland to return to Hong Kong without undergoing quarantine to vote, the HKSAR Government enlisted necessary assistance and support from the relevant Mainland authorities. The relevant Mainland authorities immediately commenced studies and consultation, and rendered full co-operation, and agreed to set up

polling stations temporarily at 3 designated Hong Kong/Shenzhen boundary control points on the Hong Kong side. These 3 BCP Polling Stations were situated at the boundary control points at Heung Yuen Wai, Lo Wu and Lok Ma Chau Spur Line (see paragraphs 7.47 to 7.50 below for details).

7.20 Besides, since 85 electors undergoing compulsory quarantine at the Penny's Bay Quarantine Centre ("PBQC") had expressed their intention to vote on the polling day, the REO set up two polling stations at the PBQC with the coordination and arrangement by the Food and Health Bureau ("FHB") and the Centre for Health Protection ("CHP").

7.21 According to sections 28 and 29 of the EAC (EP) (LC) Reg, the CEO issued public notices in the Gazette on 26 November and 8 December 2021 about the designation of locations for all polling stations, counting stations and BPSSs.

Section 5 – Polling Arrangement

Operation of Polling Stations

7.22 As in past elections, the REO adopted the combined polling arrangement in this election so that an elector could cast all his/her votes at one polling station. In this election, the REO set up 630 OPSs with over 6 200 ballot paper issuing desks in total, representing an increase of 10% and 122% respectively from the 2016 LegCo General Election as well as a record high among all previous elections. To prevent prolonged waiting by electors, the REO requisitioned accessible and spacious facilities for use as polling stations, and checked the usable

area of each polling station with a view to maximising the provision of ballot paper issuing desks and voting compartments as far as practicable to shorten the waiting time for electors.

7.23 Of the above-mentioned 630 OPSs, 10 were designated as “Small Polling Stations” (“SPSs”) pursuant to section 28(1B) of the EAC (EP) (LC) Reg as less than 500 electors were assigned to vote therein. These SPSs were used for polling only and votes cast would not be counted there after the close of poll.

7.24 In this election, a total of 595 polling stations were accessible to electors with mobility difficulty or using wheelchairs, representing over 94% of the total number of polling stations. These 595 stations were also designated as special polling stations to be used for voting by electors who found it difficult to access the polling stations originally allocated to them.

7.25 On the day preceding the polling day, polling staff set up the designated venues to fit the functions of polling-cum-counting stations. Voting compartments, ballot boxes and ballot paper issuing desks were provided in all polling stations. Except for the 10 SPSs serving fewer than 500 electors, 22 DPSs, PBQC polling stations and ECC polling station, all polling stations would be converted to counting stations immediately after the close of poll.

7.26 For the ECC polling station in the HKCEC, electors must vote for 40 candidates as required under section 58A of EAC (EP) (LC) Reg, otherwise the ballot paper would become invalid and would be excluded from the counting of votes. OMR machines were therefore set up for ECC electors to check whether

they had marked 40 candidates on the ballot papers. The OMR machines would not record or count the electors' choices marked on the ballot papers. Use of the machine was entirely voluntary, but under the encouragement of the EAC and the on-site polling staff, most of the electors used the OMR machines to assist in verifying the number of votes marked on the ballot paper, hence there were only 2 invalid ballot papers which contained votes for either more or less than 40 candidates (see **Appendix VI(C)** for details).

7.27 Outside each polling station, areas were designated by the RO as NCZs and NSZs to provide electors with hindrance-free access to the polling station. A notice was put up by the RO at a prominent spot at or near the polling station to notify members of the public of the scopes of the NCZs and NSZs.

Adoption of EPR System for the Issuance of Ballot Papers

7.28 In past elections, polling staff used the printed copy of the FR in issuing ballot papers. Entries in the printed copy of FR were in alphabetical order according to the prefixes to the HKID numbers. Depending on the number of ballot paper issuing desks in the polling station and the distribution of HKID numbers of the electors allocated to that polling station, each ballot paper issuing desk was assigned to serve the electors with a specific range of HKID prefixes. Due to the varying times of the electors assigned to each ballot paper issuing desk in collecting the ballot papers, some ballot paper issuing desks might be idle while others were overloaded by long queues of electors waiting to collect ballot papers in a polling station. Even if the PRO decided to set up additional ballot paper issuing desks to deal with queues of varied length at different issuing desks, the grouping of alphabetical prefixes in the HKID numbers assigned to the issuing

desks had to be adjusted and the printed copy of FR had to be re-arranged, which was inflexible as it took time and would affect the actual operation of the polling station.

7.29 Besides, the issuance of ballot papers all relied on visual checking by the polling staff to locate the entry of the elector on the printed copy of FR and to manually draw a line across the elector's name and HKID number. Human errors and omissions might occur due to fatigue over prolonged repetition of this operation. The REO also received complaints in previous elections regarding the ballot paper issuing process (such as an elector's entry being wrongly crossed out or duplicate issuance of ballot papers), which revealed the shortcomings of manual record of issuance of ballot papers.

7.30 In the 2021 ECSSOEs, the REO adopted the EPR system for the first time in the 5 OPSs. After a voter presented his/her identity document, the polling staff checked the identity of the voter through the EPR system and issued a ballot paper, without having to draw a line across on the printed copy of the FR, whereas the voter could collect the ballot paper at any ballot paper issuing desk in the respective polling station. This helped to even out the utilisation of the ballot paper issuing desks, thereby making the process of ballot paper issuance more smooth and flexible, and enhancing the accuracy of ballot paper issuance.

7.31 To enhance the efficiency and accuracy of issuing ballot papers, the EPR system was used on a large scale in this LegCo General Election. Among the 630 OPSs, 1 ECC polling station, 3 BCP Polling Stations and 2 polling stations set up in PBQC, 596 polling stations with wired network coverage adopted the EPR

system for issuing ballot papers, whereas printed copies of the FR were used instead of the EPR system for ballot paper issuance at the remaining 40 polling stations (including 38 OPSs and 2 polling stations set up in PBQC) where wired network coverage was unsatisfactory, or where the polling stations were located in remote areas with difficulties in installation and technical support.

Special Queue Arrangement

7.32 As stipulated in section 49A of the EAC (EP) (LC) Reg, which was added in accordance with the Amendment Ordinance, the PRO may make special queuing arrangements for electors with special needs including persons aged 70 or above, pregnant women or persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids. The PRO would set up two queues outside the polling station, one for electors with special needs and the other for the ordinary electors. Seats were also provided in the polling station for electors with needs to take rest, and to join the special queue afterwards for collecting ballot papers.

Polling Hours

7.33 With the implementation of the EPR system and other improvement measures in this election, the EAC considered it necessary to allow more time for the polling staff to conduct a final check of the equipment and other set-up including data network connection. Therefore, the poll began at 8:30 am and ended at 10:30 pm at OPSs⁶. As for the DPSs in penal institutions and PBQC polling stations, the poll began at 9:00 am and ended at 4:00 pm (see paragraphs 7.42 and 7.45 below for details). The polling hours of this election were published in the

⁶ In past LegCo elections, the polling hours of OPSs were from 7:30 am to 10:30 pm.

Gazette on 26 November 2021 by the CEO.

Submission of Electoral Data through the Mobile Input System for Electoral Statistics

7.34 In the 2019 DC Ordinary Election, the REO implemented the Pilot Scheme for Mobile Input System for Electoral Statistics (“MISES”) in 20 polling stations for the polling staff to input and record relevant electoral data (including the hourly voter turnouts, number of complaints and counting results) and to upload these data to the Statistical Information Centre (“SIC”) of the REO through tablets on the polling day, so as to enhance work efficiency. As for other polling stations not using the MISES, the staff would submit electoral data to the SIC by fax and phone as before.

7.35 In view of the generally smooth operation of the Pilot Scheme for MISES in the 2019 DC Ordinary Election, the REO had originally arranged to adopt the MISES in this election, so that polling staff could use it to input various electoral data such as the number of complaints, ballot paper issuing record, number of FC ballot papers misplaced in GC ballot boxes and counting results of GCs, and upload these data to the SIC for greater accuracy of data and enhance work efficiency. Although the EPR system would automatically collect the hourly voter turnouts of polling stations, it was still necessary for the 40 polling stations not using the EPR system to report their hourly voter turnouts to the SIC through the MISES.

7.36 When the polling stations were about to open on the polling day (i.e. before 8:30 am), the SIC received calls from staff at a number of polling stations saying that they failed to log on properly to the MISES. After learning this, the REO immediately requested the contractor's representatives at the scene to look into the problem. In light of the situation, the contractor suggested rebooting the server to erase the erroneous record left by login failure and release the occupied space in the server. However, the situation had not improved after rebooting. The contractor also suggested that polling stations log on to the MISES in batches, so as to avoid overloading the server with many users logging on at the same time. The adoption of this suggestion would require division of over 600 OPSs into 12 groups with 50 polling stations in each and arrangement for each group to log on to the MISES in turn. The login process was expected to take 2 to 3 hours to complete. Meanwhile, each polling station had to submit the hourly voter turnout and number of complaint cases to the SIC on time, while staff at the SIC had to manually input and cross-check the data submitted. If the two tasks, i.e. logging on to the MISES in batches and processing of the data submitted, were conducted in parallel, there would be confusion and possible delay in the submission and compilation of electoral statistics. In view of the above, the SIC did not adopt the contractor's suggestion at last.

7.37 As most polling stations could not log on to the MISES, the REO, after taking various factors into account, decided to activate the fall-back plan at around 9:00 am on the polling day. The polling stations were instructed to follow the arrangement in past elections, i.e. submission of electoral statistics by fax and phone to the SIC for manual input into the Electronic Voter Turnout Compilation System, which ran smoothly in general on that day.

Display of Expected Queuing Time of Polling Stations

7.38 The REO arranged on the polling day to display on its dedicated election website the expected queuing time for each OPS to inform electors of the queuing situation of each polling station, so that they could plan their itinerary early on and arrange when to go to the polling stations. The REO requested each OPS to input the expected queuing time (i.e. less than 30 minutes, about 30 to 60 minutes or about 60 to 90 minutes) via the MISES (see paragraphs 14.51 to 14.52 below for details) every 30 minutes so that the queuing time could be uploaded onto the dedicated election website for checking by electors. Relevant notice boards were also erected by polling staff outside each OPS to remind electors the expected queuing time.

7.39 In the morning of the polling day, due to the login problem of the MISES, the expected queuing times of the OPSs could not be input into the system, as such the dedicated election website for checking the expected queuing time of polling stations also failed to work. The REO immediately examined possible solutions with the system contractor. Since the MISES was still unable to resume normal operation, the REO checked with the OPSs their expected queuing times through the SIC staff and requested the OPSs to notify the SIC immediately to update the information if there was any change in the expected queuing times. The REO then uploaded the relevant information onto the dedicated election website and issued a press release at 3:54 pm that afternoon to announce the resumption of normal operation of the system for checking of expected queuing times for polling stations after confirming that the system operated smoothly.

Design of Ballot Paper and Ballot Box

7.40 The design of ballot papers is stipulated in the EAC (EP) (LC) Reg. As in previous LegCo elections, candidates for GCs and FCs were allowed to have certain specified particulars relating to them (i.e. the registered Chinese and/or English name(s) or the abbreviation(s) of the prescribed body/bodies of the candidates, the registered emblem(s) of the prescribed body/bodies or person, personal photograph and the words stating “Independent Candidate”/“Non-affiliated Candidate”) printed on the ballot papers of this election. The design of the ballot papers for GCs and FCs was similar to that in past elections. Regarding the design of the ballot papers for the ECC, it must fulfil not only the relevant provisions of the above-mentioned regulation, but also the technical requirements for automated vote counting, as well as the need to accommodate a certain number of candidates in terms of size. Ballot papers for the respective GCs, FCs and the ECC were easily distinguishable by their differences in size, colour pattern and code (printed at the back and/or in the front).

7.41 To ensure that ballot papers were inserted into the correct ballot boxes, the same colour scheme was used for the ballot papers and the corresponding ballot boxes. Blue ballot boxes were used for collecting GC ballot papers, red ballot boxes for FC ballot papers and white ballot boxes for the ECC ballot papers. The back of the ballot papers was printed with patterns in the colours corresponding to that of their respective ballot boxes (e.g. the back of a GC ballot paper was printed with blue patterns to match the colour of its ballot box). This arrangement made it easier for electors to identify and insert the ballot papers into the correct ballot boxes, and help polling staff to monitor the vote casting process and provide assistance if necessary.

Special Polling Arrangements for Imprisoned, Remanded and Detained Electors

7.42 The REO set up 19 DPSs at CSD penal institutions for registered electors who were imprisoned or remanded under the custody of the CSD to cast their votes on the polling day. Owing to security reasons, the poll at these DPSs was from 9:00 am to 4:00 pm. Besides, 3 DPSs were also set up at police stations for registered electors who were remanded or detained by the LEAs (other than the CSD) on the polling day and had expressed their intention to vote. Since the LEAs might arrest persons who happened to be registered electors at any time on the polling day, these DPSs were open from 8:30 am to 10:30 pm, as with OPSs.

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

7.44 The REO issued poll cards and other relevant electoral documents such as the Introduction to Candidates to all imprisoned registered electors by the addresses of the penal institutions. Mailing labels were provided to candidates upon the candidates' request for mailing EAs to this group of electors if the electors concerned had consented to use addresses of the penal institutions as their correspondence addresses for receiving EAs.

Special Polling Arrangements for Electors Undergoing Compulsory Quarantine

7.45 To facilitate registered electors undergoing compulsory quarantine at the PBQC to vote on the polling day, the REO set up 2 polling stations at the PBQC. The polling hours at the PBQC polling stations ran from 9:00 am to 4:00 pm, which was different from that of OPSs. It was mainly because there were fewer electors.

Having sought the advice of the CHP, the REO also put in place a series of safety measures at the polling stations to reduce the risk of viral infection and transmission. Besides, every ballot paper from the PBQC polling stations was disinfected by an ultraviolet light chamber before delivery to the counting stations, in order to ensure that virus would not be transmitted via ballot papers.

Ballot Paper Sorting Stations

7.46 GC ballot papers cast at DPSs would be sorted by GC before delivery to the corresponding main counting stations (“MCSs”) for counting. The REO set up 1 BPSS at Shun Lee Tsuen Sports Centre for sorting of GC ballot papers cast at DPSs at penal institutions. Another 3 BPSSs were also set up at Wan Chai Activities Centre, Sham Shui Po Government Primary School and Toi Shan Association College for sorting of GC ballot papers cast at DPSs in police stations. Since the ECC polling station located in the HKCEC allowed assigned electors to cast their votes for the respective ECC, GC and FC (if applicable), it was also converted to a BPSS after the close of poll for sorting of GC ballot papers cast therein by GC before delivery to the corresponding MCSs for counting. After the close of poll, the GC ballot papers cast at DPSs or the ECC polling station would be counted after being mixed with those at the corresponding MCSs to preserve the secrecy of votes. The whole process was open for observation by the candidates and their agents, the media and the public.

Section 6 – Arrangement for Electors to Return from the Mainland to Hong Kong to Vote

Prior Registration Arrangement

7.47 In past elections, a large number of registered electors in the Mainland would return to Hong Kong to vote on the polling day, but since the outbreak of the COVID-19 pandemic, cross-boundary personnel could not return to Hong Kong in time because of quarantine and isolation measures. In this regard, the HKSAR Government decided to set up polling stations on the Hong Kong side of Hong Kong/Shenzhen boundary control points to enable electors who were in the Mainland to return to Hong Kong to vote with exemption of the quarantine requirement. This arrangement was only applicable to GC and FC electors, but not ECC electors.

7.48 To ensure that the relevant arrangement could be carried out in an orderly manner and to control the pandemic risks effectively, all electors who returned from the Mainland to Hong Kong to vote were required to pre-register in advance. This arrangement was subject to a quota, with the combined maximum pre-registration quota for the 3 BCP Polling Stations being 111 000 (33 000 for Heung Yuen Wai (Liantang), 42 000 for Lo Wu (Luohu), and 36 000 for Lok Ma Chau Spur Line (Futian) respectively). The quota was allocated on a first-come, first-served basis through a dedicated online registration system set up by the REO, which operated from 9:00 am on 1 December 2021 to 6:00 pm on 8 December 2021. The number of successful pre-registration was 21 948 (6 115 for Heung Yuen Wai (Liantang), 7 012 for Lo Wu (Luohu), and 8 821 for Lok Ma Chau Spur Line (Futian)) respectively.

7.49 During pre-registration, an elector was required to choose a BCP Polling Station (i.e. any one from Heung Yuen Wai, Lo Wu or Lok Ma Chau Spur Line) where he/she would like to vote. Once confirmed, the elector would be allocated to vote at that chosen BCP Polling Station on the polling day. When pre-registering through the online registration system, an elector also had to choose a specified time slot (each hour was counted as one slot) on the polling day for voting so as to facilitate the corresponding arrangement and crowd management by the relevant departments. For pre-registration, the elector must provide his/her Chinese and English name, HKID number, email address, contact telephone number (including a telephone number in the Hong Kong or the Mainland which could receive SMS), Hong Kong and Macao Residents Entry and Exit Permit (a.k.a. Home Return Permit) number and the ordinarily residing area in the Mainland (province/municipality/autonomous region). If the elector did not have a Home Return Permit, he/she could provide the number of the foreign passport or travel document used for entering/staying in the Mainland (though the elector would need to ascertain the visa arrangement for re-entering the Mainland). The information was passed to the relevant departments in HKSAR Government and the Mainland for the purposes of public health protection and immigration control. After submitting the application for pre-registration, the elector would be assigned a reference number. The REO would issue a notification of registration result to the elector via SMS and email within 3 days to confirm whether he/she had successfully pre-registered to vote at the specified BCP Polling Station. If an elector would like to change the specified polling station after submitting the application for pre-registration, he/she needed to submit an application again to supersede his/her previous application within the above-mentioned registration period. Withdrawal of a submitted application could also be made through the

online application system before the same deadline if the electors wished to change back to his/her original polling station in Hong Kong for voting. Electors could vote at BCP Polling Stations under such arrangement only after receiving a notification confirming successful pre-registration.

7.50 To promote the above-mentioned arrangement, the related information was uploaded onto the websites of relevant government departments, including the CMAB's website and the dedicated election website. In parallel, the information was disseminated through the network and channels of the Offices in Mainland to let more Hong Kong residents in the Mainland know the arrangement. However, on the polling day, there were still 51 electors who erroneously went to the BCP Polling Stations not allocated to them or the polling stations in Hong Kong originally allocated to them to cast votes. As the above arrangement was a brand new measure and despite the arrangement was publicised, some electors might not fully understand each and every detail of the arrangement (including the need to vote at the chosen BCP Polling Station once confirmed, the need to submit an application again to change the allocated polling station, etc.). In addition, electors already in Hong Kong would be quarantined upon their return to the Mainland for compliance with the quarantine arrangement there first and thus it was impossible for them to return to the allocated BCP Polling Stations to cast their votes on the polling day. As for the electors who went to the wrong BCP Polling Stations, it would take time for them to go to the allocated ones to cast their votes. Having considered the above circumstances, the REO exceptionally allowed the above electors to apply for change of polling stations through the relevant PROs on the spot. Upon receipt of the above applications, the CEO would, after verification by the REO that the electors concerned had not cast their votes on the polling day,

grant exceptional approval under section 30(4A) of the EAC (EP) (LC) Reg for the electors to cast their votes at the polling stations they already arrived.

Operation of Boundary Control Points Polling Stations

7.51 To avoid increased risks of viral infection, closed-loop management was adopted at all BCP Polling Stations. Except for electors who were assigned to the BCP Polling Stations, candidates and/or their agents and participating electoral staff, entry to or exit from the BCP Polling Stations was strictly prohibited. The polling hours of BCP Polling Station were the same as those of the OPSs, which ran from 8:30 am to 10:30 pm. An elector successfully pre-registered was required to take a COVID-19 nucleic acid test at one of the medical testing institutions recognised by the National Health Commission within 48 hours before entry to Hong Kong on the polling day, and then present the proof of a valid negative nucleic acid test result upon exit from the Mainland for entry to Hong Kong. In addition, the elector needed to present the Mainland “Green Health Code”. Voting at BCP Polling Stations was not allowed for persons from medium or high risk areas in the Mainland, persons who had stayed in or visited districts or cities (municipalities as districts) in the high risk areas in the past 14 days, persons who had stayed in or visited counties (cities, districts and banners) in the medium risk areas in the past 14 days, persons undergoing self-monitoring of health at home, or persons who had been confirmed with COVID-19 in the past 3 months. Electors had to immediately return to the Mainland after casting their votes, otherwise the arrangement for exempting the quarantine requirement of Hong Kong and the Mainland would not be applicable.

Section 7 – Counting Arrangements

Geographical Constituencies

7.52 According to the established practice, a polling-cum-counting arrangement was adopted in the polling stations for the GC elections. This arrangement could save the time for delivering the ballot papers to the CCS, which was more cost-effective than central or regional counting, and could work out overall election results faster.

7.53 With the exception of the SPSs, DPSs, PBQC polling stations and ECC polling station, all polling stations were converted to counting stations after the close of poll to count GC ballot papers. If one of the polling stations in an individual GC was a SPS, another polling station in that GC would be designated by the CEO as the MCS. For the secrecy of votes, ballot papers cast at SPSs were delivered to the respective MCSs for mixing with the ballot papers at the MCSs before counting.

Sorting of Ballot Papers

7.54 To accommodate the polling-cum-counting arrangement, various polling stations would conduct sorting of ballot papers as below:

- (a) as GC and FC ballot boxes were set up in the ECC polling station, the ECC polling station was converted to a BPSS after the close of poll to sort its GC ballot papers before delivery to the corresponding MCSs for mixing with the ballot papers at the

MCSs before counting, while the FC ballot papers would be delivered to the CCS directly for counting;

- (b) GC ballot papers from the PBQC polling stations, after disinfection by an ultraviolet light chamber, were delivered to the corresponding MCSs for mixing with the ballot papers at the MCSs before counting; and
- (c) ballot papers from DPSs were delivered to the BPSSs and sorted by GC, and then delivered to the MCSs for mixing with the ballot papers in the MCSs before counting.

7.55 Besides, since individual GCs at the BCP Polling Stations at Lo Wu and Heung Yuen Wai had less than 500 pre-registered electors, the relevant GC ballot boxes were delivered to the counting station at Lok Ma Chau Spur Line after the close of poll for mixing with the same GC ballot papers before counting to ensure the secrecy of votes.

7.56 After the commencement of the count, the PRO was responsible for opening the ballot boxes and conducting the count. He/She was also responsible for determining the validity of questionable ballot papers.

7.57 1 ARO(Legal) was stationed at each DO to provide legal advice on matters relating to vote counting (including handling of questionable ballot papers) to the PROs in the district. Candidates could appoint counting agents to observe the count and make representations regarding the PRO's decisions on the validity

of questionable ballot papers. Samples of valid and invalid ballot papers were posted at each counting station to enhance transparency and ensure fair and consistent determination by the PRO.

7.58 To ensure openness and transparency of the counting process, candidates, their election agents, polling agents and/or counting agents were allowed to stay in the polling stations after the close of poll to observe the conversion of the polling stations to counting stations. The public and the media could also observe the counting process after a polling station was converted to a counting station, except for BCP Polling Stations.

Functional Constituencies and Election Committee Constituency

7.59 FC ballot papers were centrally counted in the CCS manually. Also under a central vote counting arrangement, ECC ballot papers were counted electronically with the aid of OMR machines.

Central Counting Station

7.60 In this election, the CCS was set up in the HKCEC to count all FC and ECC votes. After the close of poll, FC and ECC ballot boxes in all polling stations (including the ECC polling station) were delivered to the CCS for counting of votes. If misplaced GC ballot papers were found after opening the FC and ECC ballot boxes in the CCS, the ROs of the GCs concerned had to count the misplaced ballot papers and determine questionable ballot papers (if necessary) in the CCS.

7.61 After the ballot boxes containing FC ballot papers were opened, the ballot papers therein would be sorted in accordance with the respective FCs. The

sorted ballot papers were then delivered to the General Zone for distribution to the respective FC counting tables for counting. In the process, ballot papers found to be clearly invalid would not be counted, whereas questionable ballot papers would be sent to the RO of the FC concerned who would decide whether the ballot papers were to be counted. In counting ECC votes, staff would check each of the ballot papers and separate the clearly invalid ballot papers, whereas questionable ballot papers would be sent to the ROs for determination. The remaining ballot papers would be delivered to the Ballot Paper Scanning Zone for automatic counting by OMR machines. All ballot papers not accepted by OMR machines would be delivered to the ROs for consideration. Ballot papers that were ruled valid by the ROs would be counted by OMR machines or input into the vote counting system manually.

7.62 As the count involved multiple steps and the ballot papers were processed by counting staff in different zones (e.g. the counting tables, General Zone, Ballot Paper Scanning Zone, questionable ballot paper determination tables, etc.), the ballot papers must be put in transparent plastic bags to prevent loss or damage during delivery. In addition, counting staff would also use forms to record information related to the ballot papers they handled, such as the number of various clearly invalid and questionable ballot papers, the number of ballot papers processed by each OMR machine in each scan and the relevant scanning result, etc. At the same time, staff would input relevant information into the Counting Information Display System for the REO to monitor the progress of the count. Counting staff must sign on the forms for confirmation during the handover of ballot papers to ensure their proper handling. Upon completion of the count, staff would check the number of ballot papers against the record on the counting forms.

7.63 In the 2021 ECSSOEs held on 19 September 2021, the overall time taken for vote counting was beyond expectations. The EAC published an investigation report on 22 October 2021 to set out the following main reasons for the prolonged counting time:

- (a) counting staff were required to receive both ballot boxes and electoral materials at the same time. During the handover process, since rectification of errors and omissions on the electoral documents had taken time, there was a delay in the completion of handover procedures and delivery of ballot boxes to the counting zone for commencement of the count;
- (b) there was only a small number of ballot paper sorting tables in the CCS. As it took longer than expected to open some ballot boxes and sort the ballot papers, ballot boxes that arrived later had to wait for their turns to be opened;
- (c) there were not enough questionable ballot paper determination tables 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 other subsectors, it took time to wait for the use of the questionable ballot paper determination tables, which slowed down the counting process; and

- (d) 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.

7.64 Drawing on the experience in the 2021 ECSSOEs, the following measures were adopted by the REO for the central counting arrangement:

- (a) 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;
- (b) a total of 209 counting tables were set up for opening FC ballot boxes, sorting of ballot papers and counting of votes⁷;
- (c) individual questionable ballot paper determination tables were set up for the ECC and each of the FC counting zones; and
- (d) to accelerate electronic counting for the ECC, 7 OMR machines were deployed by the REO for counting. 10 manual key-in entry workstations were set up to process valid ballot papers which could not be counted by the OMR machines. Besides, the

⁷ In the 2016 LegCo General Election, 119 counting tables were set up in the FC counting area.

number of ballot papers being inserted into the OMR machines in each batch was aligned to be 20 in order to reduce the chance of paper jams. When paper jams occurred, the REO would arrange the data of the relevant batch of ballot papers be voided in the counting system under the witnesses of the independent computer auditor, the counting system contractor and candidates and/or their agents, and that batch of ballot papers would be re-counted by another OMR machine. The choices on the jammed ballot paper would be inputted manually.

7.65 On the other hand, the REO also improved the workflow of delivering the FC ballot boxes from the polling stations to the CCS with a view to expediting the commencement of the count. In past LegCo general elections, delivery of FC ballot boxes by the counting staff to the CCS was made after the GC ballot boxes were opened by the PROs to ascertain whether any FC ballot papers were misplaced inside. In this LegCo General Election, to enable prompt delivery of FC ballot boxes to the CCS, all OPSs (except for SPSs) would first send the FC ballot boxes to the CCS, and ECC polling station would send the ECC and FC ballot boxes to the CCS upon the close of poll. If any misplaced FC ballot papers were found inside the GC ballot boxes after they were opened, the counting staff would pack the ballot papers into sealed packets and complete the corresponding forms before delivering them to the CCS.

7.66 The Chief RO was responsible for supervising the CCS. 1 designated RO and ARO was assigned to take charge of each FC counting zone and 2 ROs were responsible for the operation of the ECC counting zone. Throughout the

counting process, candidates and their agents, the media and members of the public were allowed to observe the count in the designated areas of the CCS.

7.67 Initial counting result for the ECC was announced at around 2:00 am on the day after the polling day (i.e. 20 December 2021). The counting of votes was completed at around 10:00 am on the day after the polling day and the counting process lasted for 11 hours, which is the fastest when compared with elections held in recent years.

Boundary Control Points Polling Stations

7.68 Since closed-loop management was adopted at the 3 BCP Polling Stations, public observation of the counting process was not arranged. To increase transparency, the counting of votes at the 3 BCP Polling Stations was broadcast live on Radio Television Hong Kong (“RTHK”) TV 32 and the website of the Information Services Department (“ISD”).

Section 8 – Measures Against COVID-19

7.69 To protect electors’ health and prevent the spread of COVID-19 at polling stations, counting stations and the CCS, the REO, after consulting the CHP, implemented the following measures at polling stations and counting stations in this LegCo General Election:

- (a) all polling/counting staff must wear surgical masks and/or other protection equipment recommended by the CHP. Those with symptoms of fever or respiratory tract infection or reporting

sudden loss of taste/smell were forbidden from discharging duties;

- (b) electors, candidates and agents must wear their own masks properly and have their body temperature checked before entering polling stations. They should use hand sanitisers and maintain social distancing;
- (c) transparent partitions were erected at ballot paper issuing desks to separate polling staff and electors;
- (d) every polling station was equipped with electronic thermometers to identify electors, candidates and agents with symptoms of fever;
- (e) electors with symptoms of fever or respiratory tract infection or reporting sudden loss of taste/smell were to be directed to cast votes in the special voting compartments, which were equipped with one air purifier each and would be disinfected each time after use;
- (f) candidates and agents with symptoms of fever or respiratory tract infection or reporting sudden loss of taste/smell were forbidden from entering polling stations/counting stations. However, candidates could assign other agents without symptoms of fever to monitor the poll or the count;

- (g) at present, there is no electoral law requiring electors to use the “LeaveHomeSafe” mobile application before entering the polling stations, and there is no electoral law stating that electors cannot enter the polling stations to cast votes without using the “LeaveHomeSafe” mobile application. Taking into account the epidemic situation at that time, and electors only stayed inside the polling stations for a short period of time and they had to comply with requirements which include keeping social distance, wearing a mask and no discussion between electors, to strike a balance between voting rights and epidemic prevention, all electors were not required to use the “LeaveHomeSafe” mobile application or other alternative measures when entering polling stations to cast their votes;
- (h) all persons entering counting stations and the CCS, except for exempted persons, were required to use the “LeaveHomeSafe” mobile application to scan the respective QR code of the counting station and the CCS. Exemption from this requirement was granted to persons aged below 12, persons aged 65 or above, and persons with disabilities that rendered 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 contact 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. The staff at counting stations and the CCS would also verify the contact numbers of these persons by calling the phone numbers provided;

- (i) all persons entering the CCS were required to wear masks properly and have their body temperature checked. Persons with symptoms of fever or respiratory tract infection or reporting sudden loss of taste/smell were forbidden from entering the CCS;
- (j) as usual, the CCS (including the MC) was divided into different zones, with specified routes, for candidates and their agents, the media and members of the public. Owing to limited space and implementation of social distancing measures in the CCS, each zone was assigned with a maximum capacity, and only persons belonging to the respective zones were given access thereto. A designated area was also provided in the MC for candidates to receive media interviews should such a need arise;
- (k) closed-loop management was adopted at all BCP Polling Stations. Except for electors who had been assigned to the BCP Polling Stations, candidates or their agents and participating electoral staff, entry to or exit from the BCP Polling Stations was strictly prohibited and public observation of the counting process was not arranged;

- (l) ballot papers from the PBQC polling stations were all disinfected by an ultraviolet light chamber before departure from the quarantine centre;
- (m) given that it was inappropriate for people undergoing home quarantine or compulsory quarantine at hotels to go to the polling stations, special voting arrangements were not made by the REO for these electors; and
- (n) bleach and instant sanitisers were provided for polling staff to disinfect polling tables, tick chops, ballot paper cardboards, etc. regularly.

Section 9 – Crisis Management Committee

7.70 As in past elections, the REO set up a Crisis Management Committee (“CMC”) for this election and drew up a detailed contingency plan to deal with incidents where the election might be obstructed, disrupted, undermined or seriously affected to such extent that necessitated professional advice for the EAC to consider postponement or adjournment of the election, the poll or the count and to handle related matters. These incidents included inclement weather, riot, open violence or occurrences of danger to public health or safety, and occurrences of material irregularity relating to the election, the poll or the count in the EAC’s view. Chaired by the EAC Chairman, the CMC comprised EAC Members, the representatives of CMAB, REO, Home Affairs Bureau, FHB, Security Bureau,

HAD, DH, DoJ, the Police, ISD, Office of the Government Chief Information Officer and Electrical and Mechanical Services Department. Representatives of other relevant government bureaux/departments could also be invited to the meetings of the CMC when necessary.

7.71 A meeting of the CMC was held on 15 December 2021 at which the CMC was briefed by relevant government bureaux and departments on their evaluation of different situations, election-related preparations and co-ordination efforts, and the deployment for the polling day (including enhanced logistic support, security, and corresponding arrangements and measures for the election) to ensure that the election would be conducted smoothly. The CMC also held a meeting before the start of the poll on the polling day on 19 December, and from the start of the poll to the announcement of all election results, the CMC was closely monitoring the conduct of the election, and assisted the EAC in handling any occurrences that might affect the election.

Section 10 – Fast Response Team

7.72 In line with the practice since the 2008 LegCo General Election, Fast Response Teams (“FRTs”) comprising experienced personnel were appointed to handle emergencies in relation to polling stations. FRTs also needed to conduct random checks on the operation of the polling stations and the performance of the polling staff to ensure strict compliance with the electoral laws and procedures.

7.73 The REO set up a total of 10 FRTs for this election. Apart from conducting inspection of polling stations and advising PROs to take remedial or improvement measures where necessary, the FRTs were also tasked to render

immediate advice and assistance to ROs and PROs in relation to electoral arrangements. The FRTs had to report to the Central Command Centre (“CCC”) on any major irregularities and problems observed, and carry out the CCC’s instructions in response.

Section 11 – Contingency Measures

7.74 The LCO and the EAC (EP) (LC) Reg stipulate the provisions on the postponement or adjournment of the election, the poll or the count in respect of the LegCo general election as a whole, or any individual GC or constituency, or any individual polling/counting station. In addition, the REO formulated the following arrangements to cater for other emergencies:

- (a) postponement or adjournment of the poll or the count in one or more polling/counting stations;
- (b) extension of polling hours if a substantial portion of the polling hours was lost because of flooding, power failure or other emergencies in one or more polling/counting stations;
- (c) designation of alternative polling/counting stations as reserve polling/counting stations in the event that the original stations, for one reason or another, could no longer function properly or be accessed by electors;
- (d) setting up an emergency depot in each of the 18 Districts to

provide logistic support to relevant polling stations in each district, and setting up a fall-back CCC and SIC in Cheung Sha Wan PeakCastle to compile statistical returns collected from polling/counting stations;

- (e) setting up a fall-back CCS in Che Kung Temple Sports Centre and a fall-back MC in Sha Kok Community Hall. In case the HKCEC was rendered inoperable by unexpected events that made it impossible to conduct the central counting for the FC and ECC elections, the central counting and the operation of the MC would be relocated to fall-back venues. If the central counting had to be postponed for 7 days, the central counting for the FC election would be conducted at the fall-back venue in Che Kung Temple Sports Centre, and the central counting for the ECC election would be conducted at the fall-back venue in the HKCEC, while the operation of the MC would be relocated to the fall-back venue in Sha Kok Community Hall; and
- (f) preparation of public announcement notices in the event that any of the contingency arrangements as set out in paragraphs 7.74(a), (b), (c) or (e) above had to be implemented.

Section 12 – Release of Counting Results

7.75 In this election, the final counting results of GC elections for each polling station were uploaded onto the dedicated election website for public

reference on a real-time basis instead of being posted on the Counting Results Display Panels in the MC. Besides, counting information and election results were also uploaded onto the dedicated election website for public reference on a real-time basis by the REO. To enhance the transparency of the counting process and dissemination of counting information, the progress of the count of each FC and the ECC, the interim counting results for individual GCs and the final election results of all GCs, FCs and the ECC were displayed on large screens or televisions set up in the CCS and the MC. A “2021 LegCo General Election Dedicated Website – Counting Statistics Information Kiosk” was also set up in the MC to facilitate those present in the MC in browsing the dedicated election website and checking the counting information. The final election results of all GCs, FCs and the ECC were posted on the Counting Results Display Panels in the MC.

CHAPTER 8

PUBLICITY

Section 1 – An Introductory Note

8.1 Publicity is an important element in elections. It arouses public awareness and also appeals to the public to actively participate in the election by registering as electors, standing as candidates and voting on the polling day, as well as publicising the importance of clean and fair elections. It also serves to disseminate election-related information, such as those introducing new electoral arrangements and existing electoral procedures, to candidates and electors in an efficient and effective manner and, more importantly, to remind electors to vote on the polling day. In the 2021 LegCo General Election, the EAC and the government departments concerned devoted a lot of efforts to the publicity of the election to enhance electors' awareness of the voting procedures and encourage electors to vote.

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

Section 2 – The Electoral Affairs Commission and the Media

8.3 The publicity programme for the 2021 LegCo General Election was launched in early October 2021. The objectives of the programme were to promote general awareness of the LegCo general election, encourage nominations of

candidates, introduce the electoral procedures and arrangements, promote clean and fair elections, and appeal to electors to vote on the polling day.

8.4 On 19 November 2021, the EAC conducted an online briefing for the candidates to brief them on the electoral arrangement for this election, the guidelines on election-related activities and important points to note in conducting electioneering activities. At the briefing, a representative from the ICAC explained the ECICO and a representative from the Hongkong Post elaborated the arrangement and relevant requirements of the free postage service for election mail. Candidates and/or their election agents could log on to the designated online platform to attend the briefing and submit questions online. The media and members of the public could also view the online briefing through live broadcast on RTHK TV 32 and dedicated online channels.

8.5 To help electors familiarise themselves with the polling station set-up and voting procedures, 4 mock polling stations, set up at North Point Community Hall, Kwun Tong Community Centre, Tai Po Community Centre and Tseng Choi Street Community Hall, were open for 4 consecutive days before the polling day from 14 to 17 December 2021. The opening hours of mock polling stations ran from 4:00 pm to 8:00 pm on the first day and from 12:00 noon to 8:00 pm on the next three days. Moreover, the EAC Chairman met the media after visiting the mock polling station at North Point Community Hall on 14 December 2021, to call on electors to exercise their civil rights to vote on the polling day, introduce the arrangement for the 2021 LegCo General Election and demonstrate the voting procedures. The mock polling stations were well received by members of the public.

8.6 On the day preceding the polling day, the EAC Chairman visited the ECC polling station at the HKCEC and the BCP Polling Station at Heung Yuen Wai Control Point, to inspect the preparatory work by the polling staff. He also gave an interview in a radio programme and met the media to call on electors to cast their votes. Besides, the two Members of the EAC each visited different polling stations to inspect the preparatory work for the election so as to ensure that the election and counting of votes would be carried out smoothly.

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

Section 3 – Publicity by the Registration and Electoral Office

8.8 As new electoral arrangements, such as the use of EPR system for issuing ballot papers, the special queue for electors in need (including persons aged 70 or above, pregnant women, and persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids) and precautionary measures against COVID-19, would be implemented in this election, the REO produced a series of television and radio APIs to introduce the relevant new arrangements, voting procedures and points to note, and to remind electors to follow the proper voting procedures to ensure voting secrecy. Electors with mobility difficulty or using wheelchairs were also reminded that they should apply in time for re-allocation to a special polling station if the allocated polling station was not accessible to them, and that the REO would, where circumstances permit, arrange free Rehabus upon request to transport them to and from the polling station. Together with relevant polling information,

these publicity materials were uploaded onto the dedicated election website for public viewing.

8.9 To provide electors who could not read Chinese or English with the information about this election and the voting procedures, translation of the election briefs and voting procedures in 10 languages other than Chinese and English were prepared by the REO and uploaded onto the dedicated election website. The materials were also uploaded onto the website of the Race Relations Unit of the HAD and displayed at some support centres for ethnic minorities to bring this election to the attention of people of different races. In addition, the Government advertised in the newspapers and newsletters that targeted readers of different races to encourage them to stand as candidates and vote, and broadcast on radio the voting procedures and the appeals for voting in languages of different races.

Section 4 – Publicity by Other Government Departments

8.10 In the 2021 LegCo General Election, the Government allocated about \$105 million to launch an electoral publicity programme which ran for more than two months from early October 2021 to the polling day on 19 December 2021. These publicity activities were mainly co-ordinated by the CMAB, with other participating government departments including the HAD, ISD, ICAC, RTHK, REO, etc. The intensity of the publicity activities was stepped up in phases. Phase one of the publicity started in early October with a series of publicity items and activities to promote the message of clean elections. Phase two of the publicity began in mid-October with a series of publicity items and activities that tied in with

the nomination period and canvassing period to disseminate information of this election and encourage the public to stand for election. In phase three during the week preceding the polling day, publicity efforts were further intensified to call on electors to cast their votes.

8.11 In view of the changes to the composition of the LegCo and the method for its formation after the implementation of the Amendment Ordinance, the Government launched a comprehensive publicity programme for this election, including broadcasting APIs on television, radio, giant outdoor displays, government venues, major public transportation networks and the Internet; producing special television and radio programmes; setting up a dedicated election website and a Facebook page; displaying posters; putting up banners, lamppost buntings and billboards; advertising on public transport, vantage points, newspapers and the Internet; as well as organising district activities, etc.

8.12 In addition, the concept of “patriots administering Hong Kong” was also featured in the publicity programme for this election, so that through various channels and means the public could have a clear understanding of the necessity and superiority of improving the electoral system, and the principle of “patriots administering Hong Kong” could be further fully implemented. Since the ECC would return 40 Members of the LegCo under the improved electoral system, the REO produced leaflets for members of the EC to explain the procedures from collection of ballot papers to casting of votes, counting of votes, voting secrecy and precautionary measures against COVID-19, etc. in the ECC polling station.

8.13 To further step up the publicity, the Government had advertised in local newspapers as well as on electronic media platforms, free television channels and public transport, and put up giant banners and lamppost buntings with the slogan of “Casting Your Vote for Hong Kong – Our Home”. The Government also distributed “Casting Your Vote for Hong Kong – Our Home” booklets to all Hong Kong residents by post. The Home Affairs Bureau and ISD also arranged promotional trucks to broadcast APIs of this election. Furthermore, principal officials of the Government led the publicity campaign in person and appealed to electors to cast their votes by issuing letters to the electors of the ECC and FCs, whereas government departments and public bodies issued letters to call on their staff to vote. On the polling day, a government SMS was also sent to all electors to remind them to vote.

8.14 The RTHK organised election forums and produced short videos and radio clips of candidates’ election platforms for television and radio broadcasts. Members of the public could also view/listen to the above forums and publicity materials on the RTHK’s website.

8.15 The ISD helped set up the dedicated election website mentioned above and disseminated through the website important information in languages of different races to facilitate electors’ viewing of and access to the election-related materials. The REO also issued press releases from time to time to keep the public informed of various important events at different stages of this election.

8.16 To promote the importance of clean elections and in view of the two new offences introduced under the ECICO, including the corrupt conduct of wilfully

obstructing or preventing another person (or getting another person to obstruct or prevent a third person) from voting at an election and the illegal conduct of carrying out any activity in public during the election period that incites another person not to vote or to cast an invalid vote, the ICAC launched a series of educational and publicity activities on the theme of “Abide by the Rules, Support Clean Elections” for this election, which included:

- (a) conducting briefing sessions for candidates, their election agents, electioneering helpers, political parties, specified bodies of FCs and district organisations to explain the major provisions of the ECICO and step up publicity for the new offences;
- (b) producing the “Clean LegCo Election Information Booklet”, “Checklist for Candidates” and “Guidelines for Candidates on Election Return” to expound on relevant legal requirements and the points that candidates and their election agents should note in engaging in electioneering activities and completing election returns;
- (c) producing two leaflets on “Anti-vote-rigging” and “Guidelines for Electors” and for distribution to electors through the REO;
- (d) arranging educational and publicity activities for senior and young electors through elderly centres and tertiary institutes, such as organising talks, quizzes, publication of feature articles and film shows, etc.;

- (e) organising the “Flash Roadshow”, a publicity campaign in all 18 Districts across the territory, to promote the message of clean elections and distribute to participating members of the public the tailor-made information packages of this election, with a view to promoting awareness of the ECICO and the importance of clean elections;
- (f) publicising the relevant ordinances, especially the two new offences related to sabotage and manipulation of elections through press conferences and a series of interviews with the media (including electronic media, printed media and online media) to remind members of the public not to engage in illegal appeals or repost any unlawful contents;
- (g) launching a large-scale advertising campaign that made use of various publicity platforms (including advertisements on television, radio and public transport, online advertising, infotainment channels of commercial buildings, residential buildings and government facilities, and printed advertising sites (including digital panels, newspapers and posters)) as well as the channels of the Hongkong Post and other public utilities to promote a clean election culture;
- (h) publishing feature articles on clean elections in the newsletters and journals of various government departments, public bodies, district

organisations, professional bodies and chambers of commerce; and displaying e-banners on their websites;

- (i) disseminating the message of clean elections through radio programmes and newsletters that targeted electors of different races; and uploading the translations of the key provisions of the ECICO in 10 languages onto the dedicated election website;
- (j) reminding the electors who were imprisoned to note the relevant key provisions of the ECICO through radio programmes;
- (k) launching a thematic website to provide relevant reference information for the public; and
- (l) setting up a “Clean Election Enquiry Hotline” to answer public enquiries about the ECICO as well as related educational and publicity activities.

PART THREE

ON THE POLLING DAY

CHAPTER 9

COMMAND CENTRE AND SUPPORT

Section 1 – The Central Command Centre

9.1 The REO set up the CCC at the office in KITEC on the polling day to oversee the electoral arrangement, so as to ensure that the election could be held smoothly. The relevant sections of the REO and the government bureaux/departments concerned operated in the CCC to facilitate communication and co-ordination. Drawing on the experience gained from the 2021 ECSSOEs, the CCC had strengthened its vigilance, and if there was any unusual delays or irregularities detected at the polling and counting stations, the CCC would proactively address the problems and render assistance.

9.2 The CCC comprised a Command Desk, 13 Helpdesks and 7 Enquiry Hotlines:

- (a) the Command Desk was tasked with overseeing the overall conduct of the poll, and giving directions to the electoral staff who encountered unexpected incidents or problems;
- (b) the Helpdesks handled enquiries about electoral matters made by the polling staff. The REO had increased the number of Helpdesks from 8 in the 2016 LegCo General Election to 13 in this election, so

as to provide better and more timely support to the electoral staff and help them resolve problems encountered on the polling day; and

- (c) the Enquiry Hotlines dealt with enquiries about the poll from the public and LEAs and provided assistance to visually-impaired electors in apprehending the contents of the Introduction to Candidates. A dedicated interactive voice system was also installed for this election to handle enquiries from polling staff about the name and the code of the polling station allocated to an elector.

9.3 The CCC was also equipped with an Incident Logging System for parties concerned to share information and keep track of major incidents.

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

Statistical Information Centre

9.5 A SIC was each set up at both the CCC and the CCS. The former was responsible for collecting and consolidating various electoral statistics (including voter turnout and complaint figures, etc.) provided by polling stations, and disseminating important messages to all polling stations. The consolidated voter turnout and voter turnout rate were made available to the public on an hourly basis through government press releases and the dedicated election website. The latter was responsible for checking and disseminating counting results collected from the CCS and the polling stations. The collection, compilation and dissemination of the

hourly statistics of voter turnout rate and the counting results were, in general, smoothly conducted on the polling day.

9.6 A total of 216 telephone lines and 159 fax lines were set up for the SIC at the CCC, while a total of 183 telephone lines and 45 fax lines were set up for the Helpdesks at the CCC, to collect hourly statistics of voter turnout rate and handle enquiries from polling stations.

Section 2 – The Complaints Centre

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

9.8 Complainants could lodge complaints by telephone, fax or email. The CC was manned by staff of the EAC Secretariat and operated throughout the polling hours. Details of the work of the CC and the complaints received on the polling day and during the complaints handling period are set out in Chapter 13.

CHAPTER 10

THE POLL

Section 1 – General

10.1 On the polling day, all 630 OPSs were in operation, of which 595 (over 94%) were accessible to electors with mobility difficulty or using wheelchairs. Apart from the OPSs, the REO set up 22 DPSs for registered electors imprisoned or remanded under the custody of the CSD and registered electors remanded or detained by other LEAs to cast their votes. The REO has also set up 1 ECC polling station at the HKCEC for the ECC electors to cast their votes. Besides, the Government set up 3 BCP Polling Stations on the Hong Kong side of the Hong Kong/Shenzhen boundary control points, to allow 21 948 successfully pre-registered GC and FC electors to return to Hong Kong to cast their votes on the polling day. Moreover, as 85 electors undergoing compulsory quarantine at the PBQC on the polling day had expressed their wish to vote, the REO also set up 2 polling stations at the PBQC.

10.2 Polling hours of this election started at 8:30 am and ended at 10:30 pm. For the DPSs set up at the penal institutions of the CSD and the polling stations at the PBQC, polling hours ran from 9:00 am to 4:00 pm. In general, the poll was smoothly conducted. However, the opening of the poll at individual polling stations was delayed for around 2 to 9 minutes as a longer time was used to complete the procedures before the start of the poll. Besides, due to issues of power connection and unstable network connection during the polling hours which

affected the EPR System, the poll at certain polling stations was interrupted for around 3 to 22 minutes. For the sake of fairness, the EAC extended the polling hours for the polling stations concerned to compensate for the corresponding time of interruption (see Chapter 14 for details).

10.3 On the voter turnout rate, for GCs, a total of 1 350 680 electors cast their votes, representing 30.20% of the electorate.

10.4 For the 28 FCs, a total of 70 490 electors cast their votes, amounting to 32.22% of the electorate of these FCs.

10.5 For the ECC, a total of 1 426 electors cast their votes, representing 98.48% of the EC members.

10.6 A breakdown of the voter turnout rate by GCs, FCs and the ECC is shown at **Appendix V**.

10.7 On the polling day, the FRT (see paragraphs 7.72 and 7.73 above) of the REO visited 104 polling stations. In addition, the FRT also conducted special visits to 5 polling stations as directed by the CCC, and as and when necessary, assisted in resolving difficulties encountered in the polling stations and offered advice to the PROs.

Section 2 – Exit Poll

10.8 The REO received applications from two organisations, namely i-Cable

News Limited and the Hong Kong Research Association, for conducting exit polls on the polling day. The REO considered these applications in accordance with the principles set out in Chapter 16 of the Guidelines. With the aforesaid principles taken on board, the applications of both organisations to conduct exit poll were approved. All the approved organisations had, as required, signed a statutory declaration confirming that they would not announce or disclose the information/results of the exit polls or publish any specific comments or predictions on the performance of any candidates before the close of poll. The list containing these two organisations which were approved for conducting exit polls was uploaded onto the dedicated election website on 17 December 2021, and displayed at a prominent spot outside the relevant polling stations on the polling day for public inspection.

CHAPTER 11

THE COUNT

Section 1 – Geographical Constituencies

11.1 The polling-cum-counting arrangement was adopted for the GC elections. All polling stations, except for the 10 SPSs with less than 500 electors allocated, the DPSs, the ECC polling station and the polling stations at the PBQC, were converted to counting stations immediately after the close of poll for counting of GC votes cast at the polling stations. All FC votes were conveyed to the CCS for counting. Since the number of pre-registered electors of individual GCs who were allocated to vote at the BCP Polling Stations at Lo Wu and Heung Yuen Wai were less than 500, the GC ballot boxes concerned were transported to the counting station at Lok Ma Chau Spur Line, where such ballot papers were mixed with those of the respective GCs before counting to ensure the secrecy of votes.

11.2 To ensure the openness and transparency of the counting process, candidates, their election agents, polling agents and/or counting agents were allowed to stay in the polling stations for GCs to observe the conversion process. In order to monitor the time required for the conversion, the DPRO(s) of each polling station had to count the time for the conversion in this election and notify the SIC by phone after the conversion was completed. Any delay beyond the target time should also be reported to the SIC in a timely manner. Besides, candidates, their election agents and/or counting agents, the public and the media were allowed to stay inside the counting stations to observe the count. As for the BCP Polling

Stations located at the Frontier Closed Areas, owing to security reasons, special arrangement of closed-loop management was adopted, only candidates and/or their agents could apply to enter the counting stations to observe the count, and there was no arrangement for public observation of the counting process. In order to enhance the openness and transparency of the counting process, ICAC officers were deployed to monitor the count on that day. The counting process at the 3 BCP Polling Stations was broadcast live on RTHK TV 32 and the website of the ISD.

11.3 Ballot boxes with the GC ballot papers cast at the 10 SPSs and the 2 polling stations at the PBQC were directly conveyed to their respective MCSs for counting. Each ballot paper from the polling stations at the PBQC was disinfected with an ultraviolet light chamber before being transported out of the PBQC. Ballot boxes containing GC ballot papers cast at the DPSs were sent to the designated BPSSs, the ballot papers therein were sorted according to the GC before they were placed inside a receptacle and delivered to the respective MCSs for counting. As for the ECC polling station, it was converted to a BPSS after the close of poll. The GC ballot papers were first sorted by GC and then delivered to the respective MCSs for counting. All sorting processes were open to the candidates, their election agents and/or counting agents, the public and the media for observation. These ballot papers were then mixed with those cast at the MCSs before they were counted, in order to ensure the secrecy of votes.

11.4 Before the count, counting staff first emptied the GC ballot boxes and sifted out any misplaced FC ballot papers. The misplaced FC ballot papers were packed into sealed packets with relevant forms filled in for onward delivery to the ROs of the respective FCs at the CCS after notifying the SIC. In this election, no

misplaced ballot paper for the FC was found inside the GC ballot boxes.

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

11.6 When the counting of GC votes at a polling station was completed, the PRO would make known the counting results to the relevant candidates, their election agents and/or counting agents present at the polling station. The candidates, their election agents and/or counting agents were then given the opportunity to request for a re-count of votes. If there was no request for a re-count, the PRO would report the counting results to the SIC by fax. When the counting results of all counting stations in a GC (including GC ballot papers misplaced in FC and ECC ballot boxes counted at the CCS) were available, the SIC would inform the RO concerned of the consolidated counting results of all counting stations. The RO would then make known the consolidated counting results to the candidates, their election agents and/or counting agents present at the MC who would be given the opportunity to request for a re-count of valid votes for all the counting stations of that GC.

11.7 In past LegCo elections, the REO would display the interim counting results of GC on the large screens or televisions set up at the CCS and the MC for reference by the candidates, their election agents and/or counting agents, the public and the media during the count. In this election, the REO also uploaded the interim counting results of GC onto the dedicated election website for public reference. Once the counting results of the 10 GCs were confirmed, the accumulated valid votes obtained by individual candidates were also displayed on the large screens or televisions set up at the CCS and the MC. The final election results were also posted on the Counting Results Display Panels at the MC and uploaded onto the dedicated election website.

11.8 There was no request for re-count in this election. The counting results of all GCs were declared gradually from around 5:46 am to 7:17 am on the day after the polling day.

11.9 The election results of the 10 GCs were published in the Gazette on 24 December 2021 and are now reproduced at **Appendix VIII(A)** for easy reference.

Section 2 – Functional Constituencies

11.10 The counting of votes for the 28 FCs was conducted centrally at the CCS. One of the ROs was appointed as the Chief RO to supervise the overall operation of the CCS.

11.11 At the CCS, all FC ballot boxes were opened by the ROs or AROs.

Candidates, their election agents and/or counting agents, the public and the media were also allowed to observe the count in the designated areas of the CCS. The counting staff would first sift out any misplaced GC and/or ECC ballot papers. To ensure the secrecy of votes, all the ballot papers were placed facing downwards. After sifting out the misplaced ballot papers, the counting staff would sort the ballot papers by the respective FCs. The sorted ballot papers were then sealed and delivered to the General Zone. Staff of each FC counting zone then collected the sorted ballot papers of the respective FCs from the General Zone and took them to the counting tables for mixing before they were counted.

11.12 Any misplaced GC ballot papers found would be sealed and delivered to the General Zone in the CCS. Misplaced ballot papers of the same GC would be grouped together before they were handed over to the ROs of the respective GCs. On the other hand, misplaced ECC ballot papers would also be sealed and handed over to the ROs of the ECC. 2 misplaced GC ballot papers were found in the FC ballot boxes while no misplaced ECC ballot paper was found.

11.13 The respective ROs were responsible for determining the validity of questionable ballot papers identified by counting staff during the counting process. Drawing on the experience gained in the 2021 ECSSOEs, one questionable ballot paper determination table was set up in each FC counting zone to expedite the determination of questionable ballot papers. An analysis of the ballot papers in the FC ballot boxes that were not counted is shown at **Appendix VI(B)**. An analysis of invalid ballot papers is shown at **Appendix VII(B)**. The results of all segment counts were then added up to produce the overall results of each FC.

11.14 Once the counting results of the 28 FCs were confirmed, the accumulated valid votes obtained by individual candidates were displayed on the large screens or televisions set up at the CCS and the MC for reference by the candidates, their election agents and/or counting agents, the public and the media. The final election results of all the FCs were also posted on the Counting Results Display Panels at the MC and uploaded onto the dedicated election website for public reference.

11.15 The counting results of individual FCs were announced gradually from around 8:03 am to 10:09 am on the day after the polling day.

11.16 The election results of the 28 FCs were published in the Gazette on 24 December 2021. All election results of the FCs are reproduced at **Appendix VIII(B)** for easy reference.

Section 3 – Election Committee Constituency

11.17 The counting of the ECC votes was conducted at the CCS which was also located at the HKCEC. The candidates, their election agents and/or counting agents, the public and the media could also observe the count in the designated areas of the counting zone.

11.18 The ECC ballot boxes were delivered to the CCS before they were opened by the ROs. Afterwards, the counting staff would sift out the misplaced GC and/or FC ballot papers. To ensure the secrecy of votes, the misplaced GC and/or FC ballot papers were placed facing downwards. They would be sealed and

delivered to the ROs for the respective GCs and/or FCs at the CCS. In this election, no misplaced GC or FC ballot paper was found in the ECC ballot boxes.

11.19 After sifting out the misplaced ballot papers, the counting staff would screen each and every ballot paper. Clearly invalid ballot papers would be separated and would not be counted. For questionable ballot papers, the ROs would decide whether they should be counted. The rest of the ballot papers were sent to the Ballot Paper Scanning Zone for automatic counting with the aid of the OMR System. Ballot papers determined as valid by the ROs were counted with OMR machines or input manually. After all the ballot papers were counted, the system would calculate automatically the number of votes obtained by each candidate.

11.20 2 counting tables, 7 OMR machines, 1 questionable ballot paper determination table and 10 manual key-in entry workstations were set up in the ECC counting zone. An analysis of the ballot papers in the ECC ballot boxes that were not counted is shown at **Appendix VI(C)**. An analysis of invalid ballot papers is shown at **Appendix VII(C)**.

11.21 Once the counting result of the ECC was confirmed, the accumulated valid votes obtained by individual candidates were displayed on the large screens or televisions set up at the CCS and the MC for reference by the candidates, their election agents and/or counting agents, the public and the media. The final election result of the ECC was also posted on the Counting Results Display Panels at the MC and uploaded onto the dedicated election website for public reference.

11.22 The counting result of the ECC was declared at around 2:24 am on the day after the polling day.

11.23 The election result of the ECC was published in the Gazette on 24 December 2021 and is reproduced at **Appendix VIII(C)** for easy reference.

CHAPTER 12

EAC VISITS

12.1 On the day preceding the polling day, the EAC Chairman visited the ECC polling station at the HKCEC and the BCP Polling Station at Heung Yuen Wai Control Point to inspect the setting up of polling stations and other preparatory work. On the other hand, each of the two Members of the EAC visited two polling stations to inspect the setting up of polling stations and rehearsals of polling and counting by the polling staff.

12.2 On the polling day, the Chairman and the two Members of the EAC cast their votes at their allocated polling stations. They also visited polling stations in different districts before proceeding to the CCC to closely monitor the progress and situation of the poll. Moreover, they met the media together at the polling station at the Jockey Club Government Secondary School in Kowloon Tong at about 12:45 pm and at the MC at the HKCEC at about 6:15 pm to provide electoral statistics and answer questions from the media.

12.3 At around 11:00 pm on 19 December 2021, the Chairman and the two Members of the EAC, together with the Secretary for Constitutional and Mainland Affairs, opened and emptied the ECC ballot box at the CCS. After the announcement of the election results for the ECC, the Chairman and the two Members of the EAC met the media at around 3:30 am on 20 December 2021 to announce the overall statistics of voter turnout and complaints received on the polling day, as well as answer enquiries. After the completion of all counting work,

the Chairman and the two Members of the EAC met the media at around 10:40 am to conclude the election and answer questions from the media. The EAC then issued a press release to conclude the election. The EAC considered that this election was conducted and concluded in an open, fair and honest manner.

PART FOUR

COMPLAINTS

CHAPTER 13

COMPLAINTS

Section 1 – Introduction

13.1 The complaints handling mechanism is one of the means adopted by the EAC to safeguard the fairness and integrity of the electoral system. Some complaints may reveal deficiencies in certain aspects of the electoral arrangements and help the EAC make better arrangements in future elections.

13.2 The complaints mechanism also acts as mutual monitoring among candidates, and they may better understand the requirements of the electoral law and electoral guidelines. The EAC is committed to handling complaints received fairly and efficiently.

Section 2 – The Complaints Handling Period

13.3 The complaints handling period for the 2021 LegCo General Election started from 30 October 2021, i.e. the day when the nomination period commenced, and ended on 2 February 2022, i.e. 45 days after the polling day.

Section 3 – The Complaints Handling Parties

13.4 Altogether 5 parties are responsible for handling complaints, including the EAC, the ROs, the Police, the ICAC and the PROs (who discharged the duties

on the polling day only). Each of these parties has their respective areas of responsibilities depending on the nature of the complaints:

- (a) the EAC is responsible for handling complaint cases generally not covered by any statutory provisions involving criminal liability;
- (b) the ROs are responsible for handling complaints of a lesser nature under the authority delegated to them by the EAC (e.g. those relating to display of EAs, disputes over electioneering activities, use of sound amplifying devices, etc.);
- (c) the Police handles cases involving possible criminal offences, e.g. breaches of the EAC (EP) (LC) Reg and criminal damage of EAs, etc.;
- (d) the ICAC handles cases involving possible breaches of the ECICO, the Prevention of Bribery Ordinance (Cap 201) and the ICAC Ordinance (Cap 204); and
- (e) the PROs handle complaints received at the polling stations on the polling day and take action on those cases which require immediate attention, e.g. unlawful activities occurred in the polling stations.

Complainants could lodge their complaints with any of the above parties, and cases would be referred to the relevant authority.

13.5 The EAC Secretariat undertakes the role of the co-ordinator for collating complaints related statistics from other parties and compiling consolidated reports for submission to the EAC during the complaints handling period.

Section 4 – The Number and Nature of Complaints

13.6 The complaints handling period ended on 2 February 2022. A total of 1 939 complaints were received from the public by the aforementioned five parties.

Details are as follows:

Complaints Handling Party	No. of Complaints Received from the Public
EAC	1 019 cases
ROs	538 cases
Police	264 cases
ICAC	33 cases
PROs	85 cases
Total:	1 939 cases

The majority of the complaints were related to EAs (905 cases), disturbances to electors caused by canvassing activities (358 cases) and electioneering activities on private/government premises (190 cases). A breakdown of the complaints by receiving party and nature is shown at **Appendices IX(A) – (F)**.

Section 5 – Handling of Complaints on the Polling Day

13.7 On the polling day, as mentioned in paragraph 9.7 above, a CC was set up at the REO's office in the Harbour Centre to handle complaints. The CC was operated by staff of the EAC Secretariat. The ROs also set up command centres at their offices to receive and handle complaints. The PROs received complaints at the polling stations and handled the complaints on the spot as far as possible. Moreover, designated police officers were on duty in the police stations within the 18 Districts to attend to complaints. Designated ICAC officers also manned a complaint hotline to deal with incoming calls on the polling day.

13.8 The CC, ROs and PROs received a total of 483 complaint cases on the polling day. The majority of the complaints involving on the spot incidents, such as unauthorised display of EAs, canvassing in NCZs, noise disturbance to electors caused by loudspeakers, etc. were expeditiously dealt with and resolved. For the more complicated cases, they would take a longer time to handle or have to be referred to the relevant authorities for investigation and follow-up.

13.9 Of the 483 cases handled by the CC, ROs and PROs on the polling day, 293 cases (i.e. 61%) were resolved by the close of poll.

13.10 The CC received a total of 189 cases on the polling day. 121 of them required further investigation while the remaining 68 cases were resolved on the polling day.

13.11 A breakdown of the complaint cases received on the polling day is

shown at **Appendices X(A) – (F)**.

Section 6 – The Outcome of Investigations

EAC and ROs

13.12 As at 2 February 2022 (i.e. when the complaints handling period ended), the EAC and ROs received 1 099 cases and 1 275 cases respectively (including cases directly received from the public and cases referred from other government departments/organisations/personnel, see **Appendices IX(B)** and **(C)** for details). Of the cases which have been dealt with, no cases were found substantiated by the EAC while 735 cases were found substantiated or partially substantiated by the ROs who issued a total of 524 warning letters to the infringing parties. There were still 77 cases under investigation by the EAC and ROs.

13.13 A breakdown of the outcome of the investigations as at 22 February 2022 is shown at **Appendices XI(A)** and **(B)**.

Police and ICAC

13.14 Out of the 264 cases handled by the Police (**Appendix IX(D)**), 9 cases were found substantiated after investigation. The ICAC handled 44 cases (**Appendix IX(E)**) and none was found substantiated for the time being. There are still 49 cases under investigation by the Police and ICAC.

13.15 A breakdown of the outcome of the investigations as at 22 February 2022

is shown at **Appendices XI(C) and (D)**.

Section 7 – Election Petitions

13.16 According to section 65(1) of the LCO, an election petition questioning an election must be lodged with the Court of First Instance during the period of 2 months following the date on which the RO has published the result of the election in the Gazette. No election petition regarding the 2021 LegCo General Election had been lodged by 24 February 2022 (i.e. the deadline for lodging election petitions).

PART FIVE

**REVIEW AND
RECOMMENDATIONS**

CHAPTER 14

REVIEW AND RECOMMENDATIONS

Section 1 – A General Remark

14.1 The 2021 LegCo General Election was conducted in an open, fair and honest manner. The EAC has formulated the arrangements for this election upon the consideration of whether they are practical and feasible, and is generally satisfied with the implementation of the above arrangements and the discharge of the related electoral work by the REO. In line with the established practice, the EAC has conducted a comprehensive review of all aspects of the electoral procedures and arrangement with a view to improving the conduct of future elections. The EAC's review findings and the related recommendations are set out in the ensuing paragraphs.

14.2 A number of new and enhanced measures were introduced in this election, including the following targeted enhancements which were adopted by drawing on the experience from the operation of the 2021 ECSSOEs:

(a) Revising built-in clocks of the EPR system

In the 2021 ECSSOEs, due to the fact that the EPR system contractor had not synchronised the time setting of the built-in clocks of tablets installed with the EPR application with the Hong Kong Observatory (“HKO”) clock, the time shown on the tablets was about two minutes behind the HKO clock. As a result, starting from 9:00 am on the polling day of that election, the statistics of the

ballot papers issued to voters retrieved from tablets at the polling station at Princess Alexandra Community Centre had been falling short of the total numbers of ballot papers recorded by the EPR system by two. To address the above-mentioned problem, the REO had arranged to update the application before this election to synchronise the time setting of the built-in clocks of the tablets with the HKO clock;

(b) Enhancing the process of confirming ballot paper issuance in the EPR system

In the 2021 ECSSOEs, individual polling staff at a ballot paper issuing desk did not press the “CONFIRM” button of the EPR application after scanning a voter’s HKID in order to complete the ballot paper issuing process. As a result, the relevant record on ballot papers issued was not captured in the EPR system. To prevent the recurrence of the above situation, the REO had arranged to revise the EPR application before this election to ensure that staff were required to complete the ballot paper issuing process by pressing the “CONFIRM” button, or else they must obtain the authorisation of PRO, DPRO or APRO to continue the operation of the system;

(c) Reducing long queues at polling stations

To avoid long queues at the polling stations as far as possible, the REO increased the numbers of OPSs and ballot paper issuing desks to 630 and 6 200 respectively, representing an increase of 10% and

as much as 122% as compared to the 2016 LegCo General Election. These numbers were increased to a record high among all previous elections to shorten the queuing time for electors to cast their votes;

(d) Providing information on the expected queuing time of polling stations to electors

To inform electors of the queuing situation of each polling station, so that they could plan their itinerary early and arrange when to go to the polling stations, the REO displayed the expected queuing time for each OPS on its dedicated election website on the polling day in this election (see paragraphs 7.38 to 7.39 above for details of the operational problems). Relevant notice boards were also erected by polling staff outside each OPS and the ECC polling station to remind electors of the expected queuing time;

(e) Setting out appropriate time indicators for completing certain electoral procedures to PROs

The EAC observed that in the 2021 ECSSOEs, some PROs did not seek directions from the CCC timely when problems arose. In view of this, for this election, the REO set out appropriate time indicators for certain electoral procedures. The PROs were required to deliver the FC ballot boxes and relevant electoral documents to the CCS and convert the polling station to a counting station within the suggested timeframes. Otherwise, the PROs had to report to the CCC for directives and support;

(f) Separating the reception of ballot boxes and ballot paper accounts from the reception of other electoral documents and materials

In the 2021 ECSSOEs, staff at the CCS were required to receive the ballot boxes together with the related electoral documents and materials at the same time. Since it took time for rectification of errors and omissions on the electoral documents so as to complete the handover procedure, there was a delay in the delivery of ballot boxes to the counting zone for counting. In view of this, the REO set up two areas at the counting zone for FCs, namely the Ballot Box Reception Area and the Document Reception Area, to separate the receipt of ballot boxes from that of other electoral documents in this election. Moreover, the number of ballot box reception counters was increased to 52 in this election, as compared with 36 in the 2016 LegCo General Election so as to expedite the reception process. As the REO also had stock of the electoral materials of the polling stations at the CCS, the handover process would not be affected even if polling staff had failed to bring along the electoral materials to the CCS;

(g) Reducing the returns on electoral statistics to be completed

The EAC noted that in the 2021 ECSSOEs, polling staff took much time during and after the poll to complete and crosscheck paper-based and electronic statistical returns. Therefore, the REO consolidated and reduced the electoral statistical returns to be used by polling stations in this election so as to facilitate the completion of the ballot paper accounts. The REO also provided polling staff

with practice sessions to better prepare them for completing electoral documents;

(h) Strengthening support service of the CCC

In the 2021 ECSSOEs, it transpired that only 3 out of the 4 ballot paper issuing desks available at the polling station at Sha Tin Town Hall were in operation in the morning of the polling day, whilst 1 ballot paper issuing desk was used for replacement of ballot papers for electors because the EPR application installed in the tablet of that issuing desk could not be activated. The fourth ballot paper issuing desk was only put into service at noon, and before that it had served only 1 voter who requested for the replacement of his/her ballot paper. This arrangement was not desirable. With regard to the failure of the polling staff to follow the procedure⁸ of notifying the EPR System Helpdesk at the CCC of the system operation problems, the REO raised the vigilance of staff at the CCC in this election. If any unusual delays or irregularities at the polling stations and counting stations were detected, CCC staff would take the initiative to study the problems and render assistance. Where necessary, they should also report to their seniors as early as possible to work out measures in response. Furthermore, the number of support service desks was increased to 13, as compared with 8 in the 2016 LegCo General Election, so that better and faster

⁸ According to the 2021 ECSSOEs Operational Manual, the PRO should report to the EPR System Helpdesk immediately in case of any operational problems with the EPR system.

assistance could be provided to solve various problems encountered by electoral staff on the polling day;

(i) Refining electronic counting operation of the OMR machines

In the 2021 ECSSOEs, when there were paper jams in the OMR electronic counting machines, the staff had to cancel the record of that batch of ballot papers from the electronic counting system and then adopt manual input by two operators to record the choices on each ballot paper for the counting of votes, which took a long time. To speed up the electronic counting process for the ECC in this election, the REO set up a total of 7 OMR machines for the counting of votes. Besides, 10 manual key-in entry workstations were set up for valid ballot papers which could not be processed by the OMR machines. In addition, the number of ballot papers to be fed into the OMR machines in a single batch was standardised to 20 to reduce the chance of paper jam in the machines. In case of paper jam, there would be special handling before putting back to the OMR machines for counting, i.e. the REO would void the record of that batch of ballot papers in the counting system and use another OMR machine to count that batch of ballot papers under the witness of the independent computer auditor, the counting system contractor and candidates and/or their agents. As for the ballot paper being jammed, the choices thereon would be input manually; and

(j) Setting up more questionable ballot paper determination tables

In the 2021 ECSSOEs, only 3 questionable ballot paper

determination tables were set up in the counting zones for shared use by 13 subsectors. In this election, the ECC and every FC each has its own questionable ballot paper determination table⁹ in the counting zones to speed up the counting process.

14.3 Besides, the following new/enhanced measures were also adopted in this election:

(a) Delivery of FC ballot boxes to the CCS

In past LegCo general elections, delivery of FC ballot boxes from the counting stations to the CCS was made only after the GC ballot boxes were opened by the PROs to ascertain whether there were any misplaced FC ballot papers. Any misplaced ballot papers found would be sent to the CCS together with the FC ballot boxes. In this election, to enable prompt delivery of FC ballot boxes to the CCS, all polling stations (except for SPSs and DPSs) would first send all the FC ballot boxes and ECC ballot boxes (applicable to ECC polling station only) to the CCS upon the close of poll so that the vote counting could start as soon as possible. If any misplaced ballot papers were found inside the GC ballot boxes upon they were opened, the counting staff would pack such ballot papers into sealed packets, complete the corresponding forms and deliver them to the CCS;

⁹ In the 2016 LegCo General Election, 16 questionable ballot paper determination tables were set up in the FC counting zones for shared use by 18 contested FCs.

(b) Strengthening training for polling and counting staff

Given the large scale of manpower and resources involved in this election which the REO could not cope with alone, the REO has recruited about 39 000 serving civil servants to serve as electoral staff for this election. Nonetheless, sufficient staff training before the election was essential to the smooth implementation of the electoral arrangements. In this regard, the REO has especially introduced new types of training and significantly increased the total training hours, with a view to reinforcing electoral staff's work knowledge and skills and ensuring their conversancy with the duties assigned (see paragraphs 14.22 to 14.28 below on "Training, Rehearsals and Practice Sessions for Electoral Staff" for details).

(c) Setting up polling stations at boundary control points

Since the outbreak of the COVID-19 epidemic, cross-boundary travel between the Mainland and Hong Kong had yet to resume normal and a large number of Hong Kong residents were still in the Mainland. To facilitate electors in the Mainland to cast their votes, the HKSAR Government enlisted necessary assistance and support from the relevant Mainland authorities. The Mainland authorities rendered full co-operation and agreed to temporarily set up polling stations at 3 boundary control points, namely the Heung Yuen Wai, Lo Wu and Lok Ma Chau Spur Line control points, to facilitate eligible GC and FC electors in the Mainland to be exempted from quarantine when returning to Hong Kong to cast their votes, upon fulfilling certain criteria; and

(d) Setting up polling stations at PBQC

Since 85 electors undergoing compulsory quarantine on the polling day at the PBQC had expressed their wish to vote, the REO set up two polling stations at the PBQC with the co-ordination and arrangement made by the FHB and the CHP. To prevent spreading the virus to the community through ballot papers, each and every ballot paper was disinfected by an ultraviolet light chamber before being transported out of the PBQC to the counting station.

Section 2 – Operational Matters

(A) The EPR System

14.4 The EPR system adopted in this LegCo General Election was in the main that used for the 2021 ECSSOEs in terms of its system functions. However, with increased scale of hardware and system installation, technician support and logistics by hundreds of times, the difficulty in EPR system installation and testing for this election had also increased tremendously. Among the 630 OPSs, 1 ECC polling station, 3 BCP Polling Stations and 2 polling stations at PBQC, only 596 polling stations with wired network coverage adopted the EPR system for issuing ballot papers, while printed copies of the FR were used instead of the EPR system for ballot paper issuance at the remaining

40 polling stations¹⁰ (including 38 OPSs and 2 polling stations at PBQC) where wired network coverage was unsatisfactory, or there were difficulties in installation and technical support due to its remote location.

14.5 Due to instability of power and unstable network connection or operation of the EPR system, the poll at 7 OPSs (i.e. polling stations at Caritas St. Joseph Secondary School, Wong Tai Sin Community Centre, Hong Kong Sheng Kung Hui St. Thomas' Church, Tsing Yi Trade Association Primary School, Kowloon Technical School, Buddhist Lim Kim Tian Memorial Primary School and Po Leung Kuk Tian Teck Proactive Concern Centre for the Elderly) was interrupted for 3 to 22 minutes. After taking into consideration the relevant circumstances, the EAC decided to extend the corresponding polling hours accordingly for these polling stations, to compensate the polling time for the electors.

14.6 Besides, unstable network connection at some polling stations in remote areas led to a longer queuing time for electors. For example, the polling station at Sik Kong Wai Village Office in Yuen Long had reported instability of its wired network connection. The connection was improved upon the on-site technical support and adjustments provided by the network contractor.

14.7 As a whole, the process of issuing ballot papers using the EPR system in this election was generally smooth. This was largely attributed to the professional advice from 3 members of the EPR System Technical Advisory Committee (i.e. the Convener, Ir Sunny LEE (Vice President (Administration)) of City University of Hong Kong and Board Chairman of Hong Kong Applied

¹⁰ Due to the sudden surge in the number of people undergoing quarantine at the PBQC when the polling day was approaching, in addition to the polling station serving in Phase 3A of the PBQC, the reserve polling station in Phase 3B was required to commence operation to facilitate the voting of electors confined in Phase 3B. Given that the EPR system was also not used in the Phase 3B polling station, the number of polling stations not using the EPR system increased from 39 as initially announced to 40.

Science and Technology Research Institute Company Limited) and the other two members (Ir Susanna SHEN (Head of Corporate IT of The Hong Kong and China Gas Company Ltd.) and Mr Wilson WONG (Chief Executive Officer of Hong Kong Internet Registration Corporation Limited), as well as the full support of the Office of the Government Chief Information Officer.

14.8 **Recommendation:** Regarding the EPR system not being used in the 40 polling stations, the EAC understands that the use of the EPR system requires stable Internet connection, and the overall installation and arrangement for urgent technical support in case of system failure should be practical and dependable. In view of the advancement in the Fifth Generation (5G) mobile communications technology, the EAC recommends that the REO should conduct comprehensive stability testing on wireless signal transmission through 5G mobile communications technology in those polling stations. Subject to the passing of relevant testing standards, the REO may consider employing 5G mobile communications technology instead of cable network to connect the EPR system in the said polling stations.

14.9 Besides, the EAC recommends that the REO should, having regard to the actual experience gained in the use of the EPR system this time, review and continue to improve the entire technology and support solution for the system, explore how to optimise the existing set-up of the Internet and local cable network, so as to further enhance the stability and efficiency of the system.

14.10 The EAC also recommends that the EPR System Technical Advisory Committee should continue to be established in future election cycles, with professionals in the information technology industry invited to be members. This, apart from providing the EAC with professional advice on improving the EPR system, would also boost public confidence in applying information technology in elections, thereby laying a sound foundation for further implementation of electronic means in the election process in the long run.

(B) **“Absence from Duty” of Technicians from the Contractor Responsible for Installing Local Area Network of the Electronic Poll Register System**

14.11 Regarding the network service required in this election, the network service provider which had provided the relevant service for the 2021 ECSSOEs was engaged in accordance with the established procedure to again install the local area network (“LAN”) for the OPSs using the EPR. The service included the supply, delivery and installation of network equipment (including the pre-assembled network cabinet, network switch, router, un-interruptible power supply, etc.) for every polling station, on-site work at the polling stations including the wiring of network cables for counters/desks and their proper connection with the network switch, the connection of pre-wired broadband cables with the router, and the conduct of checks and testing according to the procedures after completion of LAN installation to ensure that all network devices and broadband and network cables were properly installed, connected and operable.

14.12 According to the overall operational plan provided by the network service contractor before the set-up day (i.e. one day before the polling day on 19 December 2021), about 1 000 temporary technicians (including reserve staff) should be provided by the network service contractor on the set-up day to complete the LAN installation for all polling stations using the EPR system. On the set-up day, however, temporary technicians failed to show up at 160 polling stations within reasonable time to conduct the network installation, thus hampering the progress of the overall venue set-up. After discussions at the urgent meeting between the REO and the network service provider in the morning on the set-up day, the contractor deployed reserve temporary technicians to carry out LAN installation at some polling stations, which lacked technicians. On the other hand, 40 members of the Assistant Presiding Officers (Information Technology) (“APROs(IT)”) Special Team (see paragraph 14.18

below for details) were promptly deployed by the REO to provide emergency support on the set-up day at polling stations, which lacked technicians. The on-site APROs(IT) who were responsible for monitoring the installation that day were also entrusted with the mission at this critical moment to help complete the LAN installation for the polling stations with their professional know-how and skills, and also under the distance guidance by the REO.

14.13 Upon conclusion of this election, a review meeting was held immediately between the REO and the network service contractor. Both sides agreed that the delay in LAN installation was caused by poor overall co-ordination and inadequate management of the subcontractor over the temporary technicians. The REO considered that the contingency response of the network service contractor was inadequate, who should have prepared a fall-back plan so that replacement could be deployed in time when temporary technicians were absent. For this incident, the REO would deduct relevant costs payable to the network service contractor in accordance with the contract in consultation with the DoJ.

14.14 **Recommendation:** The EAC considers that the LAN installation for nearly 600 polling stations across the territory in one single day is a mammoth task in terms of technical support as well as logistics and manpower. It is difficult to co-ordinate different resources on all fronts concurrently within a short time. Therefore, the EAC recommends that the REO should increase the number of days for venue set-up and request earlier takeover of venues of polling stations for set-up and LAN installation, with a view to reducing the demand for technical support, logistics and technicians within a single day, thereby ensuring that sufficient technicians can provide information technology system-related support for polling stations. The EAC also opines that the smooth implementation of the EPR system in this election, despite the unexpected absence from duty of temporary technicians, was primarily attributed to the APROs(IT) Special Team and on-site APROs(IT) who served with a team spirit

and professional know-how. It reflects that the government employees can reliably accomplish urgent tasks within short notice and, on the contrary, reliance on a large number of temporary technicians to carry out essential processes integral to the operation of the EPR system in one single day may face serious risks. In this light, the EAC recommends that the REO should consider recruiting government employees (including information technology staff employed through a term-contract centrally administered by the Office of the Government Chief Information Officer) to support information technology initiatives in future elections so as to ensure service stability and quality. The EAC also recommends that the REO should explore the feasibility of engaging other network service providers to draw in more quality temporary technicians from the labour market, bearing in mind the need to closely monitor the performance of various network service providers. Besides, the REO should also assess the logistic and manpower requirements on the set-up day for all polling stations in considering whether early access to the venues for set-up work is necessary (see paragraphs 14.71 to 14.77 below on “REO’s Warehouses and Arrangements for Venue Set-up” for details).

(C) **Special Queuing Arrangements**

14.15 As stipulated in section 49A of the EAC (EP) (LC) Reg, the PRO may make special queuing arrangements for electors with special needs (including persons aged 70 years or above, pregnant women, or persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids). In this election, the PRO set up two queues outside the polling station, one for electors with special needs and the other for ordinary electors. Seats were also provided in the polling station for electors in need to take rest, and to join the special queue afterwards for collecting ballot papers. With the adoption of the EPR system in this election, each ballot paper issuing desk in the polling station was equipped with a tablet installed with the EPR system application for the issuance of ballot papers to any

electors assigned to that polling station. This was different from previous elections, where printed copies of FR were split and allocated to each ballot paper issuing desk according to the alphabetical prefixes of the HKID numbers of the electors, and each ballot paper issuing desk could only handle those electors belonging to certain alphabetical prefixes of the HKID numbers. With the ballot paper issuing desks being able to flexibly serve any elector, the special queuing arrangements ran smoothly on the polling day.

14.16 **Recommendation:** Taking into account the smooth operation of the special queuing arrangements in the 2021 ECSSOEs and this LegCo General Election, and the convenience available to electors with special needs in voting, the EAC is of the view that special queuing arrangements should continue to be in place for large-scale public elections in future (including the ECSSOEs, DC ordinary elections and LegCo general elections) to facilitate voting of the above electors with special needs.

(D) Recruitment of Electoral Staff

14.17 As the REO encountered great difficulties in recruiting sufficient and suitable electoral staff for the 2020 LegCo General Election, the EAC recommended in its Report on the 2020 LegCo General Election that the Government and the REO should explore whether, instead of relying solely on civil servants to take up electoral posts voluntarily, to change to an arrangement in which the Heads of Department/Grade made available sufficient and suitable serving civil servants to serve as electoral staff at all ranks. In view of the need to recruit about 39 000 electoral staff for this election to carry out a number of new measures at polling stations, such as setting up special queues to facilitate persons with special needs to collect ballot papers, implementing measures to prevent the spread of COVID-19 epidemic, and announcing the expected queuing time of each polling station, etc., the Government adopted the EAC's recommendation, that all Heads of Bureaux and Departments be invited to

nominate sufficient and suitable serving civil servants for electoral posts. The REO issued invitation for nominations to all bureaux and departments in August 2021, specifying the nomination quota for all ranks of electoral staff from that bureau/department. The Secretary for the Civil Service issued a letter to all civil servants in October and gave directions according to the related Civil Service Regulations to civil servants nominated by Heads of Bureaux and Departments to take up electoral work in this election. The CMAB also issued emails to all Heads of Departments in November to further appeal to them to nominate sufficient and suitable serving civil servants for electoral posts.

14.18 Besides, the REO recruited in this election over 600 Analyst/Programmer grade staff as APROs(IT) who were assigned to polling stations to provide technical support for the operation of the EPR system after receiving training for electoral staff. Also, under the co-ordination of the Office of the Government Chief Information Officer, the REO had a total of 40 Analyst/Programmer grade staff on secondment from a number of departments. After receiving 3-week intensive enhanced training, these staff formed a Special Team to assist in various types of preparatory work for the EPR system before the election and provide emergency support for polling stations when necessary.

14.19 For the training programme provided for APROs(IT) and the 20 hands-on practice sessions on the EPR system organised for polling staff, members of the Special Team served as group instructors to explain to participants the operation of the system and matters requiring attention. During the venue set-up day, members of the Special Team also visited a number of polling stations to help with the network and system installation. They also rendered immediate emergency support when on-site APROs(IT) encountered system problems or required assistance, so as to ensure proper setting and operation of the system.

14.20 **Recommendation:** The EAC is grateful to the Secretary for the Civil Service, the Secretary for Constitutional and Mainland Affairs and all Heads of Bureaux and Departments for their staunch assistance in successfully implementing the arrangement for Heads of Bureaux and Departments to nominate sufficient and suitable serving civil servants to perform electoral duties, through which about 39 000 electoral staff were recruited. However, as the number of electoral staff at different ranks to be nominated by each bureau/department did not necessarily match the number of civil servants qualified for the relevant electoral work in that bureau/department, manpower mismatch has occurred in some cases. The REO, therefore, encountered difficulties in recruiting electoral staff for the posts of APRO and Polling Officer. The EAC recommends that the REO should conduct a review on the issue and, when formulating the nomination quota for each level of electoral posts for each department in future, take into account the departments' views on the arrangement, such as the operational needs of individual departments on the polling day and the day after. Besides, the REO should enhance the manpower deployment by, for instance, allowing more flexibility when inviting Heads of Bureaux/Departments to nominate sufficient and suitable serving civil servants to take up electoral posts of all ranks. The circular memorandum inviting nomination should specify that the REO may, having regard to the actual and latest operational needs as well as the nominated officers' qualifications, assign the nominees to different electoral posts.

14.21 The EAC is pleased to note the feedback from many PROs and APROs(IT) in this election that the Special Team had rendered very reliable and effective support by giving them appropriate assistance. Therefore, the EAC recommends maintaining the Special Team in future elections and increasing the number of its members to optimise the officer-to-stations ratio in order to provide prompt and better technical support for the polling stations.

(E) **Training, Rehearsals and Practice Sessions for Electoral Staff**

14.22 Heads of Bureaux and Departments were required to nominate about 39 000 serving civil servants as electoral staff for this election. Many of them had no past experience in electoral work. Besides, as compared with past LegCo general elections or DC ordinary elections, a number of new arrangements were put in place in this election, including special queues, the EPR system and precautionary measures against the spread of COVID-19, etc. Additional polling stations were also set up at boundary control points and the PBQC to facilitate the voting of electors. In order to implement the new arrangements and ensure that electoral staff were familiarised with their duties, the REO had enhanced training for polling and counting staff in this election, so as to achieve smooth operation of the polling stations and counting stations on the polling day.

14.23 Regarding the types of training, apart from polling management training for PROs and DPROs as well as general briefing and training for electoral staff as in the past, the REO had specially introduced new types of training in this election, such as:

- (a) nearly 60 half-day group drill programmes were arranged for PROs and DPROs who could, through practice sessions and simulated activities, familiarise themselves with the details of the procedures and arrangements and have better understanding of the contingency measures to be taken in case of emergency;
- (b) 20 hands-on practice sessions on the EPR system were organised to help polling staff including PROs, APROs(IT) and Polling Officers familiarise themselves with the operation of the EPR system;

- (c) practice sessions were organised for electoral staff at various ranks (e.g. polling staff responsible for compiling statistical returns);
- (d) an on-site simulated rehearsal was conducted for counting staff and ROs of the ECC. More than 1 400 marked mock ballot papers were provided to enhance the authenticity of rehearsal; and
- (e) an in-depth training cum simulated rehearsal session was arranged for supervisory counting staff of the FCs to ensure that they were capable of supervising Counting Officers and Counting Assistants in the execution of their duties.

14.24 With the enhanced training for polling and counting staff mentioned above, the total training time in this election also increased significantly. For example:

- (a) the general briefing mandatory for all polling staff was expanded from only half a day previously to one full day; and
- (b) the polling management training for PROs and DPROs was also expanded from only half a day previously to one full day. Besides, a half-day group drill programme was added. Coupled with the one-day general briefing and half-day training for polling staff responsible for compiling statistical returns, the training time for PROs and DPROs doubled from the previous 1.5 days to 3 days.

14.25 To help electoral staff refresh and reinforce their knowledge of every detail of the workflow, the REO uploaded the training videos and the video recordings of the polling management training and general briefing to the

dedicated website of the REO and the website of Cyber Learning Centre Plus. Besides, on the day preceding the polling day:

- (a) apart from the usual venue set-up work, polling staff were also required to attend a rehearsal to get prepared for the polling and counting duties; and
- (b) as with past arrangements, the REO held a half-day briefing-cum-operation rehearsal for all counting staff working in the CCS.

14.26 **Recommendation:** Given the lack of relevant work experience among many electoral staff in this election, the EAC considers that the smooth conduct of the election demonstrates the necessity of sufficient training and rehearsals. The EAC recommends that the REO should continue to enhance training for polling and counting staff in future elections so as to reinforce their work knowledge and skills and ensure their conversancy with the duties assigned. Besides, the EAC expresses its gratitude to all the Heads of Bureaux/Departments, who not only nominated electoral staff for this election but also showed understanding as they granted 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.

14.27 With the growing number of electors and the scale of the elections, more civil servants would be needed for the electoral work in preparing for future elections. In view of this, the EAC recommends that election-related training be extended to cover the entire civil service. The related training can broadly comprise the following 4 aspects and be conducted in the following formats:

- (a) Interactive training via Cyber Learning Centre Plus
- (i) Basic training: to introduce to all civil servants the concepts of election, the voting systems, and the polling and counting procedures; and
 - (ii) Advanced training: to explain to civil servants interested in participating in electoral work the key provisions of the electoral law and the guidelines for election-related activities, the operation of polling stations and counting stations, the polling and counting arrangements, and complaint handling, etc. Assessments should be conducted for trainees before completion of the programme.

The above training programmes can be rolled out before the election cycle and conducted online with an interactive approach, so as to raise civil servants' awareness and interest in elections and attract their active participation in future electoral work.

- (b) Hands-on training provided by the REO
- (i) Practical training: to offer hands-on practice sessions on the operation of the EPR system, practices in compiling statistical returns, simulated activities, mock counting activities, etc.; and
 - (ii) On-site simulated rehearsal: on-site simulated rehearsals for polling and counting work can be arranged near the election. The hands-on training can prepare the electoral staff for more effective execution of their electoral duties. It also offers an opportunity of two-way communication to gauge their opinions on electoral work.

14.28 As the training mentioned in paragraph 14.27(a) above targets the civil service as a whole, the EAC recommends that the REO should consult the Civil Service College on how to take forward this recommendation.

(F) Identifying Polling Stations

14.29 In previous public elections, the REO encountered much difficulty in identifying venues as polling stations. For instance, some venues had been reserved for other activities on the polling day. However, with the Amendment Ordinance taking effect on 31 May 2021, the newly added section 28A of the EAC (EP) (LC) Reg empowers the CEO to require by written notice the owner or occupier of any school or building occupied by an organisation/association/body in respect of which a grant is made out of the Government's general revenue, to allow a person authorised by the CEO to carry out a site visit at the premises, and if the premises are considered suitable for use as a polling station or counting station, to require by written notice the owner or occupier of the premises to make available the premises for use as a polling station or counting station in the election, and to allow a person authorised by the CEO to carry out preparatory work and store materials at the premises. A person who fails to comply with the aforesaid requirement is liable to pay a financial penalty of \$50,000. The leasing of venues for this election by the REO was relatively smooth, with 630 venues successfully secured for use as OPSs at last without invoking the aforementioned regulation.

14.30 **Recommendation:** The EAC noted that among the 636 polling stations¹¹, 40 used the printed copy of the FR in issuing ballot papers instead of the EPR system because of poor network coverage or difficulties in installation and support due to their remote locations. Therefore, in addition to the

¹¹ Including 630 OPSs, 1 ECC polling station, 3 BCP Polling Stations and 2 polling stations at PBQC.

recommendation in paragraph 14.8 above that the REO should conduct comprehensive stability testing on wireless signal transmission through 5G mobile communications technology in these polling stations, the EAC also recommends that when identifying venues for use as polling stations in future, the REO should consider whether the venues can support the use of the EPR system.

(G) Arrangement of Small Polling Stations

14.31 According to section 28(1B) of the EAC (EP) (LC) Reg, SPS means a polling station allocated with less than 500 electors in a LegCo general election¹². A total of 10 SPSs were set up in this election. In consideration of the secrecy of the ballot, SPSs are used for polling only but not vote counting. Ballot boxes of the SPSs will be delivered to the respective MCSs after the close of poll, where the ballot papers contained therein will be mixed with those at the MCSs before counting.

14.32 The SPSs were first introduced in the 2003 DC Election. During the discussion of amendments to relevant electoral regulations, some LegCo Members showed concerns about the secrecy of votes for polling stations with inadequate number of electors. In response to Members' concerns, the Government submitted revised proposal on the related counting arrangement for SPSs. However, the LegCo did not conduct detailed discussion on the electorate threshold for a SPS in the LegCo general elections and DC ordinary elections at that time.

¹² In accordance with section 31(1C) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541F), a polling station allocated with less than 200 electors will be designated as a SPS in a DC ordinary election.

14.33 **Recommendation:** The EAC considers that the current electorate thresholds set for SPSs in DC ordinary elections and LegCo general elections are relatively high, which are far greater than necessary to safeguard the secrecy of the ballot. The EAC recommends that the REO should review the current electorate thresholds for SPSs (e.g. set to 50 electors), and consider whether the electorate thresholds for SPSs should be aligned in the above two elections (i.e. DC ordinary elections and LegCo general elections).

(H) Arrangement for Electors to Return from Mainland to Hong Kong to Vote

14.34 All along, all electors living outside Hong Kong must return to Hong Kong to vote at designated polling stations. Therefore, many registered electors in the Mainland would return to Hong Kong on the polling day to vote. However, in this election, quite a number of these electors were not able to return from the Mainland to Hong Kong in time due to quarantine and isolation measures amid the COVID-19 pandemic. In this regard, to facilitate GC electors and FC electors who were in the Mainland but wished to return to Hong Kong to vote, the HKSAR Government made a special one-off arrangement to set up 3 polling stations at the boundary control points at Heung Yuen Wai, Lo Wu and Lok Ma Chau Spur Line. An elector who had pre-registered could be exempted from quarantine to vote at the designated BCP Polling Station after fulfilling certain criteria (see paragraphs 7.47 to 7.50 above for details).

14.35 The 3 BCP Polling Stations were all located within the territory of Hong Kong and therefore did not involve the question of extra-territorial voting. They served only registered electors living in the Mainland and wishing to return to Hong Kong to vote. According to the LCO, a person applying for registration as a GC elector must meet certain requirements, including that he/she is a permanent resident of Hong Kong; he/she ordinarily resides in Hong Kong; and during the application for registration, he/she has to report the residential

address of his/her only or principal residence in Hong Kong. If a registered elector goes to live, work or study outside of Hong Kong in the future, he/she will still have the right to return to Hong Kong to vote as long as he/she meets the “ordinarily residing in Hong Kong” requirement.

14.36 As stipulated in the LCO, a person registered as an elector for a GC or FC may not be prevented from voting at an election for the constituency only because the person’s name should not have been included in the FR prepared for the constituency. However, if the person is no longer eligible for VR because, for example, he/she no longer ordinarily resides in Hong Kong or does not have an only or principal residence in Hong Kong, then he/she is disqualified from voting at an election according to the LCO. If a person votes at an election knowing that he/she is not entitled to do so, the person engages in corrupt conduct at an election under the ECICO.

14.37 **Recommendation:** The EAC considers that the arrangement of setting up polling stations at boundary control points was generally smooth. As for whether this special one-off arrangement is applicable to future public elections, it cannot be generalised and will depend on the actual circumstances. After all, the arrangement was intended to be one-off for registered electors who were in the Mainland and unable to return to Hong Kong to vote due to the pandemic. In addition, the EAC has noted that there were electors who erroneously went to the BCP Polling Stations not allocated to them or polling stations in Hong Kong originally allocated to them to vote after registered to vote at BCP Polling Stations (see paragraph 7.50 above for details). The EAC recommends that if similar voting arrangements are implemented in the future, the entire arrangement should be reviewed and publicity should be further strengthened so that electors can fully understand the details of the arrangements, so as to avoid electors going to the wrong polling stations on the polling day which affects the operation of the polling stations concerned.

14.38 Regarding the requirement of “ordinarily residing in Hong Kong”, the EAC understands that the definition is not set out in the existing electoral law. In determining whether a person ordinarily resides in Hong Kong, neither the possession of a place of residence abroad nor the length of stay abroad should be decisive to rule the requirement of “ordinarily residing in Hong Kong” as being met or not.

14.39 As a matter of fact, in assessing whether a person “ordinarily resides in Hong Kong”, one needs to take into account a host of factors and the specific situation of each case, and determine according to the relevant judgments of the Court. The conclusion cannot be generalised. According to a judgment of the Court¹³, a person is considered ordinarily residing in a place if he/she remains in that place legally, voluntarily and for a settlement purpose (such as for education, employment or residence), regardless of the duration, and even if he/she is temporarily absent from that place for some reasons. The Court also pointed out that a person may ordinarily reside in two places at the same time.

14.40 For a Hong Kong permanent resident who used to reside in Hong Kong all along, if he/she has now set up for personal reasons another residence elsewhere but still returns to live in Hong Kong from time to time (such as for handling personal matters, social gatherings or family reunion), then he/she can still be regarded as maintaining a certain level of reasonable connection with Hong Kong. He/She fulfils the requirement of “ordinarily residing in Hong Kong” and therefore remains qualified to be an elector.

14.41 Among countries which adopt extra-territorial voting, some require those who have emigrated overseas for longer than a certain number of

¹³ *Lau San Ching v. Liu Apollonia* [1995] 5 HKPLR 23 citing *R.v. Barnet London Borough Council, ex parte Shah* [1983] 2 AC 309.

years to be barred from voting, while others do not impose such restrictions. The EAC considers that Hong Kong should maintain its well-established electoral system. In view of the complicated issues involved in extra-territorial voting (see paragraphs 10.23 to 10.30 of the Report on the 2020 LegCo General Election for details), the Government should conduct detailed studies from the policy and legal operation perspectives and there should be thorough discussions in society before a decision can be made.

(I) Electors of Two Polling Stations of New Territories South East GC Mistakenly Swapped

14.42 When allocating polling stations for electors of the eastern part of Sha Tin District of New Territories South East GC, the REO staff, due to wrong information input into the computer system, inadvertently swapped electors of two polling stations, namely CUHKFAA Chan Chun Ha Secondary School (Code: R2701) and PLK Riverain Primary School (Code: R2702), resulting in about 14 000 electors being mistakenly allocated to another polling station in the same GC.

14.43 After the REO was informed of the incident, it immediately conducted a full check and ascertained that there were no other similar cases in the other GCs. A press release was also issued in this regard to maintain the transparency of the election, and the following remedial measures were taken immediately:

- (a) a new poll card, attached with the location map of the polling station, was posted to all affected electors to inform them of the correct polling stations allocated to them;
- (b) notices were put up at prominent locations near the electors' places of residence as well as in the vicinity of and inside the two polling

stations concerned to remind electors to cast their votes at the correct polling stations; and

- (c) with the support of Sha Tin DO, additional staff were deployed to assist electors in the vicinity of the two polling stations on the polling day; the two PROs of the above-mentioned polling stations were informed of the situation beforehand to avoid affecting the voting process of electors.

14.44 **Recommendation:** The REO took appropriate remedial measures promptly after the incident. The polls of the polling stations concerned were concluded smoothly and no problems with voting of the electors were reported. To forestall the recurrence of similar incidents in future, the EAC considers that the REO should critically review and improve the existing allocation mechanism by, for example, deploying staff at different levels to enhance checking of information against the polling stations allocated.

(J) **Information of Candidates of New Territories South East GC Wrongly Attached to Poll Card Mails for New Territories North West GC**

14.45 In accordance with section 31 of EAC (EP) (LC) Reg, for every contested election, a poll card must be sent to each elector and AR at least 10 days before the polling day. Under the above regulation and the existing arrangement, the REO will post to each elector and AR a poll card, together with the Introduction to Candidates, a location map of the polling station, a voting procedure guide with an introduction to the documents required for collecting a ballot paper, as well as a publicity leaflet printed by the ICAC on clean election.

14.46 For this election, the REO had to handle and send out over 4.47 million poll card mails within about two weeks. As the respective GC and

constituency (if applicable) of each elector and AR and the polling station allocated to him/her might be different, the poll cards had to be correctly matched with the relevant Introduction to Candidates and location maps of the polling stations in the process of lettershopping. In view of the very tight schedule and complicated procedures involved in handling the poll card mails in this election, the REO had selected suitable service contractors through open tender to provide manual lettershopping and posting services for poll cards and relevant electoral documents.

14.47 When calling for tenders, the REO had specified in detail in the service specifications of the tender document the timetable, workflow and working procedures regarding the provision of relevant services. It also stated clearly with the aid of text and graphic illustrations that each poll card must be correctly matched with the Introduction to Candidates of the respective GC and constituency (if applicable) of an elector and the location map of the polling station allocated to him/her. In addition, the REO especially organised a briefing session for prospective tenderers to explain in detail the tender procedures as well as the service specifications and requirements. Representatives of the 4 service contractors ultimately awarded with the contracts also attended the briefing.

14.48 After the award of service contracts, the REO arranged working meetings for the 4 service contractors to explain in greater detail the workflow and points to note, and to remind them once again of the need to adopt effective measures to ensure correct matching between each poll card and the electoral documents. In the course of lettershopping provided by the service contractors, REO staff were sent to service contractors' workshops to conduct inspections and random checks, and to remind them from time to time that they should match the electoral documents carefully to avoid making mistakes.

14.49 On 2 December 2021, the REO received a call from an elector in the New Territories North West GC saying that the poll card mail he had received was erroneously attached with the Introduction to Candidates of the New Territories South East GC. After learning about the incident, the REO contacted the service contractor concerned immediately to understand the situation and sent staff to the service contractor's workshop to conduct an on-site investigation. The REO also liaised with electors suspected to be affected by the incident. After the investigation, the REO found that human errors were made by the service contractor during lettershopping and the Introduction to Candidates of another GC was erroneously mailed to tens of electors. The REO apologised to the affected electors, and promptly arranged mailing of the correct Introduction to Candidates to the electors concerned.

14.50 **Recommendation:** Currently, poll cards together with other electoral documents are posted by the REO to electors and ARs at least 10 days before the polling day to provide them with more electoral information. Although such electoral information is available to electors on the dedicated election website, the EAC considers it necessary for the REO to send these materials together with the poll cards to electors by post for the convenience of electors without the skills or means to access the Internet. The EAC has noted that the GCs assigned to electors in the territory have increased to 10 from the previous 5, and that the cover designs of the Introduction to Candidates for all GCs are basically the same, except for the different GC names and codes (i.e. LC1 to LC10). Since a service contractor may have to process poll card mails for several GCs, to facilitate differentiation of Introduction to Candidates from different GCs by workers doing the enveloping and prevent them from wrongly attaching the Introduction to Candidates of other GCs amid the heavy workload, the REO may refer to the practice adopted for FCs' Introduction to Candidates and assign a different colour to the cover page of each GC's Introduction to Candidates for easy identification by workers doing the enveloping. Besides, the EAC recommends that the REO should consider further tightening quality

control measures on the service contractor in the service contract. For example, it may require the service contractor to conduct random checks during the lettershopping process so that a specified percentage of poll card mails for each polling station will be examined to identify irregularities as early as possible. On the other hand, the EAC recommends that the REO should study the feasibility of automated lettershopping by machines before the next large-scale public election, which should effectively cope with huge loads of complex poll card mails and minimise the chance of error under a tight timeframe.

(K) The Mobile Input System for Electoral Statistics Out of Service

14.51 As the MISES was not functioning on the polling day (see paragraphs 7.34 to 7.39 above for details), the REO decided to activate the fall-back plan and instructed polling stations to follow the arrangement in past elections, i.e. to submit electoral statistics by fax and phone to the SIC for manual input into the Electronic Voter Turnout Compilation System. Besides, the REO originally arranged to collect the expected queuing time of each OPS through the MISES. However, due to the login failure of the MISES, it was not until the afternoon that the relevant data was uploaded onto the dedicated election website. After confirming the smooth operation of the system for checking of expected queuing times for polling stations, the REO issued a press release at 3:54 pm that day to announce the resumption of the said system.

14.52 Taking into account that over 600 polling stations were involved in this election, representing an increase of dozens of times as compared with the Pilot Scheme for the MISES in the 2019 DC Ordinary Election, the REO had conducted a number of load tests for the MISES from October to December 2021. After expanding the server capacity, it passed the tests and allowed a total of 1 600 users to log on within 15 minutes and use the MISES at the same time. The REO attributed this incident mainly to the lack of server capacity to

handle a large number of accounts logging on at the same time within an extremely short period of time.

14.53 **Recommendation:** In the EAC's opinion, it is the trend to use information technology to enhance the smooth conduct of elections and the accuracy of electoral data. The EAC considers that the REO should seek professional advice from the Office of the Government Chief Information Officer regarding the malfunctioning of the MISES due to server overload resulting from simultaneous log on by a large number of accounts within an extremely short period of time, and should discuss with the contractor possible technical solutions. In future elections, the MISES should be adequately tested by the REO before the polling day to ensure its stable operation.

(L) Delay in the Opening of Certain Polling Stations

14.54 In the morning of the polling day, 4 polling stations at Cheung Sha Wan Sports Centre (Code: F1901), Castle Peak Catholic Primary School (Code: L0102), Ho Tak Kindergarten (Sponsored by Sik Sik Yuen) (Code: H1301) and The Education University of Hong Kong Jockey Club Primary School (Code: P1803) took longer time to complete the preparatory work (including locking and sealing of ballot boxes, verification of agents of the candidates, etc.) for opening the polling stations, causing a delay in the opening of the poll by 2 to 9 minutes. These 4 polling stations were opened for electors to vote as soon as the relevant work was completed.

14.55 To ensure a 14-hour polling time for electors at each of the polling stations, the EAC, having considered the reasons provided by the PROs for the delay in the opening of the polling stations and the duration of the delay, decided to extend the polling hours of these polling stations accordingly to allow affected electors to vote. The EAC also issued press releases in the afternoon of the

polling day to announce the arrangement, and notices on the postponed closing times of the polling stations concerned were displayed at the polling stations.

14.56 Besides, the REO learnt from the questionnaires returned by staff of the polling station at Tai Mei Tuk Village Office (Code: P1801) in mid-January 2022 regarding the arrangements at the polling station that the opening of the polling station which should have opened at 8:30 am was delayed by 7 minutes, but the REO did not receive any report about it on the polling day. Subsequent investigations by the REO revealed that the opening of the polling station was delayed by 7 minutes because much time was spent on the locking and sealing of ballot boxes before the opening of the polling station. According to the PRO concerned, the APRO(Statistics) was assigned by her on that day to deal with matters about the polling station's opening time including reporting it to the SIC, and she was not informed by any of the polling staff or those present of the delay in the opening of the polling station, which was why no such report was made by her to the REO. However, the APRO denied having been assigned by the PRO with the tasks mentioned above. According to records of the SIC, a staff member of that polling station informed the SIC by telephone in the morning of the polling day that the polling station was opened at 8:30 am. However, as the tele-conversations between SIC officers and polling staff were not recorded, it was uncertain whether it was the APRO(Statistics) who reported the opening time of the polling station to the SIC on the polling day. Besides, according to the DPRO and APRO who were maintaining order outside the station, there were about 20 electors queuing outside the entrance before the opening of the polling station, and 3 or 4 of them queried why the polling station was not yet opened but none of them left the polling station.

14.57 **Recommendation:** The EAC considers that the incidents at the 4 polling stations mentioned in paragraph 14.54 above show that there is room for improvement in the preparatory work for the opening of polling stations. The EAC noted that the REO has highlighted repeatedly both in the operational

manual and the training sessions for polling staff the utmost importance of opening the polling stations on time. In case enquiries are raised by candidates or their agents when a polling station is about to open, the polling staff should tell them that the polling station must open on time, and that their enquiries will be addressed after the polling station is open. The EAC considers that the REO should step up training for polling staff on the procedures for opening polling stations, so as to ensure that the polling staff open the stations on time and that proper procedures for opening polling stations, including registration of candidates or their agents, opening of sealed packets containing ballot papers, sealing of ballot boxes and handling questions raised by candidates or their agents, etc., are properly conducted without affecting the opening hours of the polling stations.

14.58 As regards the incident at the polling station in Tai Mei Tuk Village Office (Code: P1801), the EAC considers the situation very undesirable. Fortunately, the electors waiting outside the polling station did not leave and hence no unfairness had been resulted. As the EAC was not informed by the PRO of the delay in the opening of the polling station, it was unable to follow the usual practice of extending the opening hours of the polling station accordingly on the polling day for affected electors to vote. Moreover, the EAC considers the explanation of the PRO regarding this incident, as described in paragraph 14.56 above, unjustifiable. This is because, in the operational manual issued by the REO to PROs and other polling staff for this election, it was clearly specified that PROs should open the polling stations to admit electors at 8:30 am sharp. If any polling station could not be opened at the aforementioned time due to exceptional circumstances, the PRO should notify the CCC immediately. Therefore, the EAC is of the view that the PRO concerned failed to perform her duty in compliance with the requirements in the manual, and follow-up actions will be taken against her. In addition, the EAC opines that the REO should enhance the training for PROs to ensure that they follow the requirements set out in the REO's operational manual when

performing electoral duties. Since the timely opening of polling stations for electors to vote is of utmost importance, the EAC suggests that the opening time of polling stations should be reported to the SIC by PROs personally in future. The REO should formulate the relevant procedures and ensure the proper keeping of the related records.

(M) Handling of Misplaced Ballot Papers

14.59 As in previous LegCo general elections, the REO has taken the following measures to prevent electors from putting their ballot papers into the wrong ballot boxes in this election:

- (a) the ballot papers for GC, FC and ECC were of different sizes, colours, coloured patterns and codes. To enable electors to put their ballot papers into the correct ballot boxes, the coloured pattern/main colour on the back of the ballot papers for GC, FC and ECC¹⁴ corresponded with the colour of the respective ballot boxes, and a notice showing the pattern on the back of the ballot papers was also placed on top of the corresponding ballot boxes to remind electors to put their ballot papers into the correct ballot boxes;
- (b) when issuing ballot papers at ballot paper issuing desks in polling stations, polling staff would explain to electors how to mark a ballot paper and remind them to put the ballot paper into the correct ballot box. If more than one ballot paper was issued to an elector,

¹⁴ The back of the GC ballot paper was printed with a blue pattern, and GC electors should put their marked ballot papers into blue ballot boxes. The back of the FC ballot paper was printed with a red pattern, and FC electors should put their marked ballot papers into red ballot boxes. The back of the ECC ballot paper was mainly white, and ECC electors should put their marked ballot papers into white ballot boxes.

the polling staff would remind the elector to insert the ballot papers into the corresponding ballot boxes according to the colours of ballot papers for different constituencies;

- (c) when issued with the ballot paper(s), an elector would also be provided with a colour cardboard, the colour of which indicated the number and combination of ballot papers issued to that elector according to his/her entitlement (e.g. an elector issued with one GC ballot paper and one FC ballot paper would be given a red cardboard). Polling staff manning the ballot boxes could then identify the number and type of ballot paper possessed by the elector by the colour of the cardboard he/she held, so as to remind the elector to insert the ballot paper into the correct ballot box and prevent him/her from taking the ballot paper away from the polling station; and
- (d) notices were displayed in the voting compartments to remind electors to insert ballot papers for different constituencies into the corresponding ballot boxes.

14.60 Regarding the handling of misplaced ballot papers, all ballot papers misplaced in GC, FC or ECC ballot boxes would be counted centrally in the CCS. For this purpose, in addition to the counting zones for FCs and the ECC, a counting zone was set up specifically in the CCS for counting GC ballot papers misplaced in FC or ECC ballot boxes. FC ballot papers misplaced in ECC ballot boxes would be transferred to the counting zone of the respective FCs for counting, and ECC ballot papers misplaced in FC ballot boxes would be transferred to the counting zone of the ECC. As for FC and/or ECC ballot

papers misplaced in GC ballot boxes¹⁵, they would be sent to the CCS for counting. To ensure the secrecy of the ballot, misplaced FC ballot papers sifted out from GC or ECC ballot boxes would be delivered to the CCS and mixed with the ballot papers of that constituency set aside for mixing with misplaced ballot papers before counting.

14.61 In past LegCo general elections, delivery of FC ballot boxes by the counting staff to the CCS was made after the GC ballot boxes were opened by the PROs to ascertain whether there were any FC ballot papers. Such misplaced ballot papers, if any, would be sent to the CCS together with the FC ballot boxes. In this election, to enable prompt delivery of FC ballot boxes to the CCS, all polling stations (except for SPSs and DPSs) would first deliver the FC ballot boxes and ECC ballot boxes (applicable to the ECC polling station only) to the CCS upon the close of poll so that the vote counting could start as soon as possible. If any misplaced ballot papers were found inside the GC ballot boxes after they were opened, the counting staff would pack such ballot papers into sealed packets, complete the corresponding forms and then deliver them to the CCS.

14.62 However, even if the above arrangement was adopted, it was still only after all GC ballot boxes were opened by over 600 PROs to ascertain that there was no misplaced ballot paper that the ROs of FCs could count those ballot papers which had been set aside for mixing with the misplaced ballot papers in their respective FCs and announce the counting results. If there were any misplaced ballot papers, the ROs of the FCs concerned had to wait for such misplaced ballot papers to be delivered to the CCS and mixed with ballot papers set aside previously for mixing with misplaced ballot papers in their respective

¹⁵ An ECC elector could cast his/her votes for the ECC and his/her respective GC and FCs (if applicable) at the same time in the ECC polling station. Misplaced ECC ballot papers would only be found in GC or FC ballot boxes of that polling station.

FCs, before they could conduct the count and eventually announce the counting results. As for the ROs of GCs, they also had to wait for the opening of over 600 FC ballot boxes by the ROs of FCs to ascertain that there was no misplaced ballot paper or collect all misplaced ballot papers for the relevant GCs, before they could proceed with the count and announce the counting results¹⁶. Given the considerable number of polling stations, it took time for the ROs to wait for the processing of misplaced ballot papers by the staff.

14.63 The REO eventually only found 2 GC ballot papers misplaced in FC ballot boxes in this election and no misplaced ballot paper for the FC was found in the GC ballot boxes. In the 2016 LegCo General Election, as far as the GC and traditional FC ballot boxes were concerned, 1 misplaced traditional FC ballot paper was found in the GC ballot box¹⁷ and 1 misplaced GC ballot paper was found in the traditional FC ballot box.

14.64 **Recommendation:** The EAC has noted that, as mentioned in paragraph 14.59 above, the REO had adopted a series of measures to avoid the misplacement of ballot papers, and with these measures adopted, the number of misplaced ballot papers in this election was kept to a minimal, and did not have a material impact on the election results. However, the verification of the number of misplaced ballot papers and the relevant follow-up work would involve a lot of manpower and effort, and might delay the time for the counting of votes and announcement of election results. To further streamline and speed up the counting process, there are suggestions that misplaced ballot papers be regarded as invalid and excluded from the count. Although this will mean that

¹⁶ For the ECC, the ROs would only need to ascertain that there was no misplaced ECC ballot paper in those GC ballot boxes and FC ballot boxes in the ECC polling station.

¹⁷ In the 2016 LegCo General Election, a total of 218 misplaced DC (second) FC ballot papers were found inside all the GC ballot boxes, while 59 misplaced DC (second) FC ballot papers were found in all the traditional FCs ballot boxes. Following the commencement of the Amendment Ordinance on 31 May 2021, the DC (second) FC has been abolished.

the votes of those electors whose ballot papers are misplaced will not be counted, the EAC opines that taking into consideration all the above factors, especially the fact that such misplaced ballot papers did not have a material impact on the election results in previous elections, the above suggestion at the policy level may be worth studying by the authority.

(N) **Delay at Counters for Handover of Electoral Documents in the Central Counting Station**

14.65 Drawing on the experience from the 2021 ECSSOEs¹⁸, the REO set up different areas in the CCS in this election to separate the reception of FC ballot boxes from that of electoral documents, with a view to commencing the count as soon as possible. There were 52 counters in the ballot box reception area and 14 counters in the electoral document reception area. The REO originally expected that, with diversion in place, the handover process would be smoother than before as staff at the ballot box reception area only needed to check the condition of ballot boxes and the ballot paper accounts (Form P(18)), and there would be room for converting some counters for reception of electoral documents after completing part of the ballot box reception work.

14.66 However, some polling staff made mistakes while filling in the ballot paper accounts (e.g. failing to fill in a separate ballot paper account for each FC), staff at the CCS therefore had to contact the PROs concerned at once for appropriate remedial arrangement (e.g. requesting staff responsible for the delivery of ballot box and electoral documents to fill in the returns on the spot). This affected the efficiency of the ballot box reception area and disrupted the conversion of some ballot box reception counters for receiving electoral

¹⁸ In the “Investigation Report on the Long Queues at Polling Stations and the Prolonged Time Taken in Counting Votes in the 2021 ECSSOEs”, the EAC considers that the receipt of ballot boxes and ballot paper accounts should be separated from that of other electoral documents and materials, in order to expedite the completion of the handover of ballot boxes for counting.

documents in a timely manner, and there was once a queue of nearly 100 people at the electoral document reception area. As the staff responsible for the delivery of ballot box and electoral documents were very tired after a full day's work, some of them once made an outcry.

14.67 Furthermore, some polling staff forgot to bring along the delivery note (Form P(9)) which was required for handover of documents, and some PROs did not sign on the delivery notes. Staff responsible for delivering the electoral documents had to stay at the document reception area and contact the respective PROs to ascertain the information before the handover could be completed. As a result, the reception of documents took longer time than expected.

14.68 To speed up the reception process, the REO took immediate contingency measures by progressively converting the ballot box reception counters for receiving electoral documents. 26 additional reception counters were eventually in place.

14.69 **Recommendation:** The EAC considers that as separate handling of ballot boxes and electoral documents helped expedite commencement of the count for FCs, the arrangement should continue in future LegCo elections. To prevent recurrence of similar incidents in future, the EAC recommends that the REO should set up sufficient counters when determining the number of counters for reception of electoral documents in future elections, and enhance training to electoral staff on completion of the ballot paper account and the delivery note. The REO should also announce the latest waiting situation to the polling staff in the queue.

14.70 The EAC noted that some of the polling staff responsible for the delivery of ballot boxes and electoral documents had actively prepared for the

election from days before the polling day to the set-up day, worked late into the night on the set-up day, and served long hours at the polling stations on the polling day. They were fully devoted to the electoral work and the EAC would like to extend its heartfelt gratitude to them.

(O) REO's Warehouses and Arrangements for Venue Set-up

14.71 On the set-up day, some polling stations did not receive all electoral materials as scheduled. Although the venue set-up and conduct of rehearsals by polling staff were affected, the opening of the polling stations on the polling day for electors to vote was not affected.

14.72 At present, the REO often has to store a large amount of electoral materials, which come in more than 100 types, including ballot paper issuing desks, voting compartments, anti-epidemic supplies, ballot boxes, suitcases, partition boards, various types of plastic boxes, statistical returns and stationery, etc. These materials are mainly stored in REO's 6 warehouses scattered over Hong Kong. As the types and amounts of different electoral materials stored are restricted by the capacity, size of loading/unloading areas and number of freight lifts, etc. of each warehouse, the REO cannot spread the electoral materials evenly for storage in these 6 warehouses. While just sufficient to accommodate the present amount of electoral materials, the warehouses do not have enough space that allows staff to arrange and pack all electoral materials in advance according to the types and quantities of materials required for polling stations of different sizes. Hence, for every large-scale public election, the REO can only tidy up some of the electoral materials, such as stationery, forms and tick chops, for the polling stations, and arrange proper packing according to the types and quantities required for polling stations of different sizes before putting them into plastic boxes and carton boxes for miscellaneous items. Facsimile machines and ballot boxes are placed in carton packaging boxes after checking, while some other materials, such as cardboard for partitioning of

voting compartments, are properly wrapped up in whole numbers. As for heavier materials of large quantities, such as desks, plastic chairs and partition boards, delivery contractors are engaged to deliver them to their own warehouse for advance pack-up. Then, during delivery of electoral materials to venues, the contractors are assigned to collect an appropriate amount of electoral materials from the aforesaid warehouses every day. The contractors will sort the types and quantities of electoral materials required for each polling station according to the delivery note provided by the REO. Different types of electoral materials will be loaded in piles onto delivery pallets which will be wrapped one by one for distribution to hundreds of polling stations and emergency depots before the polling day. After the polling day, materials will be collected from hundreds of venues and returned to the warehouses for stock-taking and pack-up.

14.73 The number of polling stations and emergency depots in this election totalled nearly 700. Given the addition of a range of anti-epidemic supplies, as well as a significant increase in the number of ballot paper issuing desks and voting compartments, the number of venues involved and the variety and quantity of supplies required in this election surpassed any previous public elections.

14.74 Besides, one of the two contractors transporting supplies for the REO this time had inadequate experience in handling and transporting bulk electoral materials. This contractor, together with the other one, was required to transport a large quantity and variety of supplies to nearly 700 sites in less than two weeks preceding the polling day. Some of the electoral materials therefore could not reach the relevant polling stations until after the specified time before the set-up day.

14.75 **Recommendation:** The EAC published on 24 July 2019 the Investigation Report on the Incident of Loss of the Marked FR of Electors of the

Polling Station at SKH Tsing Yi Estate Ho Chak Wan Primary School by the REO in the 2016 LegCo General Election, which recommends, inter alia, that the REO should proactively draw up its detailed storage requirements arising from all upcoming elections for discussion with the Government Property Agency (“GPA”), and as a matter of priority, secure permanent storage facilities to accommodate all its storage needs, preferably under one roof. In fact, as gained from the experience in this election, the large variety and quantity of supplies required by each polling station or emergency depot made it extremely difficult for the REO and the contractors to arrange the supplies in advance and distribute them to so many polling stations. In this regard, the EAC recommends that the REO should consider a centralised approach by identifying one or two warehouses of large area, which should have ample storage capacity, as well as adequate space and offices for sorting and packing supplies. In that case, REO staff can sort the supplies for each polling station or emergency depot according to the required variety and quantity in advance, and then arrange for contractors to load the sorted and packed supplies onto pallets at REO’s warehouses directly and then wrap those pallets for delivery to polling stations and counting stations for better efficiency.

14.76 The EAC understands that the REO has sought to explore various possible options in order to improve the store arrangement and management and to gradually achieve the goal of developing a permanent centralised storage facility. In response to the recommendations made by the Director of Audit in Chapter 8 of Audit Report No. 69 published on 27 October 2017, the REO examined to develop a joint-user specialist and departmental building (“SDB”) with the Census and Statistics Department (“C&SD”). However, given the peaks in demand of accommodation of the two departments had overlapped, both sides considered the option of developing a joint-user SDB not feasible after conducting an in-depth study. The EAC was also aware that the REO kept on following up the matter of permanent storage facilities, apart from seeking the GPA’s attention to a centralised location as a factor in site selection for storage

facilities, the REO had also made an application in July 2021 to bid for a new building site of 15 000 m² at Shan Mei Street, Fo Tan to be awarded by the GPA. However, since priority was given to the development of community facilities, the application was unsuccessful. To ensure timely delivery of electoral materials to polling stations in future elections, the EAC considers that there is an urgency to develop a permanent centralised storage facility for the REO to improve the store arrangement and management; otherwise, there would be a significant adverse impact on future elections. Moreover, the EAC recommends that the REO should continue to seek the assistance of the CMAB, GPA and other departments in implementing the arrangements for the permanent storage facility as soon as possible.

14.77 On the other hand, since the REO may not be able to secure a permanent centralised storage facility in the short run, the EAC considers that the REO should explore other possible options, such as requesting the government schools, DOs and LCSD venues, which constitute about half of the total number of polling stations, to allow delivery of the required electoral materials by the REO about one month before the polling day for storage until the conclusion of the entire election, so that the REO can have more time to arrange delivery of electoral materials to polling stations at other non-government venues.

(P) Greater Use of Information Technology in Future Elections

14.78 On the premise of ensuring that elections are held in an open, fair and honest manner, the REO has been studying ways to make greater use of information technology in different stages of the election, with a view to further streamlining election procedures, as well as enhancing efficiency and accuracy. In this election, apart from adopting the EPR system for issuing ballot papers, an electronic vote counting system was also used for counting the votes of the ECC.

14.79 **Recommendation:** The EAC considers that the smooth implementation of the EPR system in this election has fostered public confidence in the application of information technology in elections and laid a sound foundation for further implementation of electronic means and enhancement of the information technology measures in different electoral processes in future. Nevertheless, there are considerations in different perspectives about using information technology in the election, which should be discussed in-depth.

I. Electronic Counting

14.80 Since 1998, the REO has adopted electronic counting in the ECSSOEs¹⁹, i.e. using OMR technology instead of manual counting²⁰. In this election, each ECC elector had to vote for no more than and no less than 40 candidates. As manual counting of votes would be extremely complicated and time-consuming, OMR machines were again used to count the votes for the ECC. The counting process was very smooth.

14.81 In the 2020 LegCo General Election, the REO planned the launch of a pilot scheme of electronic counting for certain traditional FCs to gain some experience. In this connection, the REO gave a demonstration to the LegCo Panel on Constitutional Affairs on electronic counting of votes in February 2019. After consulting panel members at the subsequent panel meeting, an open tender exercise was conducted. A series of follow-up work was done after the

¹⁹ In the ECSSOEs, depending on the subsector to which he/she belongs, each voter may vote for candidates at a number not exceeding the number of members to be returned by election of that subsector. For example, in the 2021 ECSSOEs, each voter in the “Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories” subsector may vote for a maximum of 80 candidates.

²⁰ The voting validation and counting automation system for the ECSSOEs makes use of OMR technology to convert the data on a ballot paper into digital information that can be processed by computers. When scanning a ballot paper, the OMR machine will emit beams of light to the ovals on the ballot paper to identify the choices of the voter. For ballot papers which cannot be read by using OMR technology, the valid votes marked on the ballot papers will be input manually.

completion of the tendering procedures, such as the development and testing of the electronic counting machines. However, since the progress of REO's preparatory work was considerably delayed by the social events at the time and the COVID-19 pandemic, the pilot scheme was not launched in the LegCo General Election scheduled for September 2019 originally. Taking into account a series of enhancement measures (e.g. the use of the EPR for issuance of ballot papers, etc.) introduced in this election, the EAC considers that electronic counting for the FCs was not a priority in this election. That said, after the end of this election cycle, the REO should study and follow up actively on the use of electronic counting for FCs with more registered electors, including identifying suitable counting machines in the market, which could validate accurately choices marked in the form of "✓" chop on ballot papers as required by the law at a satisfactory speed, with a view to deploying them in the next LegCo general election to accelerate the counting process, and also alleviate the pressure on the staff who work long hours at the CCS.

14.82 Nevertheless, for a GC election of the LegCo, as the poll-cum-count arrangement is adopted for the counting of votes, the counting process is conducted in more than 600 separate counting stations. The EAC thus considers that it is not cost-effective if counting machines are to be installed at over 600 counting stations.

II. Electronic voting

14.83 Since the outbreak of COVID-19, there have been views that electronic voting should be introduced to replace physical ballot papers to enable electors to conduct electronic voting via electronic voting facilities installed in the polling stations, or through the Internet at any place.

14.84 Electronic voting is undoubtedly convenient for electors (especially electors with mobility difficulty and the elderly). It may spare the

processes of printing hardcopy ballot papers and securing polling stations, and also reduce the operating costs for polling stations and counting stations, including the manpower required. It also enables more efficient centralised processing of the poll results with less human errors. That said, electronic voting at the same time involves specific concerns and technical risks, including:

(a) Secrecy of votes

The electoral arrangements in Hong Kong have all along been conducted in accordance with the principle of fairness and equality. The secrecy of votes and autonomy of votes are the cornerstones which guarantee the fairness of an election, while the former is even the prerequisite for ensuring the latter. Under the existing electoral law, electors are required to go to the polling station, to personally mark the ballot paper in a voting compartment and to insert the ballot paper into the ballot box, free from any interference or influence. Candidates and/or their agents can monitor the entire polling process in the designated area of the polling station. The adoption of electronic voting would require, on the one hand, resolution of technical issues such as system stability as well as anti-hacking safeguards against leakage of personal data and, on the other, building of public confidence in the secrecy of votes in electronic voting;

(b) Electors' identity verification

Should it be relaxed to allow electronic voting on the Internet irrespective of locations, verification of electors' identity by polling staff would no longer be required. While there are suggestions for using biometric identification such as fingerprints to verify electors' identity, the collection of biometric data for identification purposes is still a contentious issue in community, and doubt may be cast on the secrecy of ballot; and

(c) Autonomy of voting

Even if the identity of an elector is verified, there is no guarantee that the electronic vote is cast by that elector when the vote is cast outside a polling station and the voting is free from interference. As it is hard to monitor the autonomy of voting effectively, risks of electoral fraud will increase.

14.85 According to overseas experience, there were countries that even if online electronic voting is adopted, electors may at the same time still be permitted to cast their votes again at physical polling stations to replace the votes they cast earlier through the online electronic system. This mainly aims to ensure that, in case of interference or improper influence during the course of online electronic voting, electors may still choose to cast their votes again at physical polling stations, in order to emphasise that their votes cast can be protected. It is obvious that some practical concerns about electronic voting cannot be completely overcome and electronic voting cannot completely replace hardcopy ballot paper voting.

14.86 Besides, some countries only adopted an arrangement of limited electronic voting via the Internet, to facilitate some electors to exercise their rights to vote without the need of going to the polling stations in person, such as those with disabilities or residing abroad, or those who stay overseas for diplomatic or military service.

14.87 In view of the above, there are still certain unsolved problems on the operation of electronic voting. Some countries which once adopted electronic voting have abandoned or suspended the arrangement due to problems in technical aspects, system security and secrecy of votes, etc.

14.88 Public elections in Hong Kong have all along been conducted openly, fairly and honestly. The EAC considers that implementation of electronic voting in Hong Kong not only involves amendments to the relevant electoral law, the issues of effectively verifying electors' identity, monitoring the autonomy of voting and secrecy of votes, and ensuring the security and stability of the system should also be addressed. Apart from the hardware, ensuring public confidence in electronic voting is most important. In respect of electronic voting, the REO should continue to explore its feasibility, including examining ways to resolve the technical issues mentioned in paragraph 14.84 above, to safeguard the secrecy and autonomy of voting, and to verify electors' identity.

14.89 One of the proposals worth studying is to set up electronic voting machines at polling stations, with which electors can vote upon verification of their identity. After voting, their voting record (without the electors' personal information) will be printed on paper for record purpose. This voting record can be used for re-count and verification of votes in case of election petition in future. Besides, as electors' electronic votes will be counted immediately by the central computer system, the election results can be announced shortly after the close of poll without questionable ballot papers. In addition to safeguarding the secrecy of votes and autonomy of voting, this proposal also helps to verify electors' identity and to derive the counting results speedily to avoid human errors involved in manual counting of votes, hence enhancing cost-effectiveness.

14.90 However, if electronic voting were adopted, the role hitherto of candidates and/or their agents and the public in monitoring the counting of votes at counting stations will no longer be applicable. As this will undermine the overall transparency of elections, consideration must also be given to effective monitoring of elections to secure public confidence in electronic voting, which is an indispensable prerequisite for the successful implementation of electronic voting. As pointed out by the EAC in its Report on the 2020 LegCo General

Election, whether electronic voting should be adopted in public elections in Hong Kong is an issue of far-reaching impact. There must be extensive and in-depth discussions in society before a decision can be made.

(Q) Human Resources of the REO

14.91 This election saw a record high number of polling stations, ballot paper issuing desks and electoral staff involved. In view of the increased electoral work, which included the large-scale use of the EPR system to enhance the efficiency and accuracy in issuing ballot papers, the setting up of additional polling stations at boundary control points and the PBQC to facilitate voting of electors, and the implementation of a number of measures to prevent the spread of COVID-19 in polling stations and counting stations, etc., the REO, with the active support of the General Grades Office, had 13 Executive Officer grade staff seconded from other bureaux and departments who had worked in the REO before with rich experience in relevant electoral work to assist in organising this election, starting from early November 2021. The ranks of the staff are as follows –

<u>Rank</u>	<u>Number of staff</u>
Senior Principal Executive Officer	1
Principal Executive Officer	1
Chief Executive Officer	1
Senior Executive Officer	3
Executive Officer I	7

Besides, to ensure the smooth implementation of the EPR system in this election, the REO also obtained the assistance from the Office of the Government Chief Information Officer, and 1 Assistant Director of Information Technology

Services (“ADITS”) from that office was seconded from late November 2021. These staff provided the REO with timely and staunch support to facilitate the smooth conduct and completion of the election.

14.92 **Recommendation:** The EAC extends its heartfelt gratitude to the General Grades Office and the Office of the Government Chief Information Officer for their prompt arrangement of 13 Executive Officer grade staff and 1 ADITS respectively on secondment to assist the REO in organising this election. Thanks to their efforts, every part of the election was generally smooth. Public election is a very mega project. Even if the EAC and the REO have prepared fall-back options for different scenarios, unforeseeable circumstances may still arise. The electoral arrangements are intertwined in a way that any delay in one step will affect the next. The EAC has all along stressed that electoral staff with practical experience in organising elections are not only familiar with and have mastered the overall election process, but can also contribute to the training of new staff, as well as the sharing and passing on of election-related knowledge and experience. Supervisory staff can even monitor effectively every part of the election and better respond to unexpected events due to their grasp of the actual circumstances. Upon detection of unexpected incidents, they can also report to their supervisors in a timely manner for solutions. In this regard, the EAC recommends that the REO should continue to review the posting arrangement of its Executive Officer grade staff with the relevant grade management with a view to staggering their departure, so as to ensure that there are at least two-thirds of its Executive Officer grade staff with experience in electoral work in the REO when organising large-scale elections, so that their knowledge and experience can be retained and passed on to the new staff.

14.93 The EAC had published on 24 July 2019 the Investigation Report on the Incident of Loss of the Marked FR of Electors of the Polling Station at SKH Tsing Yi Estate Ho Chak Wan Primary School by the REO in the 2016 LegCo General Election, which recommended, inter alia, that the Government

should conduct a thorough review of the organisational structure of the REO, especially the directorate staffing, so as to ensure adequate directorate manpower to steer the department in delivering any new and more complex functions. The EAC noted that there has been a marked increase in the REO's workload and duties, including the growing complexity involved. In this election, additional directorate staff were already required to assist the CEO in handling related electoral work. The EAC recommends that, when conducting a review of the organisational structure of the REO, the Government should, at the same time, study whether the current ranking, experience and core competencies of the CEO post are commensurate with the existing workload and duties of the Head of Department in charge of the REO. One of the duties of the CEO as the Head of Department is to assist the EAC in reviewing and supervising the conduct of elections. In view of the growing complexity of electoral arrangements in recent years, alongside the significant rise in public expectation for effective and rigorous conduct of elections in an open, fair and honest manner in accordance with the electoral law, it is imperative for the REO to plan for the electoral procedures at an early time and in greater detail, and take more aspects into consideration. In particular, when studying any amendment to the election-related subsidiary legislation, the EAC expects advice from the CEO not only in the operational dimension but also from a macro perspective. The CEO also has to propose to the EAC, as and when appropriate, to review the prevailing electoral procedures and arrangements in response to the heightening expectation of all sectors of the community. As the Head of Department, however, the CEO is also duty-bound to oversee the daily administration and operation of the REO, including monitoring the electoral arrangements, VR, amendment to electoral regulations, update of electoral guidelines, delineation of constituencies, etc. As far as this is concerned, the EAC has been of the view that the de facto dual role of supervision and execution within the same person may lead to subjectivity in the course of supervision, or even compromises for the sake of convenience or expediency. The EAC recommends that it is better to separate the two roles.

14.94 With the ever-growing electoral duties, the functions of the CEO and the Principal Electoral Officer (“PEO”) are grossly incommensurate with their respective ranks. The EAC recommends that following a thorough review of the post requirement for the REO’s Head of Department, the Government should consider creating a higher ranking post (e.g. a post at point 4 of Directorate Pay Scale) to head the REO and assist the EAC in reviewing complex electoral matters of far-reaching significance, such as further improvements to the prevailing subsidiary legislation governing VR and electoral arrangements, and overseeing the conduct of elections in an objective and rigorous manner. In fact, there is only one existing post at point 1 of Directorate Pay Scale (i.e. the existing PEO post) who is responsible for leading the sizeable Elections Division in the work of planning and organising elections. The existing post at point 2 of Directorate Pay Scale (i.e. the existing CEO post) should be retained to share the duty of supervising the Elections Division, while the existing PEO post should focus on overseeing the daily operation of the REO.

14.95 Moreover, the Information Technology Management Unit of the REO is currently headed by a non-directorate senior civil servant (at point 45 to 49 of Master Pay Scale). As the REO needs to further review the various aspects of further implementation of electronic means in elections and enhance information technology initiatives in future (see paragraphs 14.78 to 14.90 above for details), the EAC recommends that the Government should consider creating a post at a higher rank to oversee the Information Technology Management Unit, so as to strengthen the REO’s ability of information technology application in elections.

14.96 The EAC hopes that the above recommendations will be carefully considered and actively pursued by the relevant authority. The EAC will closely monitor the progress and hopes the recommendations to be implemented

before the next election cycle, so that future elections could be a surefire and be held without amiss in an efficient, open and fair manner.

PART SIX

CONCLUSION

CHAPTER 15

A CONCLUDING NOTE

Section 1 – Acknowledgement

15.1 The smooth completion of the 2021 LegCo General Election was attributable to the dedication and concerted efforts of all parties involved.

15.2 The EAC and the REO are thankful to different government policy bureaux/departments and public bodies, especially members of the CMC including the CMAB, Home Affairs Bureau, FHB, Security Bureau, HAD, DH, DoJ, the Police, ISD, Office of the Government Chief Information Officer, Electrical and Mechanical Services Department and Civil Aid Service, for their support and assistance during the preparation for this election.

15.3 The EAC would like to express heartfelt gratitude to the Secretary for Constitutional and Mainland Affairs for reviewing the various electoral process and procedures with the EAC and the REO during the preparation for this election, and providing valuable advice to appropriately implement highly efficient and user-friendly arrangements so as to facilitate electors and candidates. In addition, the EAC is grateful to the CMAB and ImmD for coordinating and collaborating with the Mainland immigration control authorities and the Mainland public health protection management authorities to set up polling stations at 3 boundary control points at Heung Yuen Wai, Lo Wu and Lok Ma Chau Spur Line, so that pre-registered GC and FC electors who were in the Mainland could return to Hong

Kong to vote and be exempted from the quarantine requirements after fulfilling certain criteria.

15.4 The EAC is grateful to the REO, all the staff who took up the duties of ROs, AROs, PROs, DPROs and APROs, and all polling and counting staff, as well as all other supporting staff, for their dedicated efforts and contribution at various stages of this election. There was a large number of polling stations in this election, and a lot of staff without prior experience in electoral work were required to attend a number of training sessions to cope with the great workload. On the polling day, they worked for long hours to discharge their duties and contribute their efforts with perseverance and commitment.

15.5 The EAC would like to express heartfelt gratitude especially to all PROs and their assistants, they worked arduously, from at least one week preceding the polling day until the polling day and the completion of vote counting. Other than working on the polling day, who also spent a lot of time on setting up the polling stations and testing the EPR system on the day preceding the polling day. After the close of poll, they were also required to deliver the ballot boxes and electoral documents to the CCS. The EAC would like to express heartfelt gratitude to all the PROs and other electoral staff and pay tribute to them for their understanding of various work arrangements.

15.6 The EAC would like to express its appreciation to the CSD, the Police, ICAC and Civil Aid Service for their assistance and support in this election, including arranging for registered electors who were imprisoned or remanded in custody to vote on the polling day, deploying staff to the polling stations and

counting stations, and maintaining good order at the polling stations and counting stations (including the CCS), to ensure the election could be held smoothly in an open, transparent, efficient and orderly manner.

15.7 The EAC is thankful to the FHB as well as the CHP of the DH for their valuable advice on anti-epidemic measures for this election and their assistance in setting up the polling stations at PBQC for registered electors who were under compulsory quarantine there to vote on the polling day.

15.8 The EPR system was used for the first time on a large scale to issue ballot papers at polling stations in this election. The overall ballot paper issuing process was generally smooth. The EAC is very grateful to the valuable advice provided by the EPR System Technical Advisory Committee and the Office of the Government Chief Information Officer for its full support.

15.9 The EAC is also grateful to members of the media who had helped substantially to enhance the transparency of this election by giving it a wide and in-depth coverage.

15.10 The EAC is thankful to candidates, canvassers, building management bodies and members of the public who had complied with the electoral law and the electoral guidelines.

15.11 The EAC would like to thank electors who enthusiastically participated in the poll.

Section 2 – Looking Forward

15.12 The 2021 LegCo General Election was conducted smoothly on 19 December 2021 in an open, fair and honest manner. The EAC was satisfied with the overall electoral arrangement. Its review findings and recommendations on various electoral procedures and arrangements are set out in detail in Chapter 14 of this report. It is sincerely hoped that the recommendations, especially those relating to the organisation of the REO, will be taken up to ensure smooth conduct of elections in the future.

15.13 At the time of finalising this report, the EAC is engaged in the preparation of the postponed 2022 CE Election to be held on 8 May 2022. The EAC will actively consider how to take forward the relevant recommendations with the experience gained from the 2021 LegCo General Election.

15.14 The EAC remains committed to fulfilling its mission of safeguarding the integrity of the public elections in Hong Kong. It will continue with its efforts in keeping a vigilant watch over various elections to ensure that openness, fairness and honesty are upheld in the conduct of every election. The EAC hopes that members of the public would better understand the electoral law and electoral arrangements so as to maintain the good election culture in Hong Kong. The EAC always welcomes practicable suggestions to bring about enhancements to the electoral arrangements in future.

15.15 The EAC recommends that this report be made public, at a time the CE thinks appropriate to give the public a clear picture of how the EAC conducted and supervised the work of the 2021 LegCo General Election.

