

# **ELECTORAL AFFAIRS COMMISSION**

## **Report on the Incident of Loss of the Marked Final Register of Electors of the Polling Station at SKH Tsing Yi Estate Ho Chak Wan Primary School by the Registration and Electoral Office in the 2016 Legislative Council General Election**

**24 July 2019**

# ABBREVIATIONS

2016 Election	2016 Legislative Council General Election
ACO(E1)PC4	Assistant Clerical Officer (Elections 1) Polling-cum-Counting 4
AEOs	Assistant Electoral Officers
APROs	Assistant Presiding Officers
Cap.	Chapter of the Laws of Hong Kong
CCS	Central Counting Station
CCTV	closed circuit television
CE	Chief Executive
CEO	Chief Electoral Officer
CH Store	Cornwall House Store
CMAB	Constitutional and Mainland Affairs Bureau
CO(E1)PC	Clerical Officer (Elections 1) Polling-cum-Counting
DC	District Council
DC(2nd)FC	District Council (Second) functional constituency
DCC	Designated Collection Centre
DCC staff	electoral staff at the Designated Collection Centre
DCEO	Deputy Chief Electoral Officer
DCEO(E)1	Deputy Chief Electoral Officer (Elections)1
DCOE	District Council Ordinary Election
delivery note	Delivery Note to Designated Collection Centre
DPROs	Deputy Presiding Officers
DPS	Dedicated Polling Stations

E1 Division	Elections Division 1
EAC	Electoral Affairs Commission
EAs	electoral assistants
EOs	Electoral Officers
FC	functional constituency
GAs	general assistants
GC	geographical constituency
GPA	Government Property Agency
HKID card	Hong Kong identity card
ICAC	Independent Commission Against Corruption
KTCT	Kai Tak Cruise Terminal
KW Store	Koon Wah Store
Kwai Tsing DCC	Designated Collection Centre of Kwai Tsing District
LEA	law enforcement agency
LegCo	Legislative Council
Marked FR	marked copy of the Final Register of Electors
NCSC	non-civil service contract
OM	Operational Manual
OPS	ordinary polling stations
ORC	Operations Review Committee
PAs	Polling Assistants
PC Team 1	Polling-cum-Counting Team 1
PCPD	Privacy Commissioner for Personal Data
PEO	Principal Electoral Officer

POs	Polling Officers
PRO	Presiding Officers
REO	Registration and Electoral Office
SDB	specialist and departmental building
SEO	Senior Electoral Officer
SEO(E1)PC1	Senior Electoral Officer (Elections 1) Polling-cum-Counting 1
SKCPS	Sai Kung Central Primary School
VR	voter registration

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## **EXECUTIVE SUMMARY**

On 9 April 2019, the Registration and Electoral Office (REO) informed the public that a marked copy of the Final Register of Electors (marked FR) of a polling station located at SKH Tsing Yi Estate Ho Chak Wan Primary School in the 2016 Legislative Council (LegCo) General Election (2016 Election) could not be found (the incident). The marked FR, which was used by polling staff to verify the eligibility for voting at the subject polling station in the 2016 Election held on 4 September 2016, contains the personal data (name, gender, address and Hong Kong identity card number, etc.) of 8 136 registered electors who were assigned to vote in that polling station. It also showed the number and types of ballot paper(s) each elector may be issued and whether the elector had collected his / her ballot paper(s) in that polling station.

2. In view of the seriousness of this incident, the Electoral Affairs Commission (EAC) has launched a comprehensive investigation and review of the incident. The objectives of the investigation and review are to find out the underlying facts and identify the problems or loopholes relating to the electoral arrangements as well as overall management of the REO with a view to recommending improvement measures. At present, the Government has an established mechanism in handling conduct and discipline of the government officers and all suspected conduct and disciplinary matters of government officers should be handled under this mechanism. Therefore, it is outside the scope of the EAC's review to investigate and determine the integrity and personal responsibility of individual officers in this incident.

## **GENERAL PROCEDURES ON HANDLING OF MARKED FRs IN THE 2016 ELECTION**

3. According to statutory requirements and the established practices of the REO, marked FRs, together with other relevant electoral documents (like ballot papers) of polling stations, had to be returned by polling staff to the REO for safe custody after the election. Specifically, after the close of poll and count, polling staff of each polling station should pack relevant electoral documents (including the marked FR) into sealed packets, put these packets inside sealed red plastic bag(s) and put the bag(s) inside locked ballot boxes and/or suitcases and deliver them to the designated collection centre (DCC) of the respective district. Apart from the aforesaid electoral documents, there are also various types of polling and counting forms which have to be packed and returned together to the REO for necessary follow-up actions in the manner required by the REO.

4. As part of their duties, polling staff should also complete a “Delivery Note to Designated Collection Centre” (delivery note) to record, inter alia, the quantities of sealed packets for each types of electoral documents (including the marked FR) packed, the number of red plastic bag(s) used to carry these sealed packets, and the numbers of ballot boxes and/or suitcases used in the delivery work.

5. They should hand over the electoral materials and delivery note to the electoral staff at the DCC (DCC staff) for the latter to check the returned items against the information on the delivery note. Insofar as the marked FR and ballot papers were concerned, the responsible DCC staff should open the ballot boxes / suitcases and verify the number of sealed red plastic

bag(s) (which, supposedly, should contain these electoral documents) with the quantity specified on the delivery note. After checking all required items on the delivery note, both the PRO and the responsible DCC staff would sign on the delivery note to complete the handover process. All these relevant instructions on the packing, delivery and checking work had been laid down in the Operational Manual for the 2016 Election (OM) for polling staff.

6. Electoral materials returned from all polling stations were kept at the DCCs, one in each of the 18 Districts, on 5 and 6 September 2016, until they were being collected by REO representatives. At each DCC, the REO representative would collect all the delivery notes from the DCC, immediately add up the total numbers of ballot boxes and suitcases as specified on the notes and count the items on site to ensure that the actual numbers tallied with the calculated sums. If everything were in order, labourers of REO's transportation contractors would load and wrap the electoral materials on pallets and take them back to the REO Store.

7. From time to time after the election, law enforcement agencies (LEAs) would request for the inspection of marked FRs (and some other relevant electoral documents) of specific polling stations to facilitate their investigations into election offences. REO staff would locate and retrieve the marked FRs in their Store(s) for inspection by the LEAs.

## **THE INCIDENT**

8. As regards the subject incident, while it is not possible to ascertain precisely when and how the marked FR in question was lost due to the



lapse of time and lack of direct evidence, the EAC's investigation has revealed irregularities or shortcomings in the handling of electoral documents, which may have contributed to the loss of the marked FR. Further, the lack of permanent and sufficient storage facilities for the REO had led to the need to relocate relevant electoral materials from one REO Store to another, which increased the risk of loss of such documents and made the introduction of good store management very difficult.

### ***Packing and Checking of Electoral Documents***

9. According to the Delivery Note dated 5 September 2016 in respect of the subject polling station, "one" sealed packet of "Marked FR" had been handed over by the polling staff to the electoral staff of the DCC in Kwai Tsing District (Kwai Tsing DCC) on that day. Having interviewed the relevant polling and DCC staff, the EAC believes, on the balance of probabilities, that the polling staff might have packed and delivered to the DCC the marked FR in question, although minor mistakes in their packing process and irregularities in their documentation work were noted (e.g. not putting the sealed packets of the marked FR and other relevant electoral documents (e.g. ballot papers) in red plastic bag(s) as required by the OM).

10. The EAC considers that the causes precipitating the minor human errors might be the long working hours (over 30 hours) and fatigue of polling staff in the 2016 Election. Moreover, the attention of some polling staff might get diverted by the lengthy and complex instructions in the OM.

### ***Collection of Electoral Materials at DCCs***

11. Regarding the collection of electoral materials from DCCs to the REO Store, due to the unexpectedly long time taken in the polling and counting processes of the 2016 Election, the schedule of the collection work of the REO was delayed. The relevant REO Team had to redeploy extra relief staff for the collection work. The clerical staff member who was redeployed for the collection work at the Kwai Tsing DCC was a stand-in and had not attended the prior briefing on collection procedures. She was unaware of the need to check inventory at the DCC, though she had checked around the DCC area to make sure that no electoral material had been left behind when she carried out her duty. In this connection, the EAC considers it unfortunate that the REO staff concerned was unable to carry out the checking work as planned due to unforeseen circumstances.

### ***Storage of Electoral Materials in REO Stores***

12. Prior to the 2016 Election, electoral materials from various DCCs were returned to the REO Store in Caroline Hill Depot. It was a spacious accommodation for the purpose. However, the Caroline Hill Depot had to be returned to the Government in mid-2016. In the 2016 Election, the electoral materials from various DCCs (including those from the Kwai Tsing DCC) had to be temporarily placed in the REO Store at Cornwall House (CH) Store before removal to more permanent storage.

13. Moreover, the size of the storeroom for storing electoral materials from different DCCs in the CH Store was not big enough for the materials to be separated by district with sufficient space in-between. As a result, materials from different DCCs had to be placed side by side without any

aisles separating them. When the electoral materials were being moved to the allocated storeroom of the CH Store on 5 and 6 September 2016, such materials were wrapped together on pallets with plastic shrink film wrap by REO's transportation contractors and stock-taking of individual items at that time were impracticable. Largely owing to the unsatisfactory store arrangement in this incident, the relevant REO Team could neither keep proper inventory on the items in the storeroom nor keep track of the movements of items there.

14. Such an arrangement has also caused much difficulties for staff in retrieving the various polling and counting forms from the storeroom of the CH Store shortly after the Election as the storeroom was cramped and the items were voluminous. Some materials might possibly be misplaced to storage areas other than their correct districts during this retrieval process, causing greater difficulties in subsequent retrieval work.

15. Apart from insufficient space, the short duration for using the CH Store for temporarily keeping the electoral documents returned from the 2016 Election was also unsatisfactory. As the Cornwall House building had to be returned to the Government by December 2016 due to its upcoming demolition plan, all electoral documents kept in the storeroom had to be relocated to another REO Store, namely Koon Wah Store (KW Store) in mid-October 2016, i.e. just one and a half months after being stored there. The relocation process increased the risk of loss of electoral documents. As the storeroom in KW Store was even smaller in size, some suitcases has to be emptied and their content combined with electoral documents in other suitcases of the same polling station before the relocation. There might be chances of further mixing up of documents belonging to different polling station at this juncture.

16. In this connection, the EAC has reviewed the overall store arrangement and store management systems of the REO and found that they are far from satisfactory. There are at present 13 REO Stores which are scattered over the territory for storing the enormous amount of electoral materials and documents. Some stores are remotely located from the REO offices and some in poor condition. Such arrangement is not conducive to the efficient dispatch of the electoral materials to the polling stations prior to elections and their collection afterwards. The tenancy periods of these Stores also vary, making the management work of the REO Stores including introducing modern and digitalised security and tracking system for the Stores extremely difficult, if not impossible.

## **SEARCHING EFFORTS AND INTERNAL COMMUNICATION OF THE REO**

### ***Exceedingly Long Time in Locating and Searching Marked FRs***

17. After the completion of the 2016 Election, the ICAC had, on multiple occasions, requested the REO to make available a total of 547 marked FRs for inspection to facilitate a number of investigations into alleged election offences. Among others, the ICAC requested on 3 October 2016 the inspection of six marked FRs, including the marked FR in question. The marked FR in question could not immediately be located.

18. Prior to the 2016 Election when all electoral materials returned from the DCC were stored in the Caroline Hill Depot, only a limited number of designated officers were assigned for the retrieval of electoral

documents required. In 2016, however, not only was the Caroline Hill Depot no longer available, workload of the designated officers mentioned above dictated that the number of other officers involved in the retrieval of electoral documents was much more numerous, resulting in the previously tighter control being loosened up. In addition to the store arrangement and store management problems mentioned above, as most of the polling staff were required to finish the packing of electoral materials under a rather fatigue condition and within a very tight timeframe, it was not uncommon that the electoral materials returned from the polling stations were misplaced or that the polling station code and / or the contents on the cover sheets for the sealed packets were not clearly specified. As a result, the task of locating the required marked FRs was very difficult.

19. From November 2016 to February 2017, several rounds of searches were conducted in the KW Store but nine marked FRs, including the one in question, could not be located. The subject officer of the relevant team, i.e. ex-Senior Electoral Officer (Elections 1) Polling-cum-Counting1 (ex-SEO(E1)PC1), had reported the matter to her section head, i.e. ex-Deputy Chief Electoral Officer (Elections)1 (ex-DCEO(E)1). From March to November 2017, a special team, formed by the relevant staff of E1 Division, conducted extensive searches in various relevant Stores for the outstanding marked FRs. By November 2017, all but the marked FR in question were identified and provided to the ICAC.

20. The EAC appreciates that during the period from October 2016 to November 2017, staff of the relevant REO division (especially the middle ranking ones) had made very strenuous efforts to locate and retrieve many marked FRs required for inspection by the LEAs, though it is considered such efforts could have been much easier had proper inventory records and

retrieval systems been in place in the storerooms. During this period, as searching efforts were ongoing and the relevant team had successfully located other missing marked FRs one after another, the subject officers held reasonable expectation that the marked FR in question was also just misplaced and could eventually be found and, therefore, did not conclude that there was a loss of the marked FR at that juncture. Moreover, ex-DCEO(E)1 had kept the head of the Elections Division, i.e. ex-Principal Electoral Officer (ex-PEO) of the REO posted on the progress of their searching efforts.

21. However, by late November 2017 when all relevant REO Stores except two had already been searched, ex-DCEO(E)1, having reported it to ex-PEO, made a decision to suspend the search operation till mid-2018 due to resource constraints of the Division, workload arising from upcoming by-elections and the verbal advice of the ICAC about the temporary cessation of the investigation into an election complaint case relating to the subject polling station which involved the inspection of the marked FR in question for reason that it has yet to be located. While noting his reasons for the suspension plan, the EAC, however, had strong reservation about the change in the course of action. The EAC considers that as the search operation had already straddled over a year, it would have been appropriate at this juncture for the senior management of the REO to instruct their staff to complete their searches as early as possible or to consider filing a preliminary case on the apparent loss of the marked FR in question with the relevant authorities if the search still had had to take some time to complete. In this connection, the EAC considers that ex-DCEO(E)1, in making his decision to suspend the search, and ex-PEO, having been informed of the decision, had not accorded sufficient priority or an appropriate degree of urgency to the matter.

22. Without clear steer and additional resources, between November 2017 and December 2018, the relevant team in the REO had only conducted intermittent searches for the marked FR in question amid their other duties (including the arrangement for election).

### ***Internal Communication***

23. During the investigation, the EAC further notes that in early January 2018, ex-Chief Electoral Officer (ex-CEO) had already been aware of the issue that the marked FR in question had not yet been located. On 5 January 2018, the ICAC sent a memo addressed to ex-CEO and informed him about the temporary cessation of the investigation into a case relating to their inspection request dated 3 October 2016 (see paragraph 17 above) due to the fact that the marked FR in question could not be located. Upon the query of ex-CEO, ex-PEO made a brief email report to ex-CEO on 10 January 2018, stating that “*the marked FR for the said polling station was the one which we could not locate so far.....*”. Apart from this very brief exchange, the EAC does not note that ex-CEO and ex-PEO had discussed the matter any further or given any steer to relevant REO staff on what follow-up actions should be taken. In this regard, the EAC considers that both of them, being the two most senior officers of the REO management, lacked the sensitivity in dealing with the matter, although the EAC takes note that both of them might have been busily involved in the preparation work for the 2018 LegCo By-election at that time. As the matter was serious in nature, they should have intervened and set a deadline for the search and report of the loss of the marked FR in case it could not be found subsequently.

24. The EAC further notes that in early April 2019, ex-CEO had stated publicly that his staff had not previously reported to him on matters relating to the marked FR in question. With the subsequent retrieval of ICAC's memo dated 5 January 2018 and ex-PEO's email of 10 January 2018, ex-CEO's statement to others (i.e. that he had not been informed of the issue before) is found to be incorrect as a matter of fact. The EAC considers that ex-CEO, being a head of department, should have exercised much greater prudence and caution in ensuring the factual accuracy of information being given to the public.

## **RECOMMENDATIONS**

25. In the investigation, the EAC notes that REO has already reviewed their arrangement in the 2016 Election and since the two 2018 LegCo By-elections, has introduced a number of improvement measures on the procedures in packing and delivery of electoral documents (including separately packing the marked FRs and storing the packets of FRs in bar-locked filing cabinets in both DCCs and the REO Stores). The EAC appreciates these improvement measures implemented by the REO, which can, to a great extent, prevent the loss of marked FRs and ensure their safe custody after elections.

26. To further improve the handling and storage of electoral documents (i.e. the marked FRs as well as others, like ballot papers) after elections, the EAC has drawn up a number of recommendations relating to the packing of electoral documents at the polling stations and checking at the DCCs that can be considered by the REO. Moreover, the EAC considers that the REO should proactively explore and introduce more modern and



effective technologies to help maintain proper and up-to-date store management for the electoral documents returned to their Stores. Concrete improvement to their store management system is also essential to facilitate stock-taking and retrieval of items. The REO should also put in place within the department an effective reporting mechanism. As a matter of priority, the REO should explore with the relevant government department (e.g. the Government Property Agency (GPA)) the ways to consolidate its scattered Stores and offices in order to enhance its operational efficiency. Last but not the least, consideration should also be given by the Government to strengthen the top tier and senior management of the REO in order to meet the growing complexities and challenges of elections in Hong Kong. Salient points of EAC's recommendations are set out below -

***Packing of the Electoral Documents at Polling Station and Checking at DCC***

- (a) Ideally, REO should in consultation with stakeholders, consider shortening the polling hours on polling days in future.
- (b) REO should explore the feasibility of staggering the working hours of a certain number of polling staff and designating them to take charge of the packing and delivery of electoral materials to DCCs.
- (c) REO should refine the presentation of relevant instructions in the OM so that polling staff can understand the expected requirements more easily e.g. rules governing the packing of GC and FC ballot papers should be set out in separate sections with clear headings.

- (d) During the training and briefing sessions for the polling staff, the REO should raise the awareness of the importance of safe custody of the electoral documents, particularly those containing personal data, and remind them to follow proper procedures in handling these documents.
- (e) The REO should consider standardising the packing methods as far as possible so that polling staff can follow them more easily e.g. the various types of electoral documents should better be packed and sealed in specially designed transparent / translucent plastic bags to facilitate checking of their contents.
- (f) The REO should entrust the electoral staff and the APROs at DCCs to double-check and confirm the types and quantities of the sealed packets of ballot papers (in addition to the marked FRs) returned from polling stations.
- (g) The REO should require DCC staff to lock all sealed packets of ballot papers in suitcases after checking and hand over the keys to the authorised persons of the REO at DCCs. The REO should also maintain proper records on who have obtained the keys from the relevant authority in the REO and opened the suitcases and for what purposes in accordance with the relevant government regulations.
- (h) The REO should imprint codes / serial numbers on suitcases before dispatching them to polling stations so that DCC and REO staff can use the codes / serial numbers to trace the polling stations from which the suitcases were collected.

### ***Collection of Electoral Documents from DCC***

- (i) The REO should consider assigning at least two staff members to each DCC. They should arrive at the DCC earlier to conduct inventory check on items at the DCC. Timely follow-up actions should be taken if any irregularities were identified. Staff members should also make better arrangement to monitor the work of the transportation contractors.

### ***Store Arrangement and Store Management***

- (j) The REO should proactively draw up its detailed storage requirements arising from all upcoming elections (i.e. sizes, timings, locations and periods), say within a five-to-ten-year period, for discussion with the Government Property Agency (GPA), and as a matter of priority, secure permanent store facilities to accommodate all its storage needs, preferably under one roof, for facilitating the introduction of a comprehensive set of store guidelines as well as security and tracking facilities supported by latest information technology.

### ***Office Accommodation***

- (k) The REO should explore with the GPA whether one suitable location can be identified to house all sub-divisions of the Elections Division of the REO which are responsible for organising elections.
- (l) In the long run, the REO should explore with relevant government department(s) the feasibility of developing a joint-user specialist and departmental building (“SDB”) to meet its periodic accommodation

requirements. The REO should also keep in view other suitable government building projects that they may serve as a co-user.

### ***Reporting Mechanism***

- (m) The REO should develop internal guidelines on a reasonably stringent timeframe for searching any missing electoral documents involving personal data or sensitive information and for timely reporting possible losses to the relevant authorities (e.g. CEO, Constitutional and Mainland Affairs Bureau, the Police, Privacy Commissioner for Personal Data, etc.).
- (n) The REO should put in place a reporting mechanism within the department to require subject officers to keep the CEO regularly posted, say at least on a monthly basis, of the progress of their follow-up actions on LEAs' requests for inspection of marked FRs or other electoral documents, including highlighting the time and efforts taken in following up the requests.

### ***Review of REO's Organisational Structure***

- (o) It is suggested that the Government should conduct a thorough review on REO's organisational structure with a view to examining if the current rank, experience, and core competency of the current CEO post are commensurate with the workload and responsibilities of a department head who has to lead the REO. Specifically, the Government should conduct a thorough review on the job requirements of the department head of the REO to see if a more senior post should be created to head the REO and to take up the role

of assisting the EAC in reviewing complex and far-reaching electoral issues and in supervising the conduct of elections in an objective and critical manner.

- (p) The Government should examine the possibility of retaining the existing D2 level post (i.e. the current CEO post) to oversee the day-to-day administration and operation of the REO.
- (q) The Government should also review the directorate set-up in the REO to ensure there is adequate directorate steer and policy input for the smooth delivery of all new and more complex tasks. The Government should also examine whether there is a need to further strengthen the directorate set-up of the REO.
- (r) The REO should review its staffing structure, particular the proportion of permanent staff to NCSC staff in the REO in the coming decade, and work out an optimal proportion of its permanent staff to NCSC staff to ensure the smooth conduct of the upcoming elections.
- (s) The REO should review the posting arrangements of its core civil servant staff with a view to retaining their knowledge and experience in the REO.

## **CHAPTER 1: BACKGROUND**

On 9 April 2019, the Registration and Electoral Office (REO) informed the public that a marked copy of the Final Register of Electors (marked FR) of a polling station located at SKH Tsing Yi Estate Ho Chak Wan Primary School in the 2016 Legislative Council (LegCo) General Election (2016 Election) could not be found. The marked FR in question contained the personal data (name, gender, address and Hong Kong identity (HKID) card number, etc.) of 8 136 registered electors who were assigned to vote in that polling station. It also showed the number and types of ballot paper(s)<sup>1</sup> each elector may be issued with and whether the elector had collected his / her ballot paper(s) in that polling station as polling staff would cross out his / her name and HKID card number of the relevant entry in the FR if he / she had already done so. But it did not show the voting choices made by the elector.

2. This Chapter provides the background on how the loss of the marked FR was discovered in early April 2019, the immediate follow-up actions taken by the REO and the conduct of a comprehensive investigation and review of the incident by the Electoral Affairs Commission (EAC).

### **I. Discovery of the Loss of the Marked FR**

3. In response to enquiries on a media report of 5 April 2019 that the REO had not located a Register of Electors in relation to the 2016 Election, the REO announced on the same day that they were conducting a thorough

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<sup>1</sup> The types of ballot papers included geographical constituency, District Council (Second) functional constituency, and functional constituency.

search for the Register of Electors of a polling station in Kwai Tsing in the 2016 Election (i.e. the marked FR in question) and had filed the case to the Office of the Privacy Commissioner for Personal Data (PCPD). The REO further advised that they would make announcement of the result of the search once it was available.

4. According to the REO, the searches for the marked FR in question were being conducted by the relevant personnel in the REO in all relevant REO Stores, covering an inspection of about 13 000 ballot boxes and 3 400 suitcases that were provided to the Presiding Officers (PRO) for transporting electoral materials. Apart from trying its utmost to locate the marked FR in question, the REO had gone through records on the handling of electoral materials and contacted the persons-in-charge at that time to enquire about the incident. However, they had been unable to ascertain under what circumstances the Register was lost.

5. On 9 April 2019, the REO issued another press statement confirming that the marked FR in question could not be found after the thorough search. On the same date, the ex-Chief Electoral Officer of the REO (ex-CEO) stated in a media session that, among other things, his staff had not reported to him all along that the marked FR could not be located.

## **II. Immediate Follow-up Actions Taken by the REO**

6. The REO had reported the incident to the Police and formally filed a case with the PCPD in the morning of 9 April 2019. The REO undertook to fully co-operate with the Police and the PCPD in their investigations.

7. The REO had also issued letters to notify all affected electors on 9 April 2019. They had advised electors to log into the Online Voter Information Enquiry System ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) to check their registration status and the latest registration information. If electors had any queries or come across any irregularities after checking the information via the aforesaid system, they should contact the REO. REO's staff would endeavor to provide assistance to electors. In case of suspected identity theft, electors should report to the Police immediately. The said letter had been uploaded to the REO's website ([www.reo.gov.hk](http://www.reo.gov.hk)).

8. At the same time, the REO had written to various government departments and organisations in different sectors, including finance, insurance, telecommunication, retail, estate agents, information technology, etc. in relation to this incident since 9 April 2019 to appeal to their assistance in adopting appropriate measures to prevent criminals from using the relevant information as a means of identity theft in criminal activities, so as to protect their own interest and also the interest of the data subjects.

9. The REO had also completed the verification of the voter registration (VR) information of all 8 136 electors on the marked FR in question, in particular the VR records of newly registered electors and electors moving into and out of the constituency concerned since the 2016 Election. No unusual situation or change, such as suspected fraudulent applications for change in registration particulars, applications for changing residential addresses, etc., was identified. The REO had also attempted to contact electors who had changed their registered residential address in the constituency concerned since the 2016 Election to verify



their registration particulars. As at 19 July 2019, the REO had successfully approached 368 electors in that district to confirm their updated address information among the 424 electors with change of registered address since the 2016 Election.

### **III. EAC's Review of the Incident**

10. The EAC is an independent, impartial and apolitical body established under the EAC Ordinance (Cap. 541) in 1997. Its main objective is to ensure that the elections are conducted openly, fairly and honestly at all times. In view of the seriousness of this incident, the EAC has decided to conduct a comprehensive investigation and review of the incident to find out the underlying facts and identify the problems or loopholes relating to the electoral arrangements as well as overall management of REO with a view to recommending improvement measures. It does not seek to investigate and determine whether any individual government officer / ex-government officer has committed any misconduct or offences under the civil service regulations. At present, the Government has an established mechanism in handling the conduct and discipline of the government officers and all suspected conduct and disciplinary matters of government officers should be handled under this mechanism. Therefore, it is outside the scope of the EAC's review to investigate and determine the integrity or personal responsibility of individual officers. The EAC would leave it to appropriate bodies in the civil service to decide whether disciplinary proceedings should be initiated against any government officer in accordance with the established procedures. The review commenced in the latter part of May 2019 and has now been completed. Details of the EAC's findings, observations and

recommendations are provided in ensuing Chapters of this report. The EAC has also provided a copy of this report to the Constitutional and Mainland Affairs Bureau (CMAB) for reference.

## **CHAPTER 2: 2016 ELECTION AND REO'S RELEVANT PROCEDURAL GUIDELINES**

### **I. Division / Team in REO Responsible for Overseeing the Handling of Electoral Materials of Polling Stations after the Close of Count**

11. The REO provides the EAC with the administrative support for the effective discharge of its statutory functions under the EAC Ordinance. The REO is headed by CEO. The REO executes the decisions of the EAC on the delineation of geographical constituency (GC) and the District Council (DC) constituency boundaries, the registration of electors and the conduct of elections. In the REO, the Elections Division is responsible for the preparation of designated public elections, namely the DC Ordinary Election (DCOE), Legislative Council General Election, Election Committee Subsector Elections, and the Chief Executive (CE) Election, as well as any by-elections. The Elections Division is headed by the Principal Electoral Officer (PEO), who reports to the CEO direct. The Division has four sub-divisions of which the Elections Division 1 (E1 Division), headed by a Deputy Chief Electoral Officer (i.e. DCEO(E)1), is tasked with the duty, among others, to oversee the logistical arrangements for the setting up of the polling and counting stations for the elections. The Polling-cum-Counting Team 1 (PC Team 1) under the E1 Division, which is led by a Senior Electoral Officer (i.e. SEO(E1)PC1) is primarily responsible for discharging this duty which includes, among others, arranging for the packing, delivery, collection and storage of the electoral materials after the close of count. Basically, the work of SEO(E1)PC1 is supported by Electoral Officers (EOs) / Assistant Electoral Officers (AEOs) as well as clerical grade officers in the PC Team 1, all of whom being civil

servants. The REO, including the E1 Division and PC Team 1, maintains a core establishment during non-election years and its staff establishment will be increased significantly during the election years through posting of more civil servants on a time-limited basis and recruitment of additional non-civil service contract (NCSC) staff (like electoral assistants (EAs), general assistants (GAs) and hiring of temporary workers (TWKs)). The organisation charts of the REO and E1 Division as at September 2016 are at Appendices 1 and 2 respectively.

12. For the preparation of the designated public elections, CEO and PEO typically meet with colleagues at two regular meetings chaired by CEO. Firstly, there is a weekly meeting which involves all the division and unit heads of the REO. The respective teams will report progress of their tasks at hand at this meeting. Secondly, there is an E Division meeting which is normally held on a bi-weekly basis. All DCEOs, SEOs, EOs and AEOs of the four divisions will attend. More detailed discussion about the work relating to elections will normally take place at E Division meetings, with checklists prepared to keep track of the progress of different aspects of the work relating to the elections.

## **II. The 2016 Election**

13. The 2016 Election was held on 4 September 2016. Each elector had one vote for the GC and one vote for the functional constituency (FC)<sup>2</sup>. Every GC electors who was not registered in the 28 traditional FCs was eligible to be registered in the District Council (Second) functional

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<sup>2</sup> Also, an elector who was an Authorised Representative of a corporate elector for the relevant FC had one more vote for the FC.

constituency (DC(2nd)FC). Combined polling arrangement was made to provide one-stop service to every elector, including GC electors and FC electors, so that the elector needed only to go to one polling station to cast all the votes which the elector was entitled to cast. The REO set up a total of 571 ordinary polling stations (OPS) territory-wide at different kinds of venues, such as community centres / halls, sports centres, schools, private premises, etc. on the polling day for electors to cast their votes. The polling hours for the OPS were from 7:30 am to 10:30 pm. Counting of GC votes would be conducted at each individual polling station except small polling stations<sup>3</sup> and Dedicated Polling Stations (DPS)<sup>4</sup>. Immediately after the close of poll, a polling station would be converted into a counting station and counting of GC votes would be performed by the polling staff of the station. As regards the FC votes, after the close of poll, all DC(2nd)FC and traditional FC ballot boxes would be delivered to the Central Counting Station (CCS) for counting<sup>5</sup>. Each polling station was staffed by a team of polling staff who were recruited from the civil service. The polling team was led by a PRO who was assisted by Deputy Presiding Officers (DPROs), Assistant Presiding Officers (APROs), Polling Officers (POs) and Polling Assistants (PAs). Only polling staff recruited from the civil service were deployed to the polling stations, while NCSC staff worked in CCSs as ushers, etc. but not in polling stations. All polling staff were required to attend briefing and training sessions arranged by the REO before they were appointed. The REO would prepare operational manuals for polling staff setting out the detailed electoral

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<sup>3</sup> A small polling station is a station with less than 500 electors. The GC ballot papers cast at small polling stations will be delivered to the respective main counting stations for counting.

<sup>4</sup> Registered electors imprisoned or held in custody by the law enforcement agencies would be assigned to vote at a DPS in a Correctional Services Department penal institution or a DPS in a police station as appropriate. The GC ballot papers cast at DPSs will be delivered to ballot paper sorting stations for sorting according to each constituency before they are delivered to the 5 main counting stations of the respective GCs for counting of votes.

<sup>5</sup> The count would be conducted by the counting staff at the CCS under the supervision of the respective Returning Officers designated for individual FCs.

procedures to be followed.

14. On the polling day, each polling station would be given, among other things, an extract of the FR covering the electors assigned to that particular polling station. The FR was compiled by the REO prior to the Election. As mentioned in paragraph 1 above, the FR contained personal data of registered electors who had been assigned to vote in the polling station. It also showed the number and types of ballot paper(s) each elector may be issued with. Electoral staff of the polling station would use the FR to verify the eligibility of electors for voting on the polling day. If information of an elector on his / her HKID card matched an entry in the Register, polling staff would issue ballot paper(s) to the elector. The staff would then cross out the name and HKID card number of the relevant entry in the FR (i.e. marked FR) to indicate that the elector had already obtained his / her ballot paper(s).

### ***Retention of Electoral Documents and Various Forms***

15. After every election, the marked FRs, together with other specified electoral documents of the polling stations, have to be returned to the REO for retention after the election. In accordance with the Electoral Affairs Commission (Electoral Procedure) (LegCo) Regulations (Cap.541D), ballot papers and certain electoral documents must be retained for six months before destruction, unless directed by an order of court in relation to an election petition or criminal proceedings. These electoral documents include counted ballot papers, un-issued ballot papers, unused ballot papers, spoilt ballot papers, rejected ballot paper, and ballot paper accounts, etc. Though the electoral documents specified in the statute do not cover the marked FRs, the REO has all along retained the marked FRs

in elections in the same way as other documents specified in Cap.541D because they are regarded as important electoral documents. In accordance with section 87 of Cap. 541D, the CEO is not to permit any person to inspect any ballot paper other than on an order made by a court in relation to an election petition or criminal proceedings. As regards the marked FRs, the established practice of the REO is that CEO's approval is required for opening the sealed packets containing the marked FRs concerned for inspection of such documents as requested by the relevant law enforcement agencies (LEA).

16. Apart from the electoral documents mentioned above, polling staff would be required to prepare various forms for statistical and administrative purposes, like counting records, claim forms, oral complaint records, voter registration forms received at the polling station, statistical forms relating to polling, etc. The REO would arrange to collect those forms after the election for necessary follow-up actions.

### **III. REO's Procedural Guidelines for Handling Electoral Documents after the Close of Count**

#### ***Packing of the Electoral Documents at Polling Station***

17. The detailed procedures for the packing and delivery of the electoral documents in polling stations are set out in paragraphs 8.51 - 8.62 of the Operational Manual of the 2016 LegCo General Election (OM) for PROs, DPROs, APROs and District Liaison Officers compiled by the REO. Relevant paragraphs are reproduced at Appendix 3. According to the OM, as soon as practicable after the PRO had ascertained that the election result

had been announced, he had to make sure that the following had been sealed in separate packets (i.e. envelopes or tamper proof plastic bags) for GC votes:-

- The counted ballot papers;
- The un-issued ballot papers;
- The unused ballot papers;
- The spoilt ballot papers;
- The invalid / rejected ballot papers;
- Counterfoils of issued ballot papers; and
- Marked copy of the FR.

18. According to the OM, the PRO of each polling station had to endorse on the front of each sealed packet which should show the description of its content and the code of the polling station, among other information. The polling staff should place the sealed packets of the electoral documents in red plastic bag(s) and attach on each bag a sealing certificate specifying the type(s) of documents that had been put inside. They should then place the red plastic bag(s) into ballot boxes and / or suitcases provided by the REO and lock up the boxes and / or suitcases. They should fasten the respective keys firmly at the handles with plastic cable tie.

19. For the various forms of the polling stations mentioned in paragraph 16 above, they should be sealed in respective envelopes or folders<sup>6</sup>. Polling staff should place them in a beige non-woven bag

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<sup>6</sup> Ballot paper Account and other counting forms for GC to be sealed in C(I) Envelope; claims forms to be sealed in C(II) Envelope; oral complaint records and voter registration forms to be sealed in C(V) Envelope; completed statistical forms to be filed in "Statistics (GC)"- Folder; and other forms (mainly polling forms) to be filed in "P"-Folder



provided by the REO.

20. The locked ballot boxes and / or suitcases as well as beige non-woven bags should be delivered to the Designated Collection Centre<sup>7</sup> (DCC). In this connection, the PRO should complete a “Delivery Note to Designated Collection Centre” (delivery note), a sample copy of which is at Appendix 4, to record the numbers of sealed envelopes and folders of forms in the beige non-woven bag and the number of sealed packets of respective types of electoral documents. The PRO should also specify on the delivery note the total number of red plastic bags used to seal the electoral documents as well as the numbers of ballot boxes and / or suitcases used to carry the red plastic bag(s).

21. The PRO, accompanied by a few of his polling staff and escorted by police, should deliver all the locked ballot box(es), suitcase(s) and the beige non-woven bag to the DCC in the respective District. The delivery note should be personally handed over to the electoral staff at the DCC (DCC staff) who would acknowledge receipt of the electoral documents.

### ***Handover of the Electoral Documents at DCC***

22. Before the Election, the REO had arranged training sessions for DCC staff. When the PRO and his polling staff handed over the ballot box(es), suitcase(s), beige non-woven bag as well as the delivery note of their polling station, the responsible DCC staff should verify those sealed envelopes and folders of forms in the beige non-woven bag against the

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<sup>7</sup> As requested by the REO before the Election, each District Office had helped designate as DCC a spacious venue for collection of relevant electoral materials from polling stations and temporary storage of such materials in a secure environment.

delivery note in the presence of the PRO and his polling staff. If the number of sealed envelopes / folders of a particular item packed in the beige non-woven bag was in order, he / she should acknowledge receipt by ticking the check-box of the respective item on the delivery note. He / she should also open the ballot boxes and / or suitcases to cross-check the total number of red plastic bags with the delivery note. If the number of red plastic bags was in order, he / she should acknowledge receipt by ticking the respective check-box on the delivery note. However, according to the OM and the delivery note, the responsible DCC staff was not allowed to unseal the red plastic bag(s) and not required to verify the quantities of sealed packets of electoral documents inside the bag(s). Having confirmed that all items were in order, PRO and the responsible DCC staff would both sign on the delivery note to complete the handover process. They should then put red plastic bags back and then lock up the ballot boxes and suitcases.

23. The DCC staff would provide polling staff with luggage tags with its respective polling station code and the polling staff would tie the tags onto their ballot boxes, suitcases and beige non-woven bags for easy identification in future. The DCC staff would also help pack the beige non-woven bags into carton boxes provided by the REO for easy carrying.

### ***Collection of Electoral Documents from DCC and Storage at REO Store***

24. According to the REO, all DCCs had been informed that the electoral documents returned from the polling stations would be collected by an REO representative at an agreed time during the two days after the election from 5 September to 6 September 2016. The REO had assigned clerical staff or GAs to perform the collection duty and a short briefing

session had been arranged by the most senior clerical staff of the PC Team 1 (i.e. CO(E1)PC) for the staff concerned. According to CO(E1)PC, the REO representative would need to carry with him / her a bearer memo. When he / she arrived at the DCC, he / she should collect all the delivery notes from the DCC, immediately add up the total numbers of ballot boxes and suitcases as specified on the notes and count the items on site to ensure that the actual numbers tallied with the calculated sums. If everything were in order, labourers of the transportation contractors would then load the ballot boxes, suitcases and carton boxes of beige non-woven bags onto pallets and pack them by plastic shrink film wrap and then load the pallets on the contractor's lorry. The REO representative should accompany the contractor's lorry during delivery to the REO Store. Clerical staff of the PC Team 1 would be deployed at the REO Store to receive the pallets of electoral materials collected from the DCCs. All the pallets would be placed inside the storeroom of the REO Store by district to facilitate easy retrieval of documents in future.

25. Shortly after all the relevant electoral documents and forms had been returned to the REO Store, arrangements would be made by the staff of PC Team 1 to retrieve all the beige non-woven bags and then distribute the forms inside the bags to the relevant divisions in the REO for follow-up action.

26. Moreover, as LEAs would from time to time request for the inspection of some marked FRs and some other forms in elections to facilitate their investigations into alleged offences during elections, staff of PC Team 1 would also be required to help locate and retrieve the marked FRs and forms in their Store(s) for inspection by the LEAs.

### **CHAPTER 3: EAC'S INVESTIGATION FINDINGS OF THE INCIDENT**

27. The EAC has examined 43 written statements from 32 government / ex-government officers involved in various processes of packing, delivery, storage and retrieval of the marked FR, and held eight interview meetings with 22 relevant officers in groups from late May to early June 2019. The post titles of these 22 officers and details of their duties / roles in the incident are set out in Appendix 5. In order to find out the underlying facts of the incident, during the interview meetings, the EAC would clarify with the relevant officers information contained in the relevant statements and enquire into gaps or discrepancies identified by the EAC. The officers attending the same interview meeting could also clarify amongst themselves inconsistencies in their recollection and / or understanding of the matter.

28. Based on the findings obtained, it is not possible to ascertain precisely when and how the marked FR in question was lost due to the lapse of time and lack of direct evidence. That said, our investigation has revealed irregularities or shortcomings in the various processes of handling the electoral documents of the subject polling station which may have contributed to the loss of the marked FR. Further, the lack of permanent and sufficient storage facilities for the REO had led to the need to relocate relevant electoral materials from one store to another since October 2016, which also increased the risk of loss of such materials and made the introduction of good store management for electoral materials very difficult. This also explained the huge difficulties in locating the marked FR in question and the exceedingly long time taken in their searching work.

The EAC has also looked into how the subject officers reported progress of the searching efforts to their seniors and how the senior officers handled the matter. In the process, we have identified some inadequacies in REO's internal communication. Details are set out in the ensuing paragraphs.

## **I. Packing of the Electoral Documents at the Subject Polling Station**

29. In the 2016 Election, the polling station located at SKH Tsing Yi Estate Ho Chak Wan Primary School was staffed by a team of 40 polling staff comprising one PRO, two DPROs, seven APROs, 25 Polling Officers and five Polling Assistants. Having studied the written statements of the relevant staff and interviewed the key personnel, the EAC considers that the procedures laid down in the OM in packing the electoral documents concerned had not been strictly followed.

### ***Number of packets of "Marked FR" being packed***

30. The delivery note dated 5 September 2016 in respect of the subject polling station (Delivery Note), a copy of which is at [Appendix 6](#), shows that "one" sealed packet of marked FR had been packed, delivered and handed over to the DCC, among other electoral documents. However, CO(E1)PC of PC Team 1 had informed the EAC during interview meeting that she recalled that one of the DPROs, namely DPRO2, had informed her over the phone that six sealed packets of marked FR had been returned from the polling station (according to DPRO2 and APRO1, there were six ballot paper issuing desk at the polling station, and the unmarked FR was

separated into six portions, one for each ballot paper issuing desk). DPRO2 stated further that each portion of the marked FR should have been packed into a sealed envelope after the close of poll. In May 2019, in the course of the EAC's investigation asking the REO to seek further clarifications from the polling staff concerned whether the six portions of the marked FR had been separately packed in envelopes, DPRO2 and one of the APROs, namely APRO1, confirmed in their written statements that that was the case.

31. Nevertheless, at the EAC's subsequent interview meetings with the polling staff of the subject polling station, all of them claimed that they could not quite remember how the marked FR in question was actually packed, due to the lapse of time and vague memory. Nevertheless, DPRO2 and APRO1 stated that after the close of poll, the six portions of marked FR had been returned to them. DPRO2 further claimed that the six portions had been combined into one bundle. He tended to believe that the combined FR should have been packed into one single packet and put in a tamper proof plastic bag since it was too bulky to be put in an envelope. This also accorded with the record of "one" sealed packet of marked FR as stated in the Delivery Note.

### ***Sealed Packets Not Placed inside Red Plastic Bags***

32. On the Delivery Note, the item, "Red Plastic Bag(s)" had been crossed out and amended to read as "Suitcase". During the interview meeting, the PRO stated that he did not recall he had crossed out the words "Red Plastic Bag(s)" on the Delivery Note and he deduced that it was done by the DCC staff responsible for collecting their electoral documents. The DCC staff, on viewing the Delivery Note, agreed that it was likely that

he had crossed out the words and replaced them with “Suitcase” as he had signed on the space nearby. He also stated that a likely reason for his amendment was that he did not see any red plastic bag when he opened the suitcases returned from the subject polling station. The other polling staff of the subject polling station also stated that they could not recall whether they had put the sealed packets of electoral documents in red plastic bags.

## **II. Handover of Electoral Documents at the DCC**

33. Owing to the late close of poll at particular polling stations and late announcement of the election results in the 2016 Election, the subject polling station which was set up at a school had to be returned to the school management by 6:00 a.m. on the following day. As a result, polling staff of the subject polling station had to relocate to a reserve counting station at the Tsing Yi Estate Community Hall together with all the electoral documents from the subject polling station before they could deliver the materials to the DCC after the announcement of the election results. During the interview meeting, the PRO stated that all the electoral documents should have been safely carried to the reserve counting station. At around 11:20 a.m. of 5 September 2016, the REO announced that polling staff who had finished counting could return the electoral materials of their polling stations to the DCCs. Polling staff of the subject polling station then delivered the electoral materials from the reserve counting station to the DCC of Kwai Tsing District at Cheung Fat Estate Community Centre (Kwai Tsing DCC) and handed over the materials to the responsible staff at the DCC.

34. During our interview meeting with the responsible DCC staff

member, he stated that he could not remember the details of the process of collecting the electoral materials from the subject polling station as it was more than two years ago and he had to receive electoral materials from a number of polling stations from Kwai Tsing District on that day. He agreed that he had possibly crossed out the item, “Red Plastic Bag(s)” and amended it to read as “Suitcase”. In his written statement and during the interview meeting, he stated that he should have checked all sealed packets of electoral documents based on the description of the packets on the cover sheet endorsed by the PRO of the subject polling station and confirmed receipt on the delivery note. While he could not remember exactly the details how he conducted the checking, he stated that he should have asked relevant polling staff to point out the sealed packets of different electoral documents and checked their description against the delivery note. He stated that he should have confirmed the accuracy of the Delivery Note with the PRO before signing on it.

### **III. Collection Process from the DCC and Delivery to the REO Store**

35. The electoral materials were stored at the Kwai Tsing DCC<sup>8</sup> until they were being collected by the REO representative. According to the REO, the whole collection process should start at around 9:00 a.m. on the day after the polling day of 4 September 2016 and last until 5:00 p.m. on the day thereafter. However, as an unexpectedly long time had been taken in the polling and counting processes, the collection work in the 2016 Election could only start at around 1:30 p.m. on 5 September 2016. The

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<sup>8</sup> According to the available information, materials of all polling stations in Kwai Tsing District were stored in the hall at the subject DCC on 5 and 6 September 2016. The hall was locked when not in use and it was not loaned to the public during the time. Security guards were stationed at DCC.



collection work continued till midnight on both days of 5 and 6 September 2016. PC Team 1 had to redeploy extra relief staff for the collection work because some originally assigned staff were too tired after working for extremely long hours since the start of polling.

36. A clerical staff member who was redeployed for the collection work stated at the interview meeting that she was a stand-in and had not attended the prior briefing on the collection procedures and was unaware of the need to check inventory at the DCC. She claimed that she had checked around the DCC area to make sure that no electoral material had been left behind, but she had not counted the actual numbers of items (i.e. suitcases, ballot boxes and (carton boxes of) beige non-woven bags) collected from the Kwai Tsing DCC owing to the tight collection schedule.

37. The staff member also stated that she was the only REO staff assigned to the Kwai Tsing DCC for collection of electoral materials. When carrying out their work, labourers of the transportation contractors would place electoral materials on pallets, wrap them with plastic shrink film wrap at DCCs, and load them on to the lorry pallet by pallet. As a large quantity (over 240) of suitcases, ballot boxes and carton boxes of beige non-woven bags were being fetched from Kwai Tsing DCC and moved to the contractor's lorry at that time, she had to stay inside the DCC to oversee the collection work and she was unable to monitor how the labourers loaded the pallets onto the lorry outside the DCC. It is worth noting that the keys of the suitcases and ballot boxes were all along fastened at the handles while being stored at the Kwai Tsing DCC as well as during the transportation process. Nevertheless, she stated that she had boarded the lorry to escort the pallets of electoral materials to the REO Store located on 12/F of the Cornwall House (CH) Store in Quarry Bay to

ensure their security.

#### **IV. Receipt of Electoral Materials at the Cornwall House Store**

38. On 5 and 6 September 2016, clerical staff of PC Team 1 were assigned to receive the materials collected from the DCCs to the CH Store. As virtually all materials were wrapped together on pallets when they arrived at the CH Store, staff were unable to stock-take individual suitcases, ballot boxes and beige non-woven bags (supposedly in carton boxes) that they had received and could only count the total number of pallets and tried their best to monitor the work of the contractors<sup>9</sup>. No subsequent action was taken to unwrap the pallets and counter-check individual items of electoral documents received with the delivery notes in order to identify any discrepancies or possible losses. Neither had they made arrangement to unseal the red plastic bags in suitcases and ballot boxes to stock-take the sealed packets of electoral documents in the storeroom of the CH Store.

#### **V. Space and Duration of the Cornwall House Store**

39. Our investigation has also identified various shortcomings of the storeroom of the CH Store for the retention of electoral documents. The Caroline Hill Depot which was used as both the office and storeroom in previous elections, was big enough for electoral items returned from DCCs to be placed and clearly demarcated into 18 district areas each separated by

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<sup>9</sup> According to REO staff concerned, clerical staff and GAs of the REO had been asked to stay in the unloading area, lift lobbies and storeroom in CH store to monitor the work of labourers and ensure that no electoral material had been left on the contractors' lorries.

an aisle of around 1.5 feet wide which allowed more efficient locating and retrieval of any requested electoral documents. All returned electoral documents were stored in one place and retrieval were made by a few designated staff members and the rather manual system could still function due to the much fewer hands involved. Unfortunately, the Caroline Hill Depot had to be returned to the Government in mid-2016, and the storeroom of the CH Store, which was not suitable in terms of both size and duration for the storage of electoral materials in the 2016 Election, was allocated to PC Team 1 to meet their peak storage requirement. Regarding duration, the CH Store had to be returned to the Government by December 2016 due to its upcoming demolition plan. As a result, all electoral materials kept in the storeroom of the CH Store had to be relocated to another REO Store located on 2/F of the Koon Wah (KW) Store in Kwai Chung<sup>10</sup> in October 2016 i.e. just one and a half months after being stored there (see paragraph 43 below).

40. Due to insufficient space of the storeroom of the CH Store, no aisle could be allocated after the electoral materials from the 18 districts had arrived at the storeroom. Pallets of different districts had to be placed side by side without aisles separating them. To differentiate the pallets from the other districts, staff could only stick A4 papers with district codes onto respective pallets. Such an arrangement has caused much difficulties for staff in retrieving documents subsequently.

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<sup>10</sup> According to the REO, the electoral documents could only move to the KW Store after the electoral materials originally kept at the KW Store had been relocated to the newly allocated premises on 8/F of Wang Cheong Building in Cheung Sha Wan which became available for use after completion of the fitting-out works in October 2016.

## **VI. Retrieval of Beige Non-woven Bags**

41. From 9 September to mid-October 2016, PC Team 1 proceeded to retrieve beige non-woven bags of various forms from the storeroom of the CH Store but encountered much difficulties as the storeroom was cramped and the items were voluminous. Staff could hardly find the space to check and retrieve the required documents, and some had to place electoral materials on the corridor outside the storeroom to carry out the checking and retrieval work. Some electoral materials might possibly be misplaced to storage areas other than their correct districts, causing greater difficulties in subsequent retrieval work.

42. When the forms of polling stations in certain districts could not be immediately located, other PC Team 1 staff responsible for their districts joined the search. As a result, multiple groups of EAs, GAs and temporary workers entered the storeroom during the period. While security guards were engaged and closed circuit television (CCTV) system had been installed<sup>11</sup>, CO(E1)PC advised that there was no access log to keep track of what persons had entered the storeroom, nor was there record to stock-take materials which had been taken out from the storeroom.

## **VII. Relocation of the Electoral Documents Shortly After Being Stored in the Cornwall House Store**

43. As mentioned in paragraph 39 above, the electoral documents stored in the storeroom of the CH Store had to be relocated to another REO

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<sup>11</sup> According to CO(E1)PC, the CCTV of the subject storeroom was installed shortly after the transportation process.

Store in mid-October 2016. The relocation exercise was conducted on 21 and 24 October 2016 during which electoral materials including 426 ballot boxes and 2 208 suitcases were moved to the storeroom located on 2/F of the KW Store.

44. According to the written statements of ex-SEO(E1)PC1 and ACO(E1)PC4 who was responsible for the relocation, when they started preparing for the relocation, they found that many suitcases were already removed from the pallets and lying on the floor. To facilitate removal, they had to load the suitcases onto pallets and wrap them again with plastic shrink film wrap. Moreover, due to the limited space in the storeroom of the KW Store, some suitcases (around 100) had to be emptied and their contents combined with the electoral materials in other suitcases of the same polling station. However, it was not recorded how many suitcases and ballot boxes for each polling station had been reduced. They had only stock-taken the total final number of suitcases and ballot boxes for each district before and after the relocation. According to ex-SEO(E1)PC1, there might be chances of further mixing up of materials belonging to different polling stations at this juncture.

## **VIII. Work to Locate Marked FRs and Internal Communication**

### ***From mid-September 2016 to February 2017***

45. Since 8 September 2016, the Independent Commission Against Corruption (ICAC) had started making various requests to the REO for inspection of marked FRs to facilitate a number of investigations into alleged offences under the Elections (Corrupt and Illegal Conduct)

Ordinance (Cap. 554) relating to the 2016 Election. The ICAC's memos with details of the requests were usually addressed to ex-SEO(E1)PC1 who would then, as a matter of routine, report the requests to ex-CEO when seeking the latter's approval to break the seal of the sealed packets of marked FRs concerned. Among others, the ICAC requested on 3 October 2016 the inspection of six marked FRs, including the inspection of the lost marked FR in question to facilitate their investigation into an alleged offence at that particular polling station. According to the REO, after the completion of the 2016 Election, the ICAC had requested the REO to make available a total of 547 marked FRs for inspection by phases. All but the marked FR in question were identified and provided to the ICAC.

46. According to ex-SEO(E1)PC1, although the Training Team of the REO had made tremendous effort in reminding the polling staff to follow the standard packing procedures, it was found that it was not uncommon that electoral materials returned from the polling stations were misplaced or that the polling station code and / or the contents on the cover sheets for the sealed packets were not clearly specified. This made the task of locating the required marked FRs very difficult.

47. Staff of PC Team 1 could not immediately locate the marked FR in question from the KW Store. Indeed, they had also ascertained whether the marked FR in question had been left in the subject polling station, reserve counting station and DCC in question. All those efforts were of no avail.

48. From November 2016 to February 2017, several more rounds of thorough searches led by EAs of PC Team 1 were conducted in the KW

Store<sup>12</sup>. As at mid-February 2017, nine marked FRs, including the one in question, still could not be located. Ex-SEO(E1)PC1 stated that she had reported the matter to ex-DCEO(E)1 in early 2017.

49. In addition, after each territory-wide election, very large quantities of polling materials would be transported back to the Tuen Mun Store. According to the REO, while a full-scale check of every item could not be done, instruction had been given to the supporting staff that they must be extremely careful when tidying up the materials and unpacking all the returned containers. All envelopes and other paper items must be submitted to the officer-in-charge of the Tuen Mun Store who would personally inspect each and every item before arranging disposal or other follow-up actions. For the 2016 Election in particular, the whole process took around eight to nine months to complete as a large number of polling stations were involved, but the marked FR in question could not be found.

### ***From March 2017 to November 2017***

50. In March 2017, upon the completion of the 2017 Chief Executive Election, ex-DCEO(E)1 directed a special team to conduct extensive search of the outstanding marked FRs. Groups of EOs, AEOs, EAs, clerical staff and TWKs were deployed from April to November 2017 to conduct extensive searches of the electoral documents in various stores

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<sup>12</sup> According to an EA being interviewed, pallets of the required FRs were invariably examined first. They would unwrap the materials on the pallets and open the suitcases and ballot boxes to check whether the wanted FRs were inside. If of no avail, they would expand the searching efforts to pallets of the other districts. In the course of their searches, it was noted that some marked FRs of polling stations of two districts (Kwai Tsing and Sai Kung) were grouped together and wrapped on small pallets. According to the subject officer of PC Team 1, this might probably be due to the fact that some colleagues, when conducting past searches, had located the FRs in ballot boxes/suitcases, taken them out and grouped them by district to facilitate easy retrieval in future since the ICAC had been requesting for more and more marked FRs for inspection at that time.

including all materials returned from the DCCs and the CCS as well as all empty suitcases kept by E3 Division at the KW Store and Wang Cheong Store. During this process, they managed to locate seven out of the nine missing FRs, with one being misplaced in materials returned from the CCS.

51. Furthermore, from June to September 2017, in the process of destruction of all the ballot papers not required for investigation, REO staff managed to locate one more missing marked FR in a packet containing ballot papers. However, the one now in question was still missing.

52. According to ex-DCEO(E)1, he had informed ex-PEO of the setting up of a special team in mid-2017, and since then had been keeping her informed of the search results<sup>13</sup>. Ex-DCEO(E)1 further stated that ex-PEO had asked them to conduct a thorough search and endeavor to find all the outstanding marked FRs.

53. In this connection, ex-PEO had claimed in her three written statements provided to the REO and EAC that she was not aware that PC Team 1 had been locating the marked FR in question and that she only knew for the first time that the marked FR in question could not be found after reading the news in April 2019. Nevertheless, at the interview meeting with the EAC in which ex-DCEO(E)1 was also present, she stated that on reading her email to ex-CEO of 10 January 2018 providing the background of the marked FR in question (see paragraph 60 below), she believed that she should be aware of the case at that time and that search of FRs was being conducted during that period.

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<sup>13</sup> Apart from ex-DCEO(E)1, written statements from ex-SEO(E1)PC1 and her two other SEO counterparts *did* mention that they had heard from ex-DCEO(E)1 that he had informed ex-PEO about the search though these SEOs had not witnessed their conversation.



*From late 2017 to late 2018*

54. According to ex-DCEO(E)1, upon the completion of the extensive search by the special team by November 2017, all suitcases and ballot boxes had been searched, except those empty ballot boxes in two REO Stores (namely, the Kai Tak Cruise Terminal (KTCT) Store and ex-Sai Kung Central Primary School (ex-SKCPS)). He then decided that further efforts should be made to search these two Stores. However, ex-DCEO(E)1 subsequently directed in late 2017 that the inspection of ballot boxes in these two Stores should be suspended until mid-2018 after the completion of the 2018 LegCo By-election as (i) there was an imminent need to start the preparatory work for the 2018 LegCo By-election which would be held in March 2018; (ii) the searching work was very labour intensive and that the efficiency of the temporary workmen had decreased after half a year of intensive searching work; and (iii) ex-PEO had told him verbally in November 2017 that the ICAC had informally advised her that they would not pursue further investigation of an election complaint case relating to the polling station in question as the marked FR in question had yet to be located (see paragraph 70 below).

55. Notwithstanding ex-PEO's written statements as mentioned in paragraph 53 above, during her interview meeting with the EAC in which ex-DCEO(E)1 was also present, ex-PEO did not refute ex-DCEO(E)1's statement that the latter had reported the suspension plan to her. Moreover, in response to the EAC's enquiry on whether with hindsight she should have intervened and give directive to her staff at that juncture, ex-PEO stated that with hindsight, she should have asked her staff to expedite the search so as to ascertain as early as possible whether the marked FR

was lost.

56. On the EAC's enquiry on why ex-DCEO(E)1 had not reported the searching efforts and his suspension plan to ex-CEO in late 2017, he stated that at that time he still had good confidence that the marked FR could ultimately be located and he considered that the E1 Division should shoulder the responsibility for the continual search of it. He did not consider it appropriate to bother ex-CEO with the matter unless it was confirmed that the marked FR could not be found. Moreover, he had already reported the matter to ex-PEO and she had not directed him to make a report to ex-CEO.

57. According to the statements of ex-SEO(E1)PC1, she had discussed several times with ex-DCEO(E)1 since October 2017 the possibility for provision of additional staff or temporary redeployment of staff for conducting further searches, but she was told that E1 Division would need to rely on their own staff. Moreover, when being asked to submit the NCSC requirement for the 2018 LegCo Kowloon West GC By-election in June 2018, ex-SEO(E1)PC1 had taken the opportunity to request for additional TWKs so that some of them could be deployed to help in the search. However, the approved number was significantly lower than requested. According to ex-SEO(E1)PC1, from December 2017 to November 2018, she could only make sporadic efforts to ask the temporary workmen, in the course of their inspection of the condition of the ballot boxes with a view to using them in the 2018 LegCo By-election, to help inspect the ballot boxes in the KTCT Store. The workmen would incidentally see if they could locate the missing marked FR in question.

58. According to ex-SEO(E1)PC1, with the departure of ex-PEO and

ex-DCEO(E)1 from the REO in March and May 2018 respectively, she had not reported the matter to their successors. In her written statement, she stated that she did not do so as the progress of the FR searching work was constantly reported to ex-DCEO(E)1 until late 2017 and that she was given to understand that ex-PEO had already briefed ex-CEO on the searching progress in response to ex-CEO's enquiry about the issue upon receipt of the ICAC's memo (see paragraph 60 below). Moreover, since the task of inspecting the ballot boxes was ongoing without meaningful progress, she had not discussed the issue with ex-CEO, the current PEO or the current DCEO(E)1 until after receipt of an email concerning the draft reply to the media enquiry in late March 2019.

59. According to the statements of ex-PEO and ex-DCEO(E)1 during the interview meetings, they have not handed over to their successors matters relating to the missing marked FR in question when they were posted out from the REO<sup>14</sup>. Based on the findings in paragraph 58 above and the current paragraph, the EAC notes that the current PEO and DCEO(E)1 have no knowledge about the missing marked FRs and the related searching efforts prior to the media enquiry in late March 2019.

## **IX. No Follow-up Actions on ICAC's memo dated 5 January 2018**

### ***ICAC's Memo of 5 January 2018***

60. The ICAC sent a memo to the REO on 5 January 2018 to inform the REO of the outcome of the investigation of a case relating to their

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<sup>14</sup> The successor of ex-DCEO(E)1 reported duty to the REO in August 2018 and there was no handover period between the two.

request on 3 October 2016 for inspection of the marked FR in question (see paragraph 45 above) (i.e. the Operations Review Committee (ORC) had endorsed that as the marked FR in question could not be located, further investigation into the case was impracticable and consideration would be given to resurrecting the investigation when the marked FR was ready for examination). The memo was addressed to ex-CEO. On the front of the memo, ex-CEO had initialed against his post title, dating it 9 January 2018, and marked the memo to the ex-PEO and ex-DCEO(E)1. Also, on the ORC Report attached to the memo, he had underlined the words “*which, however, had yet been located*” and put a question mark against the margin. The personal secretary of ex-CEO then sent an email to ex-PEO and ex-DCEO(E)1 on 9 January 2018 and attached the scanned copy of the ICAC’s memo together with its attachment for their necessary action. On 10 January 2018, ex-PEO sent an email reply to ex-CEO, copying it to ex-DCEO(E)1, which stated “ *Re. your question mark on the ORC report attached to the preceding email. You may recall that the marked FR for the said polling station was the one which we could not locate so far, as [name omitted] [DCEO(E)1] [h]as reported at previous meetings. ....* ”.

61. According to ex-CEO, due to the lapse of time, when he handled the media enquiry in late March 2019 about the possible loss of documents containing personal data in the 2016 Election, he did not recall that he had seen the ICAC’s memo of 5 January 2018 or ex-PEO’s email of 10 January 2018 (see paragraph 72 below).

62. In the course of our investigation, the EAC notes that two REO staff had, on two different occasions in early April 2019, mentioned about a memo from the ICAC relating to this case which should have been brought to the attention of ex-CEO some time ago. It was first mentioned

by ex-SEO(E1)PC1 at her meeting with ex-CEO and the current PEO on 1 April 2019 after the receipt of the media enquiry, and then by ex-DCEO(E)1 on 8 April 2019 at his meeting with ex-CEO and the current PEO. According to the REO, attempts had been made to trace the memo from the file records of E1 Division and ex-CEO's mail box but in vain as it was then not known to whom the memo was addressed and what was its date and subject.

63. On 6 May 2019, the REO requested the ICAC to provide a copy of the aforesaid memo and its copy was received on 10 May 2019. With the date of the memo and the subject matter known, the REO then retrieved on 14 May 2019 the relevant email dated 9 January 2018 sent by ex-CEO's personal secretary to ex-PEO and ex-DCEO(E)1. Upon retrieval of that scanned ICAC memo, ex-CEO then managed to retrieve from his mailbox on 15 May 2019 the email reply dated 10 January 2018 from ex-PEO. No more subsequent updates of the case or any follow-up action by either party could then be retrieved.

#### ***No follow-up actions on ICAC's memo***

64. In response to the EAC's enquiry on why no follow-up actions had been taken on the ICAC's memo, ex-CEO stated that ex-PEO had only made a brief report of the case to him in her email and no details about the case and its previous searches were provided. There was also no subsequent updates provided by her or by ex-DCEO(E)1 on the case. He stated that at that material time, his attention had not been drawn to the seriousness of the issue of which he was not aware before. He also stated that he could not recall why he did not chase ex-PEO or ex-DCEO(E)1 for details nor request updates on the progress of the searches but that might

possibly be due to the fact that he was fully engaged in the preparatory work for the 2018 LegCo By-election in March 2018 at that material time.

65. Ex-PEO claimed in both her written statements and during her interview meeting with the EAC that she had no recollection of the incident, and that she could not recall the details mentioned in her email as it was quite some time ago and she had changed her posting twice since then. She stated that she could not explain why no further follow-up actions were taken on the case. She guessed that it might probably be due to the fact that she was busily engaged with the preparatory work for the 2018 LegCo By-election at that time.

66. In response to the EAC's enquiry to ex-PEO and ex-CEO on whether with hindsight they considered the matter a serious one, both of them replied in the affirmative, for reasons that searching efforts for the marked FR in question had been made by their staff for a long time and that the marked FR contained personal data of the electors as well as sensitive information on which individual elector in that polling station had collected the ballot paper(s).

***Ex-PEO's email of 10 January 2018***

67. As regards the statement in ex-PEO's email that ex-DCEO(E)1 had reported the subject matter to ex-CEO at "*previous meetings*", ex-CEO stated in his written statement that he could not recall such reports at any regular meetings of the REO, i.e. weekly meetings attended by divisional heads and E Division meetings attended by section heads and EOs / AEOs. He stated that his understanding was shared by other attendees of these meetings.

68. In ex-DCEO(E)1's written statement and at the EAC's interview meetings with him, he stated categorically that he had not reported to ex-CEO on any occasions (i.e. REO's weekly meetings, divisional meetings or informal discussion) about the searching efforts made by his staff on locating the marked FR in question because he had reported the case to his immediate supervisor (i.e. ex-PEO) in around July 2017 and had been updating her on the development. He believed that ex-PEO was well aware of the searching efforts made by his special team and would make a report to ex-CEO.

69. As regards ex-PEO, as mentioned in paragraph 65 above, she stated that she had no independent recollection of what was contained in the email. Therefore, she could not recall what "previous meetings" she was referring to in her email. She could not refute ex-DCEO(E)1's statement mentioned in the previous paragraph that he had not reported the matter to ex-CEO on any occasion before the receipt of ICAC's memo.

70. In the course of investigation, the EAC also understood from the ICAC that after a meeting held on 15 November 2017 for discussing two completed ICAC cases unrelated to the present EAC enquiry amongst the ICAC, REO and CMAB, an ICAC officer had told ex-PEO that since the ICAC was not certain when the said register would be made available to them, they would temporarily close the investigation of the case (relating to the inspection request dated 3 October 2016) and the REO would be informed by memo later (which the ICAC subsequently did via the memo of 5 January 2018 addressed to ex-CEO). According to the ICAC officer, ex-PEO responded by stating that she understood the matter.

71. On the EAC's further enquiry with ex-CEO and ex-PEO regarding whether ex-PEO had subsequently debriefed ex-CEO about the information provided to her by the ICAC officer and whether ex-CEO should be aware of such by the time he read ex-PEO's email, ex-CEO stated that ex-PEO did not report to him on the information provided to her by the ICAC officer as he was not involved in the discussion in question with the ICAC officer after the meeting. Looking back, he considered that there was a need for him to ask ex-PEO why she did not report to him on her conversation with the ICAC officer after the meeting when he received her e-mail of 10 January 2018. As regards ex-PEO, she stated that she had a close working relationship with ex-CEO and she would normally report or brief ex-CEO over the phone (as she did not work daily in the same building with ex-CEO) on issues which required his steer or progress of work almost on a daily basis. Since her reporting or briefing would cover enquires from or discussion with officers of other bureaux / departments, she believed she should have debriefed ex-CEO of her exchange with the ICAC officer though she did not keep record of each and every issue discussed with ex-CEO. As such, ex-PEO believed that given the way her email was written, her understanding was that ex-CEO was already aware of the case before his receipt of her e-mail of 10 January 2018.

### ***Media Session in Early April 2019***

72. The EAC noted that in early April 2019, ex-CEO had made a public statement at a media session about the incident in which he mentioned, among other things, that his staff had not reported to him thus far that the marked FR could not be located. In ex-CEO's written statement and during his interview meetings with the EAC, he stated that



ex-DCEO(E)1 had mentioned about a ICAC's memo which was related to this case at a meeting in early April 2019 but it was not known at that time to whom the memo was addressed. He further stated that normally, ICAC's memos would be sent to the REO by dispatch and they should be kept and filed by E1 Division. According to ex-CEO, they had attempted to trace the memo from the file records of E1 Division but in vain. He further stated that due to the lapse of time and in the absence of file records kept by E1 Division and given the fact he was not kept abreast of the details and progress of the searches before, he did not recall that he *did* see the said ICAC's memo of 5 January 2018 even when it was mentioned by his staff in early April 2019.

73. The EAC notes that with the subsequent retrieval of the ICAC memo dated 5 January 2018 and ex-PEO's email dated 10 January 2018, ex-CEO's statement to others (that the matter had not been reported to him before) is incorrect as a matter of fact.

## **X. Brief Summary of EAC's Findings**

74. Based on the investigation, the EAC has identified possible causes of the REO's difficulties in locating the marked FR in question as well as the irregularities and shortcomings in the packing, checking, collection, delivery, storage and retrieval processes which might have contributed to the loss of the marked FR. These causes and irregularities / shortcomings include the untidy documentation of the packing and delivery processes of the polling station, lack of thorough check at the DCC, no verification of electoral materials transported from the DCCs to the REO Store, shortcomings in storage arrangement (e.g. insufficient storage space and

need of extra relocation), unsatisfactory store management of electoral items (e.g. lack of access log for the storeroom which kept the electoral documents and lack of inventory records), and unsystematic retrieval work, etc.

## **CHAPTER 4: EAC'S OBSERVATIONS AND RECOMMENDATIONS**

75. In this Chapter, the EAC will provide details of its observations and recommend improvement measures that should be considered by the REO and other relevant parties with a view to improving the handling procedures of electoral documents after elections.

76. Based on the investigation findings in Chapter 3 of the report, the EAC has identified various loopholes in the packing, checking, collection, delivery, storage and retrieval processes of electoral documents (including the marked FR) in the 2016 Election. In the meantime, the EAC notes that the REO has already introduced a number of improvement measures since the two LegCo By-elections held in March and November 2018 respectively (see paragraph 79 below). Nevertheless, on top of that, the EAC considers that the REO should reexamine the causes leading to the mistakes of polling staff and consider further improvement measures to address the problems. Moreover, they should more comprehensively review the whole electoral process, from providing clearer and streamlined procedural guidelines relating to the packing and checking of electoral documents after the close of poll to proactively exploring and introducing more modern and effective technologies to help maintain proper and up-to-date store management for the electoral documents returned to their Stores. Concrete improvement to their store management system is also essential to facilitate stock-taking and retrieval of their electoral items. The REO should also put in place an effective reporting mechanism within the department and follow up the matters in a timely manner. As a matter of priority, the REO should explore with the relevant government

departments (e.g. the Government Property Agency (GPA)) the ways to consolidate its scattered Stores and offices in order to enhance its operational efficiency. Last but not the least, consideration should also be given by the Government to strengthen the top tier and senior management of the REO in order to meet the growing complexities and challenges of elections in Hong Kong. Details of our observations and recommendations are set out in the ensuing paragraphs.

### **I. Packing of the Marked FR and Other Electoral Documents at the Polling Station and Checking at the DCC**

77. In the subject case, having interviewed the polling staff, the EAC believes, on the balance of probabilities, that the polling staff might have packed and delivered to the DCC the marked FR in question although certain mistakes in their packing process and irregularities in their documentation work were noted (see paragraphs 29 to 32 above).

78. The EAC also notes that the venues for a considerable number of polling stations (e.g. schools) had to be returned to venue management in the early morning after the polling day. If the counting process of an election took unexpectedly longer time to finish, polling staff had to relocate the electoral materials to reserve counting stations before delivery to DCCs. Not only would it bring about additional work to the polling staff, but also increase the risk of loss of the electoral documents. In this connection, the EAC has previously recommended that the relevant authority should ideally consider designating the day following the polling day a school holiday or failing which, the REO should seek the agreement of the concerned school management to allocate part of their school

premises after 6:00 a.m. for continuation of vote counting on the premise that such arrangement would not adversely interfere with school activities.

***Improvement Measures Implemented by the REO***

79. The EAC notes that the REO has introduced a number of improvement measures relating to the packing of relevant electoral documents at polling stations and their subsequent checking and storage at DCCs since the two LegCo By-elections held in March and November 2018 respectively. These measures, which were proposed by the middle ranking subject officers and endorsed by ex-PEO of the REO, include –

- (a) use of a distinctive yellow plastic bag for packing the marked FR – to enable easy identification of packet(s) containing marked FR, polling staff are requested to put the sealed packet(s) of marked FR, together with updates to FR, inside a yellow plastic bag and seal it with a sealing certificate;
- (b) use of a red plastic box to lock the marked FR and various forms – to facilitate the retrieval of relevant documents after the election, polling staff are required to put the yellow plastic bag of the marked FR, together with all polling, counting and statistical forms, etc., into a locked red plastic document box;
- (c) deployment of APROs to DCCs – apart from the DCC staff, the REO now deploys one more APRO to each DCC to specifically check the electoral documents returned from polling stations against the information on the delivery notes. The APROs are also required to sign on delivery notes to confirm that checking

has been conducted and all relevant materials from polling stations are in order;

- (d) checking the number of marked FRs at DCCs – the “marked FR” contained in yellow plastic bag(s) is listed as a separate item on the delivery note. DCC staff and APRO are required to check this item and confirm that the quantity as specified on the delivery note is in order;
- (e) briefing sessions for DCC staff – both district liaison officers of the Home Affairs Department and APROs deployed to DCCs are required to attend briefing sessions before the election. During the briefing sessions, guidelines on the procedures for checking electoral documents at DCCs would be explained;
- (f) hiring of security guard services at DCCs – security guard services are engaged by the REO to strengthen the security at DCCs when electoral materials are kept there pending delivery to the REO Store;
- (g) use of loose minute files to keep the delivery notes at DCCs – each DCC is required to keep all delivery notes in a loose minute file for collection by REO staff; and
- (h) use of bar-locked filing cabinets at DCCs – bar-locked filing cabinets are delivered to DCCs, and DCC staff together with APROs will take out the sealed yellow plastic bags of marked FRs, polling, counting and statistical forms as well as other electoral documents with personal data from the red plastic

document boxes and locked those documents in the cabinets. Each cabinet has been numbered and its individual drawers marked for keeping relevant electoral documents of the assigned polling stations.

The ballot boxes and suitcases containing ballot papers and locked cabinets will eventually be delivered to the REO Store. Upon receipt of the cabinets in their Store, REO officers would check the yellow plastic bags of marked FRs against the information shown on the sealing certificate tied to the bags to ensure that all the marked FRs have been collected. A proper record of marked FRs will also be kept.

80. The EAC notes that the above improvement measures can, to a great extent, help prevent the loss of marked FRs and various polling, counting and statistical forms and facilitate their easy retrieval in the REO Store subsequently. Furthermore, as marked FRs are no longer packed with various types of ballot papers in red plastic bags, it can help eliminate the need to open ballot boxes / suitcases for retrieval of marked FRs in future and reduce the chance that ballot papers would be tampered with in the process. However, the EAC considers that there is still more room for improvement in the packing and delivery procedures of the electoral documents, particularly in respect of the various types of ballot papers (see paragraphs 88 below).

### ***Shortening of the Working Hours of Polling Staff***

81. The EAC considers that apart from introducing the above improvement measures, the REO should also critically examine the causes precipitating the human errors and consider means to address the problem.

To this end, the EAC considers that one systemic issue is the long working hours of the polling staff. The election voting time starts at 7:30 a.m. and closes at 10:30 p.m. According to the OM of the 2016 Election, all polling staff were required to arrive at their polling stations by 6:45 a.m. on the polling day to prepare for the poll. As polling of OPSs ended at 10:30 p.m. and it took at least several hours to conduct the count, under normal circumstances, the polling staff had already worked for some 20 hours or so by the time of the close of count when they had to finalise the packing of the electoral documents. Hence they should unavoidably be very tired by that time. Moreover, for the PROs and their deputies, they might further need to wait for a few more hours until the completion of count in all polling stations of their GC and declaration of the results before they could deliver the electoral documents to DCCs. It is noteworthy that the working hours of polling staff in a LegCo General Election is generally longer than that in a DCOE. In a DCOE, polling staff can proceed to deliver electoral items of their polling station to the designated collection centre immediately after the close of count in polling stations of their respective constituencies and need not wait of the results of other constituencies. In any event, while the EAC believes that polling staff would use their best endeavours to pack and return the essential materials to the REO, it is still possible that some might overlook some minor steps in the packing and delivery processes due to fatigue. Others might inadvertently prepare their documentation work or be less attentive with the checking work at the DCCs because they were in a hurry to finish it up.

82. In particular, the EAC notes that the working hours of polling staff were exceptionally more lengthy in the 2016 Election owing to the unexpectedly longer time taken in the polling and counting processes. There were two major factors for the delay in that exercise –



- (a) Polling hours at OPSs started at 7:30 a.m. and should have ended at 10:30 p.m. on 4 September 2016. While the poll had been smoothly conducted in general, electors at a few polling stations were still queuing for ballot papers after the end of polling hours. For the sake of fairness, electors who arrived or were queuing up at the polling station at 10:30 p.m. were allowed to enter the polling station to cast their votes. As the counting process could only commence after all polling stations of the same GC have completed the polling process, the count at the polling stations of the relevant GCs was consequentially delayed.
  
- (b) There was a significant increase in the voter turnout in that Election and the number of GC ballot papers that required counting reached 2.2 million, representing approximately a 20% increase as compared with the number in the 2012 LegCo General Election.

As a result, the counting results of all GCs in the 2016 Election were only announced successively from around 11:20 a.m. to 5:00 p.m. on 5 September 2016. By then, most polling staff (including those in the subject case) had already been working for 30 hours or more. This was likewise the case of the DCC staff, as some of them also had to take up duties at polling stations or command centres on the polling day.

83. The EAC considers it reasonable to shorten the working hours of polling staff (or at least some of them) so that the relevant staff can more effectively carry out their duties in packing electoral documents after the

close of count and preparing proper documentation. The EAC **recommends** that the REO should –

- (a) ideally, in consultation with stakeholders, consider shortening the polling hours on polling days in future. The EAC is however mindful that in a public consultation exercise introduced in November 2017, the majority of responses did not support this proposal, with many citing the importance to facilitate the exercising of their rights to vote as their reason; and / or
- (b) critically review the existing arrangement for all polling staff to work for long hours. In this connection, REO should, subject to the recruitment of sufficient number of polling staff, explore the feasibility of staggering the working hours of a certain number of polling staff (i.e. in the latter part of the electoral process) and designating them to take charge of the packing and delivery of electoral materials to DCCs.

84. The EAC has also considered the option of arranging polling staff to work in two (or more) shifts on the polling day in order to shorten the working hours, but find the option not very feasible. First of all, if polling staff were to work in shifts, they would need to handover the electoral materials, including ballot boxes containing ballot papers of electors, during the polling period. The handover arrangement might adversely affect the smooth conduct of the poll, while very water-tight safeguards would have to be carefully worked out and put in place to ensure the integrity of the handover process for an election to be conducted in an open, fair and honest manner. Moreover, to allow more than one shift on the

polling day, the numbers of polling staff to be recruited by the REO would need to be at least double. Given the great difficulties in recruitment of polling staff from within the civil service, the REO would unlikely be able to find a sufficient number of polling staff to work in two (or more) shifts.

85. In any event, the EAC considers that the REO should conduct a comprehensive review of the present working hours of the polling staff with a view to facilitating their effective carrying out of the duties to pack and return all relevant electoral materials from polling stations to DCCs.

***Refinement of the Instructions and Standardisation of the Packing Methods in the OM***

86. Apart from long working hours, the EAC considers that the attention of some polling staff might get diverted by the lengthy and complex instructions in the OM, hence their mistakes in the packing and delivery processes. This is particularly so in a LegCo General Election as the polling staff have to follow different rules to pack and dispatch the electoral materials and ballot papers of GC, DC(2nd)FC and other traditional FCs after the close of poll. While GC ballot papers are counted at polling stations and delivered to the DCCs afterwards, those of DC(2nd) and other FCs have to be delivered to the CCS for central counting. Misplacement of the marked FRs to the CCS, together with the FC ballot papers, did occur. Moreover, the OM also states that polling staff can choose to pack the electoral documents in either sealed envelopes or tamper proof plastic bags. They can also choose to use ballot boxes and / or suitcases for carrying the electoral documents to the DCCs. The EAC considers that the provision of such options may cause unnecessary diversion to polling staff's attention and complicate the checking work at

DCC as well as the subsequent stock-taking work in the REO Stores.

87. To enhance the understanding of polling staff of the instructions given in the OM and reduce the types of items required to be handled by polling staff, the EAC **recommends** that the REO should –

- (a) refine the presentation of relevant instructions in the OM so that polling staff can understand the expected requirements more easily. For example, rules governing the packing of GC and FC ballot papers may be set out in separate sections with clear headings;
- (b) enhance the training for polling staff on the packing of electoral documents at polling stations and the delivery of different documents to specified locations. Moreover, during the training and briefing sessions, the REO should raise their awareness of the importance of electoral documents, particularly those containing personal data, and remind them to follow proper procedures in handling these documents; and
- (c) consider standardising the packing methods as far as possible so that polling staff can follow them more easily. In this regard, the EAC suggests that the various types of electoral documents should better be packed and sealed in specially designed transparent / translucent plastic bags, preferably with descriptions of their respective content clearly printed on the covers in advance. Also, for better security and ease of carrying and identification, only suitcases should be used to carry the electoral documents to the DCCs.

### *Need to Counter-check Different Types of Ballot Papers*

88. The EAC notes that according to the OM and delivery note, DCC staff are not allowed to unseal the opaque red plastic bags, which contain sealed packets of ballot papers. They are not required to verify the quantities of sealed packets inside the bags. To rectify errors in the packing and delivery of ballot papers as far as possible, the EAC **recommends** that the REO should –

- (a) entrust the electoral staff and the APROs at DCCs to double-check and confirm the types and quantities of the sealed packets of ballot papers returned from polling stations. To make the checking work feasible, the REO should, as recommended in paragraph 87 above, do away with the opaque red plastic bags and ask polling staff to separately put various types of ballot papers in transparent / translucent bags to facilitate checking of the contents therein. They should then put the sealed bags of ballot papers inside suitcases and lock them up before delivery to DCCs. DCC staff and APRO deployed to DCCs should be required to check the types and quantities of the sealed packets of ballot papers against the delivery notes as well;
- (b) require DCC staff to lock all sealed packets of ballot papers in suitcases after checking and hand over the keys to the authorised persons of the REO at DCCs. The REO may consider using group keys (e.g. one key for each polling station or several stations in different districts) or number locks to reduce the

number of keys that they need to keep. They should also explore new technologies concerning suitcase locks;

- (c) maintain proper records on who have obtained the keys from the relevant authority in the REO and opened the suitcases and for what purposes in accordance with the relevant government regulations. All unauthorised access to materials inside the suitcases should be prevented; and
- (d) imprint codes / serial numbers on suitcases before dispatching them to polling stations. When these suitcases with codes/ serial numbers printed on them are subsequently used to pack electoral documents and then delivered to the DCCs and the REO Store in sequence, the DCC and REO staff can use the codes/ serial numbers to trace the polling stations from which the suitcases were collected. They can check the numbers of suitcases against the delivery notes at DCCs or REO Store to ensure that all have been safely returned. As an additional safeguard, REO should also consider distributing luggage tags with polling station code to polling staff and ask them to tie the tags on suitcases before delivery to DCCs<sup>15</sup>.

89. In short, the REO should review the procedural guidelines relating to the packing and checking of electoral documents after the close of poll and count as set out in the OM and introduce improvement measures so as to minimise or rectify errors by polling staff in this respect as far as possible

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<sup>15</sup> While luggage tags showing polling station code were distributed to DCCs in the 2016 Election and DCC staff were requested to distribute the tags to polling staff for tying on the suitcases and ballot boxes upon their arrival at DCC, some staff might have missed this step due to oversight or miscommunication. The problem can be avoided if luggage tags are tied to all suitcases in advance.

in future elections. With the problems being tackled at source, it will make REO's subsequent stock-taking and inventory management work much easier.

## **II. Collection of the Electoral Materials from the DCC and Delivery to the REO Store**

90. Regarding the collection of electoral materials from the DCCs to the REO Store in the 2016 Election, the EAC considers it unfortunate that the REO staff concerned was unable to carry out the checking work as planned due to unforeseen circumstances (see paragraphs 35 to 37 above).

91. In this connection, the EAC notes that the REO has already implemented several improvement measures on the collection and transportation of materials from the DCCs based on their experience gained. For example, more senior officers in Executive Officer Grade (namely, Executive Officers I) in the REO will be assigned to conduct briefing sessions for the REO staff before elections on the collection procedures at the DCCs. They will also advise REO staff on how to monitor the delivery of materials from the DCCs to the REO Store. Briefing notes will be distributed to the REO Staff concerned on the collection and delivery procedures, including steps to verify the numbers of cabinets and suitcases at the DCCs based on information from the delivery notes. In addition, a WhatsApp group is to be set up for the REO staff concerned to monitor progress in the collection and transportation processes after each election. REO staff can use the WhatsApp group to report problems that they encounter.

92. The EAC appreciates the above improvement measures already made by the REO and considers it appropriate to assign more senior officers (i.e. Executive Officer I or above) to take charge of the overall collection and transportation work. That said, the EAC has identified further areas of improvement that the REO should consider. On staff deployment, the REO only assigned one staff to collect the electoral materials from the Kwai Tsing DCC in the 2016 Election. As a substantial volume of materials were involved, the staff deployed seemed to be far from enough. The EAC **recommends** that the REO should –

- (a) review the staff deployment for collecting electoral materials from DCCs. Specifically, the REO should consider assigning at least two staff members to each DCC. They should arrive at the DCC earlier than the transportation contractor so that they can have adequate time to conduct inventory check on items at the DCC. Timely follow-up actions should be taken if any irregularities were identified; and
  
- (b) make better arrangement to monitor the work of the transportation contractors. For example, the REO may assign one staff to stay inside the DCC to monitor the packing of materials on pallets and deploying another to station at the loading area of the DCC to ensure that all pallets are properly loaded on the contractor's lorry.



### **III. Store Arrangement and Store Management System**

93. The EAC notes that the store arrangement and store management system of the REO for electoral materials was far from satisfactory. Prior to the 2016 Election, electoral materials from various DCCs were returned to the REO Store in Caroline Hill Depot. It was a spacious accommodation for the purpose. Unfortunately, the Caroline Hill Depot had to be returned to the Government in mid-2016. In the 2016 Election, the electoral materials from various DCCs (including those from the Kwai Tsing DCC) had to be placed in the REO Store at Cornwall House (CH Store) temporarily before removal to more permanent storage. Moreover, the size of the storeroom in the CH Store was too limited with no allowance for efficient and orderly retrieval of electoral materials.

94. In addition to that, at present, the REO constantly keeps an enormous amount of electoral materials and documents, including furniture and equipment, ballot boxes, suitcases, ballot papers, marked FRs, various kinds of electoral forms and reports prepared by polling staff, etc. These materials and documents are kept in 13 REO Stores scattered over the territory. Some stores are remotely located from the REO offices (e.g. in Sha Tau Kok, Ta Kwu Ling and Mui Wo), while some are in poor condition (e.g. without cargo lifts and toilets). Such foregoing arrangement is not conducive to the work of the REO to efficiently dispatch a wide variety of materials to some 600 polling stations before the polling day and collect them back afterwards. The tenancy periods of these Stores also vary, making the management work of the REO Stores including introducing modern and digitalised security and tracking system for the REO Stores, extremely difficult, if not impossible.

95. As regards the store management system, the EAC notes that the REO staff assigned to receive the electoral materials delivered from DCCs to the REO Store in the 2016 Election were rather junior. They were not given detailed advice on the appropriate practices to follow to ensure the safe custody of the electoral documents, some of which contained personal data. Largely owing to the dissatisfactory store arrangement mentioned above, PC Team 1 at that time could neither kept proper inventory record on the electoral materials in the storeroom nor keep track of the movements of items and people who had entered the storeroom. Moreover, the EAC notes that prior to the 2016 Election when all electoral materials returned from the DCC were stored in the Caroline Hill Depot, only a limited number of designated officers were assigned for the retrieval of electoral documents required. Not only was the Caroline Hill Depot no longer available in the 2016 Election, workload of the designated officers mentioned above dictated that the number of other officers involved in the retrieval of electoral documents was much more numerous, resulting in the previously tighter control being loosened up.

96. To address the problems, the EAC **recommends** that the REO should –

- (a) proactively draw up its detailed operational needs and storage requirements arising from all upcoming elections (i.e. sizes, timings, locations and periods), say within a five-to-ten-year period, for discussion with GPA;
- (b) as a matter of priority, secure permanent store facilities to accommodate all its storage needs, preferably under one roof. This would in turn enable the introduction of a comprehensive set

of store guidelines and security and tracking facilities supported by latest information technology.

97. As a related issue, apart from store management, the EAC also recommends that the REO should continue to carry out detailed studies to explore the use of information technology in different aspects of the election process<sup>16</sup> and in facilitation of the compilation and transmission of electoral statistics on the polling day. This may help reduce the volume of electoral documents required in elections and eliminate the subsequent need of storage for relevant documents.

#### **IV. Office Accommodation**

98. Similar to the case of their Stores, the offices of E Division of the REO are scattered, thereby adversely affecting the operational efficiency and communication of its sub-divisions. For the four sub-divisions in E Division, E1 Division, which is basically responsible for the training and recruitment of polling staff, transportation services for all polling stations and emergency depots, and arrangements for setting up polling stations, is located in Kowloon Bay. It is in the same office building as E3 Division, whose duties include providing logistical support to E Division, such as booking of venues, printing services, transportation, etc. Regarding E2 Division which coordinates and handles administrative matter for E Division among its various duties, its office is in Millennium City 6 of

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<sup>16</sup> The REO will soon be launching a pilot scheme of implementing electronic counting for selected traditional FCs in the 2020 LegCo General Election to help automate the process of counting traditional FC ballot papers at the CCS. They are currently conducting a study to explore the feasibility of introducing electronic Register of Electors at the polling stations to computerise the ballot paper issuing process.

Kwun Tong. Finally, E4 Division, who is now in the same office building as E2 Division and whose duties include providing logistical support for elections, is going to be temporarily relocated to Kwun Tong View in Kwun Tong in mid-2019 and then to Wan Chai in late 2019.

99. Against this background, the EAC considers that the REO should continue to work closely with relevant government departments (e.g. the GPA) to resolve their problems in office accommodation. As such, the EAC **recommends** that the REO should –

- (a) explore with GPA whether one suitable location can be identified to house all sub-divisions of E Division in the REO; and
- (b) in the long term, explore with relevant government department(s) the feasibility of developing a joint-user specialist and departmental building (“SDB”) to meet its periodic accommodation requirements<sup>17</sup>. The REO should also keep in view other suitable government building projects that they may serve as a co-user.

## **V. REO’s Efforts in Locating the Marked FRs and Internal Communication**

100. The EAC appreciates that during the period from October 2016 to November 2017, relevant staff of the E1 Division had made very strenuous

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<sup>17</sup> The Director of Audit recommended in the Report No.69 released in October 2017 that CEO and the Commissioner for Census and Statistic should, in consultation with GPA, explore the feasibility of developing a SDB.

efforts to locate and retrieve many marked FRs and forms required for inspection by the LEAs, though it is considered such efforts could have been much easier had proper inventory records and retrieval systems been in place in the storerooms. The EAC further notes that during this period, as searching efforts were ongoing and the searching teams had successfully located other missing marked FRs one after another, the subject officers held reasonable expectation that the marked FR in question was also just misplaced and could eventually be found and, therefore, did not conclude that there was a loss of the marked FR at that juncture.

101. The EAC notes that by November 2017, all relevant Stores except KTCT and ex-SKCPS in the REO had been searched and that the original plan of the E1 Division was to continue their search in the two remaining Stores. Nevertheless, a decision was then made by ex-DCEO(E)1 to suspend the search till mid-2018 after the completion of the 2018 LegCo By-election. While noting the reasons given by ex-DCEO(E)1 in paragraph 54 and that he had reported the suspension plan to ex-PEO, the EAC, however, had strong reservation to their change in the course of action. The EAC considers that as the search operation had already straddled over a year, it would have been more appropriate at this juncture for ex-PEO / ex-DCEO(E)1 to instruct their staff to complete their searches in the remaining Stores as early as possible or to consider filing a preliminary case on the apparent loss of the marked FR in question with the relevant authorities if the search still had had to take some time to complete. As ex-PEO had already pointed out during the interview meeting (see paragraph 55 above), she considered with hindsight that at that time, the REO should ascertain as soon as possible whether the marked FR in question was lost and take appropriate follow-up shortly afterwards. In short, the EAC considers that ex-DCEO(E)1, in making his decision to

suspend the search for six more months, and ex-PEO, having been reported of the decision, had not accorded sufficient priority or an appropriate degree of urgency to the matter, given that the marked FR in question is an important electoral document containing the personal data of electors as well as sensitive information on whether an individual elector had collected his / her ballot papers at the subject polling station on the polling day. The EAC further considers that at this juncture, the Elections Division should have further briefed ex-CEO of their searching efforts. They should have alerted him to the possible loss of the marked FR in question and sought his steer on their proposed course of action, particularly in view of the fact that the REO had lost two computers containing personal data of electors in late March 2017 after the 2017 Chief Executive Election.

102. During the investigation, the EAC further notes that in early January 2018, ex-CEO had already been aware of the issue that the marked FR in question had not yet been located as the ICAC's memo dated 5 January 2018 was addressed to him and he had initialled, and underlined a few key words therein and put a question mark against the margin of the enclosure to the memo. Moreover, ex-PEO had made a brief report to him about the case in her email of 10 January 2018 (see paragraph 60 above). The EAC considers it unfortunate that at that time the matter had escaped his attention (allegedly memory as well) and that both he and ex-PEO had not discussed the matter any further or given any steer to the E1 Division on what follow-up actions should be taken. During the interview meetings with the EAC, both of them, nevertheless, considered with hindsight that the matter was serious in nature given that possible loss of personal data was involved and that searching efforts for the marked FR in question had been made by their staff for a long time. Both of them considered that at that time, they should have intervened and set a deadline

for the search and report the loss of the marked FR in case it could not be found subsequently. In this regard, the EAC considers that both of them, being the two most senior members of the management of the REO, lacked the sensitivity in dealing with the matter, particularly in light of the computer theft incident that happened around that time (see paragraph 101 above), although the EAC takes note that both of them might have been busily involved in the preparation work for the LegCo By-election at that time. In particular, ex-PEO, as the head of the Elections Division, should have proactively identified solutions to resolve the matter. Moreover, throughout the investigation process, ex-PEO had indicated that the matter relating to the marked FR was not within her recollection, which the EAC finds highly unsatisfactory.

103. The EAC further notes that without clear steer and additional resources, PC Team 1 could only conduct intermittent searches for the marked FR between November 2017 and December 2018 amid their other duties (including the arrangement for elections). The EAC, however, considers that although the marked FR in question still could not be found during this period and ex-CEO was supposedly aware of the case, the subject team should continue to report progress of their searching efforts to their new supervisors (as ex-PEO and ex-DCEO(E)1 were posted out from the REO in March and May 2018 respectively) and bring up problems for their steer, with due regard to the seriousness of the matter. Likewise, ex-PEO and ex-DCEO(E)1 should hand over the case to their successors for necessary action when they were posted out. Unfortunately, these actions had not been taken at that time.

104. To prevent recurrence of similar incidents and to enhance the internal communication within the REO, the EAC **recommends** that the REO should –

- (a) develop internal guidelines on a reasonably stringent timeframe for searching any missing electoral documents involving personal data or sensitive information and for timely reporting possible losses to the relevant authorities (e.g. CEO, CMAB, the Police, PCPD, etc.). In so doing, the REO may need to make reference to relevant government regulations and / or consult relevant government departments (e.g. the Government Security Officer and Government Record Service). In any event, it is REO's duty to keep all relevant electoral documents in safe custody for an ordinary period of six months after the election until their destruction. By the time of destruction, the REO should have already located all these documents or filed with relevant authorities all case(s) of (possible) losses if any of them could not be located; and
  
- (b) put in place a reporting mechanism to require subject officers to keep the CEO regularly posted, say, at least on a monthly basis, of the progress of their follow-up actions on LEAs' requests for inspection of marked FRs or other electoral documents, including highlighting the time and efforts taken in following up the requests. At present, CEO was just informed about the LEAs' requests at the initial stage when the PC Team 1 first received the LEA's requests as they needed to seek prior approval from the CEO to break the seals of the relevant packets of electoral documents. Thereafter, no regular report was



submitted to the seniors including the CEO about the progress of their work (e.g. which marked FRs had been located and inspected, which ones were missing and whether searches were being conducted, etc.).

## **VI. Review of REO's Organisational Structure**

105. The EAC further notes that in early April 2019 ex-CEO had stated publicly that his staff had not previously reported to him on matters relating to the marked FR in question. With the subsequent retrieval of ICAC's memo dated 5 January 2018 which was addressed to him and the ex-PEO's email of 10 January 2018, ex-CEO's statement to others (that he had not been informed on the matter before) is found to be incorrect as a matter of fact. Although ex-CEO had made incorrect statement as to his awareness of the loss of the marked FR in question, he had on his own volition retrieved from his mailbox the email dated 10 January 2018 from ex-PEO and explained the matter, after the copy of the ICAC memo of 5 January 2018 was found.

106. While noting his explanations for making such statement at that time (see paragraph 72 above), the EAC considers that ex-CEO, being a head of department, should have exercised much greater prudence and caution in ensuring the factual accuracy of information being given to the public. In this connection, the EAC **recommends** the Government to conduct a thorough review on REO's organisational structure with a view to -

(a) examining if the current rank, experience, and core competency of the current CEO post are commensurate with the workload and responsibilities of a department head who has to lead the REO. As the department head, CEO is expected, among other things, to assist the EAC in reviewing and supervising the conduct of elections. Over the years, the elaborated nature of electoral arrangements as well as the community's expectation for elections to be conducted efficiently and meticulously in an open, fair and honest manner and in accordance with the electoral laws have grown immensely. Such developments require electoral procedures be planned in good time, in more details and with more multifarious considerations. In particular, when considering amendment of any subsidiary legislation related to the conduct of elections, apart from operational aspects, the EAC expects CEO to give advice from the macro perspective. CEO is also expected to advise the EAC on the need to review the existing electoral procedures and arrangements from time to time in response to the growing aspirations of different sectors of the community. Nevertheless, CEO, as a department head, on the other hand, also needs to oversee the day-to-day administration and operation of the REO including monitoring electoral arrangements, registration of electors, amendments of election regulations, updating of electoral guidelines, and delineation of constituency boundaries, etc. A full range of the electoral tasks that the REO is required to undertake is set out at Appendix 7. In this respect, the EAC has all along considered that by virtually combining the supervisory and operational roles in one person, the process of supervision may tend to be too subjective at times, or even

compromised by reason of expedience or expedition. The EAC considers that the two roles should best be separated. As such, the EAC considers that the Government should conduct a thorough review on the job requirements of the department head of the REO to see if a more senior post should be created to head the REO and take up the role of assisting the EAC in reviewing complex and far-reaching electoral issues (such as making legislative amendments to the existing subsidiary legislation governing voter registration and electoral arrangements) and in supervising the conduct of elections in an objective and critical manner;

- (b) examining the possibility of retaining the existing D2 level post (i.e. the current CEO post) to oversee the day-to-day operation of the REO. The EAC notes that over the years, the workload and responsibilities of the REO have been increasing. The number of registered electors has also been on the rise, reaching a record high of 4.1 million in mid-July 2019 and the verification work is more demanding since the introduction of address proof in change of address applications. In addition, there is also a rising trend in the number of candidates in public elections. As population grows, a total of 21 DC Constituency Areas had been added for the coming DCOE in 2019, leading to a corresponding increase in the number of DC seats. Moreover, without enhancement of its managerial echelon after the introduction of DC(2nd)FC in 2012, the REO has taken up much expanded workload with the same managerial capacity for organising the DC(2nd)FC elections in 2012 and 2016, including arranging the registration of over two million eligible voters, handling a vast

amount of DC(2nd)FC ballot papers such as printing, distributing, and keeping these papers, identifying sufficiently large venues for setting up CCSs, etc. Given that the REO will have to conduct at least one major public election in all but one year in the coming decade<sup>18</sup>, strong leadership would be required to plan and monitor the preparatory work for each and every upcoming designated public elections to ensure they are all conducted smoothly in an open, fair and honest manner. The EAC therefore considers that there is a need to review the directorate set-up in the REO to ensure there is adequate directorate steer and policy input for the smooth delivery of all new and more complex tasks and recommends that the Government examine whether there is a need to further strengthen the directorate set-up of the REO;

- (c) reviewing its staffing structure, particular the proportion of permanent staff to NCSC staff in the REO in the coming decade. Due to resource consideration, the REO has only a permanent establishment of around 180 staff members who are civil servants and will only be provided with additional human resources through the creation of time-limited civil service posts and engagement of NCSC staff during election cycle in order to prepare for the various major elections in that cycle. Taking the

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<sup>18</sup> Major elections to be held from 2019 to 2028 include –  
2019: DCE;  
2020: LCE  
2021: ECCSE;  
2022: CEE;  
2023: DCE;  
2024: LCE;  
2026: ECCSE;  
2027: CEE and DCE;  
2028: LCE

2015-17 election cycle as an example, by the third quarter of 2016 which was the peak of the election cycle, the number of time-limited civil service posts and NCSC staff amounted to 1 395, with the vast majority of them being NCSC staff. The EAC considers such staffing structure of the REO has outlived its currency in coping with the ever-growing complexities in electoral arrangements, especially in view of the fact the REO will have to conduct at least one major public election in all but one year for the coming decade. The EAC suggests that the REO should critically review and work out an optimal proportion of its permanent staff to NCSC staff to ensure the smooth conduct of the upcoming elections; and

- (d) reviewing the posting arrangements of its core civil servant staff with a view to retaining their knowledge and experience in the REO. The EAC notes that the civil servant staff of the REO are general grade staff who are subject to posting to other government bureaux and departments. In the past, upon completion of an election, the vast majority of the experienced staff will be posted out and a new batch of staff will only be available at the next election cycle. This is highly undesirable as staff will face a steep learning curve when they join the REO if there is no on-the-job training provided by officers with practical experience. In this regard, the REO should consider regularly reviewing the posting arrangement of its core staff with the relevant grade management with a view to staggering their departure to ensure that knowledge and experience of these staff could be better retained and passed on to the new comers.

107. In short, the EAC recommends that the Government should conduct a thorough review on the organisational structure of the REO, taking into account its latest development and the anticipated growth in workload and job complexity in the REO in the coming decade or so. In particular, the review should seriously consider whether the rank of a D2 officer is in fact incommensurate with the workload and responsibility for leading the REO and whether a more senior post should separately be created as the department head of the REO; whether there is any need to augment the strength of its directorate staff; whether the ratio of permanent staff to NCSC staff can be further improved and what measures can be taken to help retain the expertise and knowledge of the core REO staff on a longer term basis.

## **VII. Conclusion**

108. While it is impossible to ascertain precisely why the marked FR in question could not be found due to the lapse of time and lack of direct evidence, the investigation of the EAC has revealed irregularities and shortcomings in the various processes and arrangements in the 2016 Election which might have led to the loss of the marked FR. That said, the EAC notes that relevant REO staff (especially the middle ranking ones) had already made very strenuous efforts in locating the marked FR in question but unfortunately the ex-members of the senior management of the REO had not accorded sufficient priority in setting deadlines for the searches and in taking follow-up actions on the matter. Moreover, the EAC considers that they should have better communication regarding the searching efforts on the marked FR and the possible follow-up actions to be taken.

109. The EAC appreciates that the REO has already reviewed their arrangements in the 2016 Election and introduced a number of improvement measures with a view to plugging the various loopholes in the packing, delivery and storage processes. The EAC further notes that the REO has taken remedial actions to minimise the potential damages of breaches of personal data after the incident was made known to the public in April 2019.

110. The EAC considers that the REO should continue to look forward and improve the procedures for the handling of electoral documents, given that the REO is tasked with the statutory responsibility to keep these electoral documents for six months after each election. As the questions of integrity and personal responsibilities of individual officers in this incident would be dealt with under the established mechanism, it is outside the scope of our investigation. The EAC will leave it to the authority in the Government which is properly seised of the matter to decide whether any disciplinary proceedings should be initiated or any subsequent actions taken.

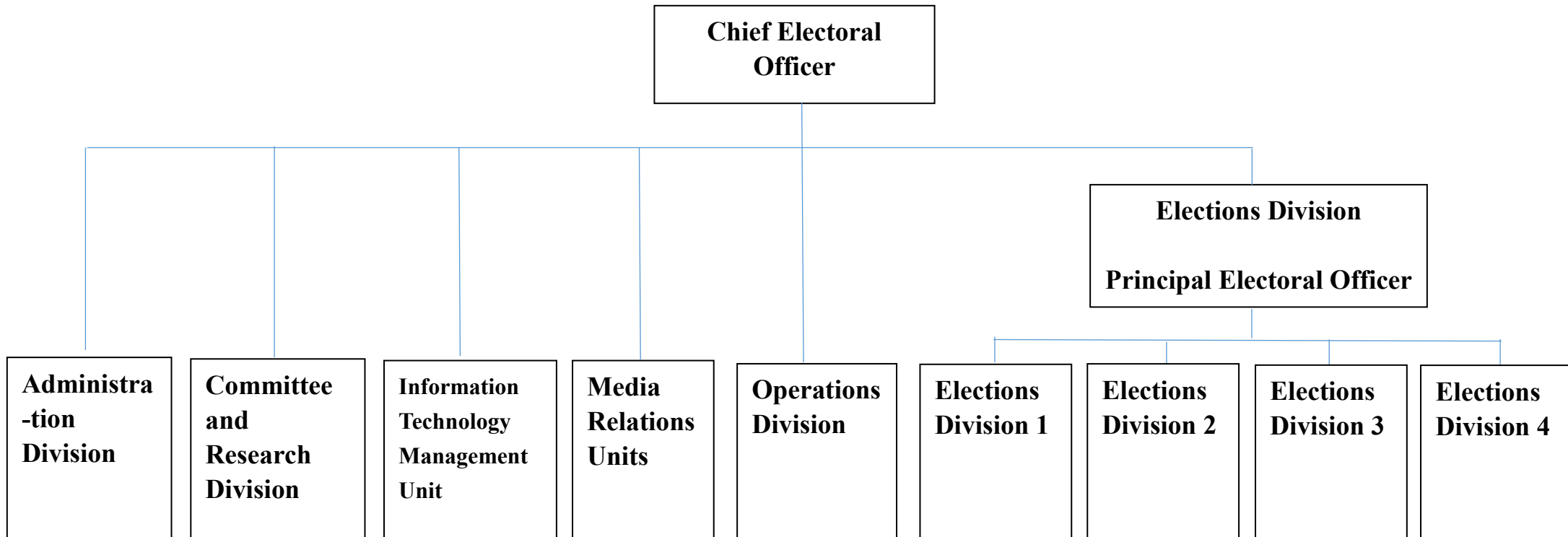
111. The EAC believes that the Government and the REO will carefully consider our recommendations in the report and explore how they should be implemented. The EAC will continue to oversee the work of the REO and ensure that the public elections in Hong Kong can be conducted in an open, fair, and honest manner.

**Electoral Affairs Commission**

July 2019

# Organisation Chart of the Registration and Electoral Office in the 2016 Legislative Council General Election

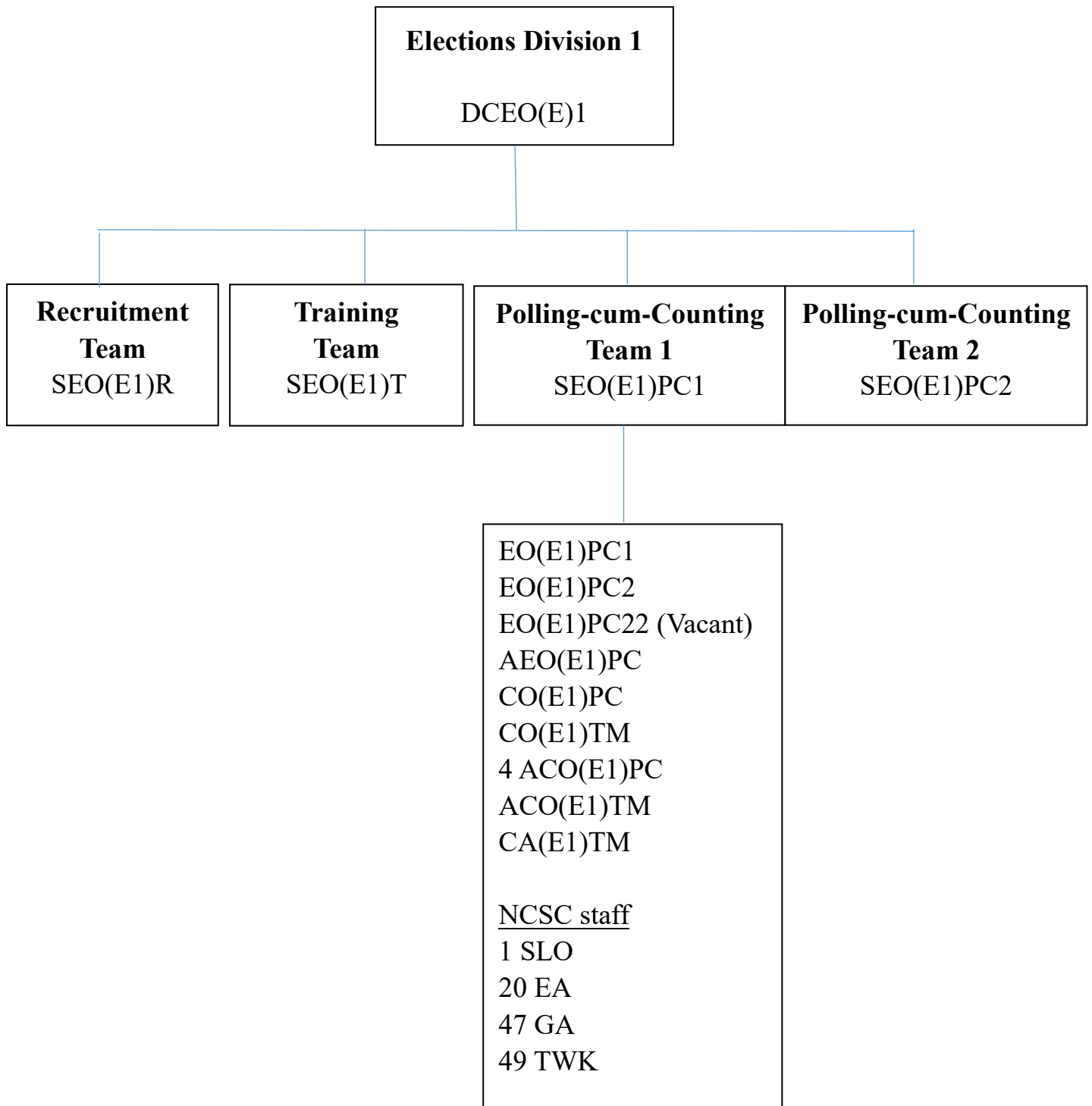
(As at September 2016)





**Organisation Chart of Elections Division 1  
in the 2016 Legislative Council General Election**

**(As at September 2016)**



Legend

ACO – Assistant Clerical Officer

AEO – Assistant Electoral Officer

CO – Clerical Officer

DCEO – Deputy Chief Electoral Officer

EA – Electoral Assistant

EO – Electoral Officer

GA – General Assistant

NCSC staff – non-civil service contract staff

SEO – Senior Electoral Officer

SLO – Senior Logistics Officer

TWK – Temporary Worker

## **Extract from the Operational Manual of the 2016 Election for PROs, DPROs, APROs and District Liaison Officers**

### *Disposal of Documents*

- 8.51 PRO should arrange disposal of documents, tidying-up of counting station, etc. **only after receiving a phone call from SIC that RO has declared the election result.**
- 8.52 As soon as practicable after PRO has ascertained that the election result has been announced, he/she must, at the counting station, make sure the following have been sealed in separate packets (i.e. envelopes or tamper proof plastic bags) for GC votes:-
- the counted ballot papers;
  - the un-issued ballot papers;
  - the unused ballot papers;
  - the spoilt ballot papers;
  - the invalid/rejected ballot papers;
  - counterfoils of issued ballot papers; and
  - marked copy of the FR.
- 8.53 The following forms should be sealed in respective envelopes or packed into respective folders:-

C(I) Envelope

- [P(18)(GC)], [F1(GC)], [F2(GC)], [F3(GC)] and [F4(GC)]

C(II) Envelope

- [P(1)(OPS)], [P(2)], [G.F.51], [CF(1)] and [CF(2)]

C(V) Envelope

- [P(22)] and [REO-1(2016)]

"Statistics(GC)"-Folder

- [P(12)(GC)], [P(14)(GC)], [P(15)(GC)], [P(16)], [P(17)] and [P(19)]

"P"-Folder

- All other polling forms and [F7(GC)]

8.54 PRO must endorse on the front of each sealed packet (i.e. envelope or tamper proof plastic bag. Use the cover sheet provided for endorsement on the tamper proof plastic bag and make sure the cover sheet is facing outward so that it can be clearly seen):-

- a description of its contents;
- the code of the polling station;
- the date of the relevant election; and
- the name of the constituency.

8.55 Before PRO makes up the packets, he/she must inform:-

- the candidates who are present at the counting station; and
- if the candidate is not present at the counting station, either his/her election agent or counting agent (if present),

that they may be present when PRO makes up the packets/envelopes and seals and endorses them.

*Counting of GC Votes at Counting Station*

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- 8.56 **Checklist I** on pages 8-38 to 8-39 details the contents of various packets/envelopes to be prepared after the close of count.
- 8.57 PRO should place the sealed packets containing marked copy of the FR, counted ballot papers, invalid/rejected ballot papers, un-issued ballot papers, unused/spoilt ballot papers and counterfoils of issued ballot papers in red plastic bag(s), put the red plastic bag(s) into the ballot box(es) or suitcase(s) and then lock up the ballot box(es) or suitcase(s). The key of the ballot box/suitcase should be fastened firmly at the handle with plastic cable tie. The plastic cable tie should pass through the hole of the key.
- 8.58 PRO should pack the sealed C(I), C(II) and C(V) Envelopes, "P"-Folder and "Statistics(GC)"-Folder properly and put them in a beige non-woven bag.
- 8.59 PRO is required to prepare the *"Final Checklist for Presiding Officer at the Close of the Count (for Geographical Constituency "GC") - [P(10)(GC)]"* and attach it to one of the locked ballot box(es)/suitcase(s).
- 8.60 PRO should deliver the locked ballot box(es)/suitcase(s) and the beige non-woven bag to the designated collection centre of relevant district under police escort. The *"Delivery Note to Designated Collection Centre (for Geographical Constituency) - [P(9)(GC)]"* should be held in hand for District Office staff at the designated collection centre to acknowledge receipt of the sealed packets and electoral documents. **Under no circumstances, should the beige non-woven bag be put into the locked ballot box or suitcase.** The address of the designated collection centre will be provided to PRO before the polling day. Transport will be provided at all polling stations for the delivery. For delivery of the above items to designated collection centre, the vehicle will be the one delivering the DC (second) FC ballot box(es), FC ballot box(es) and related documents to the CCS earlier and then returning to the respective station to stand by, as stated in *paragraph 7.57*.
- 8.61 After unloading the GC ballot box(es)/suitcase(s) and handing over the relevant electoral documents to RO at the designated collection centre, PRO and the accompanying polling staff, can be dismissed. The police officer can be

dismissed at the designated collection centre if he/she wants, or the vehicles can also transport the police officer back to the designated police station.

- 8.62 Upon completion of the delivery, the last one to be dropped off (PRO or polling staff accompanying him/her, if any, or the police officer) should release the vehicle by signing on the Vehicle Log Sheet and certifying the time of release. If the PRO or polling staff accompanying him/her is the last one to be dropped off, he/she should retain a copy of the log sheet, which should be returned to REO as soon as practicable after the polling day. If the police officer is the last one to be dropped off, the driver will retain the signed log sheet and return it to REO separately.

# SAMPLE

Appendix 4

P(9)(GC)

## 2016 Legislative Council General Election

### DELIVERY NOTE TO DESIGNATED COLLECTION CENTRE

(for Geographical Constituency)

To: Responsible Officer at Designated Collection Centre ("DCC")

Name and Code of Polling Station: Mei Tin Community Hall (R1401)

**Part I: Reception of Electoral Documents**

Item No.	Packed into	Description	Quantity	Unit *	Remarks (DCC to put a "✓" to confirm receipt)	
1.	Beige Non-woven Bag(s)	C(I) Envelope	Counting Records – [F1(GC) – F4(GC)] and [P(18)(GC)]	1	Sealed C(I) Envelope	
		C(II) Envelope	Claim Forms – [P(1)], [P(2)], [G.F.51], [CF(1)] and [CF(2)]	1	Sealed C(II) Envelope	
		C(V) Envelope	Forms – [P(22)] and [REO-1]	1	Sealed C(V) Envelope	
		"Statistics(GC)"-Folder (Blue)	Statistical Forms – [P(12)(GC), P(14)(GC), P(15)(GC), P(16), P(17) and P(19)]	1	Folder	
		"P"-Folder (Green)	Other Forms	1	Folder	
2.	Sealed Red Plastic Bag(s) Placed in Locked Ballot Box(es)/ Suitcase(s)	Counted GC Ballot Papers	2	Sealed Packet	In <u>2</u> No(s). of Sealed Red Plastic Bag(s)	
		Un-issued GC Ballot Papers	2	Sealed Packet		
		Unused GC Ballot Papers	1	Sealed Packet		
		Spoilt GC Ballot Papers	1	Sealed Packet		
		Invalid/Rejected GC Ballot Papers	1	Sealed Packet		
		Counterfoils of Issued GC Ballot Papers	2	Sealed Packet		
		Marked Copy of Final Register of Electors	1	Sealed Packet		

\* "Sealed packet" refers to sealed envelope or sealed tamper-proof plastic bag.

Note to DCC: Please do not open the sealed envelopes / red plastic bags. Verification of the quantity of sealed packets inside the sealed red plastic bags is not required.

**PLEASE TURN OVER**

**Part II: Reception of Ballot Box(es) and/or Suitcase(s)**

Item No.	Description	Quantity	Unit	Remarks (DCC to put a "✓" to confirm receipt)
1.	Blue Ballot Box(es)	1	Box	
2.	Suitcase(s)	1	No.	

**Completed by Presiding Officer**

**Received by Responsible Officer  
at Designated Collection Centre**

Signature: LUI

Signature: HO

Name in Block Letters: LUI Ming Ming

Name in Block Letters: HO Ming

Date: 5-9-2016

Date: 5-9-2016



**List of Persons Invited to Attend Interview Meetings with the EAC**

**A. Existing / Ex-members of REO**

<b><u>Post Title (Abbreviation)</u></b>	<b><u>Role / Duties Relating to the Incident</u></b>
(1) Ex-Chief Electoral Officer (ex-CEO) <ul style="list-style-type: none"><li>• Left REO in July 2019</li></ul>	<ul style="list-style-type: none"><li>• Head of REO; responsible for overseeing the work of the REO including making electoral regulations, guidelines and overseeing arrangements for the conduct of designated public elections</li></ul>
(2) Ex-Principal Electoral Officer (ex-PEO) <ul style="list-style-type: none"><li>• left REO in March 2018</li></ul>	<ul style="list-style-type: none"><li>• Head of the Elections Division; responsible for overseeing all electoral work relating to organising designated public elections</li></ul>
(3) Ex-Deputy Chief Electoral Officer (Elections)1 (ex-DCEO(E)1) <ul style="list-style-type: none"><li>• left REO in May 2018</li></ul>	<ul style="list-style-type: none"><li>• Head of the Elections Division 1; responsible for organising electoral work including overseeing the setting up of the polling and counting stations (PCCSs)</li></ul>
(4) Ex-Senior Electoral Officer (Elections 1) Polling-cum-Counting 1 (ex-SEO(E1)PC1) <ul style="list-style-type: none"><li>• left the post of SEO(E1)PC1 in May 2019 and currently on leave.</li></ul>	<ul style="list-style-type: none"><li>• Head of Polling-cum-Counting Team 1; responsible for overseeing the logistics arrangements for the setting up of PCCSs, including the arrangements for the packing, delivery and collection of electoral forms and documents (including the marked Final Registers (marked FRs) from polling stations to the Designated Collection Centres (DCCs) and then to the REO Store</li><li>• Responsible for overseeing the searches of the missing marked FRs including the one in question</li></ul>

- (5) Electoral Officer (Elections 1) Polling-cum-Counting 11 (EO(E1)PC11)
- Responsible for the logistics arrangements for PCCSs including the identification of suitable venues as PCCSs, transportation of electoral materials to PCCSs, location maps and layout plans for PCCSs etc.
  - Responsible for the searches of the missing marked FRs including the one in question
- (6) Ex-Electoral Officer (Elections 1) Polling-cum-Counting 1 (ex-EO(E1)PC1)  
*[Note: the post of EO(E1)PC1 has been titled as EO(E1)PC11 since 1 April 2018]*
- left REO in December 2016
  - Responsible for the logistics arrangements for PCCSs including the identification of suitable venues as PCCSs, transportation of electoral materials to PCCSs, location maps and layout plans for PCCSs etc.
  - Responsible for retrieval of beige non-woven bags of electoral forms after the 2016 Election
- (7) Ex-Electoral Officer (Elections 1) Polling-cum-counting 2 (ex-EO(E1)PC2)  
*[Note: the post of EO(E1)PC2 has been retitled as EO(E1)PC12 since 1 April 2018]*
- left REO in August 2017
  - Responsible for searching the missing marked FRs including the one in question from April to November 2017
- (8) Ex-Assistant Electoral Officer (Elections 1) Polling-cum-counting 11 (ex-AEO(E1)PC11)  
*[Note: the post of AEO(E1)PC11 has been*
- Responsible for searching the missing marked FRs including the one in question from April to November 2017

*retitled from AEO(E1)PC  
since 1 April 2018]*

- left REO in March 2019
- (9) Ex-Electoral Assistant  
(Elections 1) Polling-cum-Counting 10  
(ex-EA(E1)PC10)
- left REO in April 2019
  - Responsible for searching the missing marked FRs including the one in question from November 2016 to February 2017
- (10) Ex-Electoral Assistant  
(Elections1) Polling-cum-Counting 39  
(ex-EA(E1)PC39)
- left REO in March 2017
  - Responsible for searching the missing marked FRs including the one in question from January to February 2017
- (11) Clerical Officer (Elections 1)  
Polling-cum-Counting  
(CO(E1)PC)
- Responsible for receiving the electoral documents delivered from 18 DCCs to the Cornwall House(CH) Store on 5 September 2016
  - Responsible for calling the Presiding Officer (PRO) and Deputy Presiding Officer 2 (DPRO2) of the subject polling station regarding the packing of the marked FR in question
  - Responsible for overseeing the management of Stores under PC Team 1
- (12) Assistant Clerical Officer  
(Elections 1) Polling-cum-Counting 1  
(ACO(E1)PC1)
- Responsible for collecting the electoral documents stored inside the ballot boxes, suitcases and carton boxes at Kwai Tsing DCC (i.e. Cheung Fat Estate Community Centre) on 6 September 2016 and overseeing the delivery of the materials from the aforesaid DCC to the CH Store by the transportation contractor

- (13) Assistant Clerical Officer  
(Elections 1) Polling-cum-  
Counting 4  
(ACO(E1)PC4)
- Responsible for receiving the electoral documents delivered from 18 DCCs to the CH Store on 5 and 6 September 2016
  - Responsible for the relocation of electoral documents from the CH Store to the Koon Wah Store on 21 and 24 October 2016
  - Responsible for the day-to-day management of stores under PC Team 1

**B. Members of the Polling Team of the Polling Station Located at SKH Tsing Yi Estate  
Ho Chak Wan Primary School**

- (14) Presiding Officer  
(PRO)
- Officer-in-charge of the polling station
  - To be personally responsible for the safe custody of the ballot papers and electoral documents received from the REO until handing them over to the Returning Officer after the election result was announced.
  - To ensure that all electoral documents were properly packed and sealed after the count.
  - To ensure the safe delivery of locked suitcases and the related sealed packets of electoral documents to the Kwai Tsing DCC after the count and the election result had been made known.
- (15) Deputy Presiding Officer 1  
(DPRO1)
- Second-in-charge of the polling station
  - To issue FC ballot papers to the appropriate issuing desks for issuing to the eligible electors.
  - To oversee the packaging of ballot papers and electoral documents after the count.

- To assist the PRO in the delivery of the locked suitcases and the related sealed packets of electoral documents to the Kwai Tsing DCC after the count and the election result had been made known.
- (16) Deputy Presiding Officer 2  
(DPRO2) Same as above
- (17) Assistant Presiding Officer 1  
(APRO1)
- To assist the PRO and the DPROs in ensuring the smooth and efficient operation of the polling station.
  - To supervise the Polling Officers in issuing ballot papers and marking the FR.
  - To pack and seal individual packets of unissued ballot papers, unused ballot papers, spoiled ballot papers, counterfoils of issued ballot papers, marked FR, etc. after the close of poll.
  - To pack and seal individual packets of valid and invalid ballot papers and other electoral documents after the count.
  - To assist the PRO, if necessary, in delivering locked suitcases and the related sealed packets of electoral documents to the Kwai Tsing DCC after the count and the election result had been made known.

### **C. Members / ex-members of the Designated Collection Centre in Kwai Tsing**

- (18) Ex-Liaison Officer Kwai  
Chung (West) 2  
(ex-LO/KwC(W)2)
- One of the Assistant Presiding Officers (Liaison) (APRO(L))s; responsible for receiving electoral documents returned by the PRO of the subject polling station at the Kwai Tsing DCC

- |  |   |
|--|---|
| <p>(19) Executive Officer I (Kwai Tsing) District Council (EO(KT)DC)</p>                         | <ul style="list-style-type: none"> <li>• One of the APRO(L)s in the Command Centre responsible for assisting the Returning Officer and PROs in handling election-related complaints</li> </ul>                          |
| <p>(20) Ex-Liaison Officer In-charge Kwai Chung (Central and South) (ex-LO i/c KwC(C&amp;S))</p> | <ul style="list-style-type: none"> <li>• Officer-in-charge responsible for the overall supervision, co-ordination and staff deployment of the Kwai Tsing DCC</li> </ul>   |
| <p>(21) Ex-Liaison Officer In-charge Tsing Yi (North-east) (ex-LO i/c TY(NE))</p>                | <ul style="list-style-type: none"> <li>• Officer-in-charge responsible for the day-to-day management of the Cheung Fat Estate Community Centre i.e. the Kwai Tsing DCC</li> </ul>                                       |
| <p>(22) Ex-Liaison Officer Tsing Yi (North-east) 1 (ex-LO/TY(NE)1)</p>                           | <ul style="list-style-type: none"> <li>• Officer responsible for handing over the locked ballot boxes, suitcases and carton boxes stored in the Kwai Tsing DCC to the REO representative on 6 September 2016</li> </ul> |

Electoral Affairs Commission  
July 2019

## 2016 Legislative Council General Election

## DELIVERY NOTE TO DESIGNATED COLLECTION CENTRE

(for Geographical Constituency)

To: Responsible Officer at Designated Collection Centre ("DCC")

SKH TSING YI ESTATE

Name and Code of Polling Station:

HO CHAK WAN PRIMARY SCHOOL S2001

## Part I: Reception of Electoral Documents

Item No.	Packed into	Description	Quantity	Unit *	Remarks (DCC to put a "✓" to confirm receipt)	
1.	Beige Non-woven Bag(s)	C(I) Envelope	Counting Records – [F1(GC) – F4(GC)] and [P(18)(GC)]	1	Sealed C(I) Envelope	✓
		C(II) Envelope	Claim Forms – [P(1)], [P(2)], [G.F.51], [CF(1)] and [CF(2)]	1	Sealed C(II) Envelope	✓
		C(V) Envelope	Forms – [P(22)] and [REO-1]	1	Sealed C(V) Envelope	✓
		"Statistics(GC)"-Folder (Blue)	Statistical Forms – [P(12)(GC), P(14)(GC), P(15)(GC), P(16), P(17) and P(19)]	1	Folder	✓
		"P"-Folder (Green)	Other Forms	1	Folder	✓
2.	Sealed Red Plastic Bag(s) Placed In Locked Ballot Box(es)/ Suitcase(s)	Counted GC Ballot Papers			Sealed Packet	In 5 No(s). of Sealed Red Plastic Bag(s) Suitcase
		Un-issued GC Ballot Papers	4		Sealed Packet	
		Unused GC Ballot Papers	0		Sealed Packet	
		Spoilt GC Ballot Papers	1		Sealed Packet	
		Invalid/Rejected GC Ballot Papers	1		Sealed Packet	
		Counterfolios of Issued GC Ballot Papers	1		Sealed Packet	
		Marked Copy of Final Register of Electors	1		Sealed Packet	

\* "Sealed packet" refers to sealed envelope or sealed tamper-proof plastic bag.

Note to DCC: Please do not open the sealed envelopes / red plastic bags. Verification of the quantity of sealed packets inside the sealed red plastic bags is not required.

PLEASE TURN OVER


**Part II: Reception of Ballot Box(es) and/or Suitcase(s)**

Item No.	Description	Quantity	Unit	Remarks (DCO to put a "✓" to confirm receipt)
1.	Blue Ballot Box(es)	0	Box	
2.	Suitcase(s)	5	No.	✓

**Completed by Presiding Officer**

**Received by Responsible Officer  
at Designated Collection Centre**

Signature: 

Signature: 

Name in Block Letters: Name omitted

Name in Block Letters: Name omitted

Date: 5/9/16

Date: 5.9.16



**Electoral Tasks of the Registration and Electoral Office**

- (a) making amendments to the existing subsidiary legislation governing voter registration and electoral arrangements of the respective elections;
- (b) assisting the Electoral Affairs Commission (EAC) in reviewing and updating the constituency boundaries of District Council constituency areas and Legislative Council geographical constituencies, conducting public consultation exercises and notifying the affected registered voters;
- (c) launching voter registration drives, conducting vetting exercises/updating particulars of registered electors to ensure accuracy and compiling voter registers;
- (d) planning and launching publicity programmes for the four elections (i.e., Chief Executive Election, Election Committee Subsector Elections, Legislative Council Election, and District Council Election);
- (e) assisting the EAC in reviewing and updating the EAC electoral guidelines for the four elections and conducting the concerned public consultation exercises;
- (f) planning and carrying out recruitment exercises for the appointment of polling and counting staff, and organising comprehensive training programmes for these staff to ensure that they can effectively discharge the polling and counting duties;
- (g) planning and making detailed logistical arrangements for the four elections, including the identification and booking of suitable venues for use as polling stations, counting stations and the central counting stations, acquisition of electoral equipment and services and the production of comprehensive logistical plans for delivery of electoral equipment to polling and counting stations;
- (h) printing and drawing up dispatch arrangements of election-related publicity materials and poll cards to electors, and designing and printing ballot papers;
- (i) assisting the EAC in appointing Returning Officers and Nomination Advisory Committees, and making publicity arrangements on candidate nominations for the four elections;

- (j) organising briefings for candidates and preparing updated electoral documents for candidates and their agents;
- (k) planning and setting up the Central Command Centre to coordinate the operation of all polling/counting stations and provide related support services on the polling day;
- (l) planning and setting up the Statistical Information Centre and formulating plans and methodology on collection and compilation of electoral statistical reports and the release of such information to the public;
- (m) assisting the EAC in handling election complaints and preparing election reports according to the statutory schedule; and
- (n) devising comprehensive contingency plans for each election.