

CHAPTER 6

POLLING AND COUNTING ARRANGEMENTS

PART I : GENERAL

6.1 An elector/AR can only vote at the polling station allocated to him/her by the REO. In general, the polling station allocated will be within his/her constituency and close to his/her registered residential address. For LegCo elections, a polling station for a GC is normally situated within the boundaries of the constituency and seldom outside the constituency. However, previously used polling stations may or may not be re-used in the current election because it is subject to venue owners/management's decision whether the venues are available for use again, and it also depends on whether other more suitable venues are identified by the REO. *[Added in June 2020]*

6.2 If an elector/AR with mobility difficulty is assigned to a polling station that is not accessible for him/her, the elector/AR may apply to the REO for re-assigning to a barrier-free special polling station. Please refer to para. 6.26 below for details. *[Added in June 2020]*

6.3 A No Canvassing Zone ("NCZ") will be designated outside each polling station to ensure that electors/ARs can gain access to the polling station without interference. In addition, a No Staying Zone ("NSZ") in which no one is allowed to stay or loiter will also be designated immediately outside the entrance/exit of a polling station to avoid any obstruction of entry/exit. *[Added in June 2020]*

6.4 No canvassing activities are allowed within the NCZ. Regarding buildings within the NCZ, all canvassing activities by candidates and their

campaigners are prohibited in the entire building where a polling station is located as well as on the ground floor of other buildings, regardless of whether they are government or private premises, and even if approval from the building management concerned is obtained. Please refer to Part III of this chapter for details. *[Added in June 2020]*

6.5 The CEO will designate by notice in the Gazette the polling hours at least 10 days before the polling day. About 30 minutes before the commencement of poll (or 15 minutes for dedicated polling stations situated in penal institutions), the PRO will admit the candidates, their election agents or polling agents into the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. After the close of poll, the PRO will lock and seal the ballot boxes in the presence of the candidates and their agents, if any. The count will only commence when polling at all polling stations of the same constituency as a whole has closed. *[Added in June 2020 and amended in October 2021]*

6.6 Only electors/ARs and designated/authorised persons are allowed entry to a polling station. Electors/ARs requiring assistance from others for entering a polling station may make a request to the PRO for discretionary arrangements as appropriate. *[Added in June 2020]*

6.7 In order to be more flexible, efficient and accurate in the issuance of ballot papers, an electronic poll register (“EPR”) system will generally be adopted for issuing ballot papers at polling stations (except for dedicated polling stations). Upon entry to a polling station, electors/ARs should follow the instructions on site and collect ballot papers at any of the ballot paper issuing desks. Please refer to Parts VI and VII of this chapter for details. *[Added in June 2020 and amended in October 2021]*

6.8 The ballot is autonomous and secret. No one may use any force or threaten to use force against a person to make him/her vote or not vote for any particular candidate at an election. Also, no one is obligated to disclose which candidate he/she has voted for or is going to vote for. *[Added in June 2020]*

6.9 After collecting the ballot paper, an elector/AR should immediately proceed to a voting compartment to mark his/her vote on the ballot paper. Each voting compartment can only be used by one elector/AR at any one time. Based on the principle of the autonomous and secret ballot, it is prohibited by the law to have anyone (not even the relative or friend of the elector/AR) to accompany or assist the elector/AR to vote. If an elector/AR has difficulty in marking his/her vote, he/she may, as stipulated under the law, ask the PRO or the PRO's deputy to mark the ballot paper on his/her behalf according to his/her voting preference, in the presence of 1 polling staff as a witness. Please refer to para. 6.58 below for details. *[Added in June 2020]*

6.10 No one is allowed to display, circulate, share or discuss with others any material containing the name and/or number of a candidate inside the polling station or the NCZ. Such acts are against the law. Nevertheless, it is not prohibited by the law for an elector/AR to enter the polling station with a memorandum containing the name or number of the candidate of his/her choice (such as a leaflet bearing the information of the candidate or a reminder note commonly known as “thunder in the palm (掌心雷)”) for that elector/AR's own reference to mark the ballot paper inside the voting compartment. *[Added in June 2020]*

6.11 Under no circumstances is anyone allowed to induce an elector/AR to vote or not to vote for a particular candidate or particular candidates by offering advantages, food, drink or entertainment, by using force or duress against a person, or by a deception, and to wilfully obstruct or prevent

an elector/AR from voting at the election. Such acts violate the ECICO. There are occasions when electors/ARs may require assistance from others or transportation service in accessing the polling station. However, in the course of the assistance and service, it must not involve the aforesaid unlawful acts under any pretext to induce an elector/AR to vote or not to vote for a particular candidate or particular candidates. For details about corrupt conduct to wilfully obstruct or prevent another person from voting at an election, please refer to para.18.27 of Chapter 18. *[Added in June 2020 and amended in October 2021]*

6.12 Exit polls may be conducted within the NCZ outside polling stations by organisations approved by the REO. Participation in any exit poll is entirely voluntary. Electors/ARs need not disclose to the organisations concerned which candidates they have voted for unless they wish to do so. Please see Chapter 16 for matters relating to exit polls. *[Added in June 2020]*

6.13 Polling stations are classified into 5 types:

- (a) **Ordinary Polling Stations** – for use by general electors/ARs to cast their votes. The ordinary polling stations will be converted to counting stations immediately after the close of poll for counting the GC ballot papers. The FC ballot papers will be delivered to the central counting station for sorting and counting.
- (b) **ECC Polling Station** – for use by ECC electors (i.e. EC members) to cast their votes. Since only one GC ballot box will be provided at the ECC polling station for EC members of different GCs to cast votes for their respective GCs, the ECC polling station will be converted to a ballot paper sorting station immediately after the close of poll for sorting the GC ballot papers. GC ballot papers of the same constituency will be placed into the same receptacle (i.e. a green document box) before they

are delivered to the designated main counting station and mixed with other ballot papers of the same GC before counting. Meanwhile, ECC ballot papers and FC ballot papers will be delivered to the central counting station for sorting (of FC ballot papers) and counting.

- (c) **Dedicated Polling Stations** – set up inside penal institutions or other suitable places (e.g. police stations) for registered electors/ARs who are imprisoned or held in custody by the law enforcement agencies on the polling day to cast their votes. Vote counting will not be carried out at dedicated polling stations. GC ballot papers cast therein will subsequently be counted at the main counting stations of the relevant constituencies. Since only one GC ballot box will be provided at each dedicated polling station for electors of different GCs to cast their votes, the GC ballot papers received must first be delivered to a ballot paper sorting station for sorting. Electoral staff of the ballot paper sorting station will open the ballot boxes from dedicated polling stations and place ballot papers of the same GC in the same receptacle (i.e. an orange document box). The ballot papers will then be delivered to the designated main counting station and be mixed with other ballot papers of the same GC for counting. As to the ECC ballot papers and FC ballot papers, they will be delivered to the central counting station for sorting (of FC ballot papers) and counting.
- (d) **Special Polling Stations** – for electors/ARs with mobility difficulty who have applied for re-assigning a barrier-free polling station because the originally assigned one is not accessible by wheelchairs. For LegCo elections, as there are many polling stations in a constituency, the special polling station will be set up

in a barrier-free ordinary polling station within the same constituency. Electors/ARs allocated with a special polling station will cast their votes into the ballot boxes being used by the ordinary polling station, and the votes will be counted together with the ballot papers of the same constituency in the ballot boxes.

- (e) **Small Polling Stations** – referring to polling stations at which less than 500 electors are assigned to vote, and they are only designated for polling and votes cast will not be counted there. After the close of poll, GC ballot boxes of a small polling station will be delivered to the designated main counting station and the GC ballot papers inside will be mixed with other ballot papers in that main counting station before counting. FC ballot papers will be delivered to the central counting station for counting.

[Added in June 2020 and amended in October 2021]

PART II: BEFORE THE POLL

Gazettal of Notice

6.14 In each of the 10 GCs, a number of polling stations will be designated to serve both GC and FC elections. For the ECC election, a separate ECC polling station will be set up. Dedicated polling stations will be set up inside penal institutions or designated police stations and allocated to registered electors/ARs who are imprisoned or held in custody by the law enforcement agencies on the polling day to cast their votes. The ECC polling station and dedicated polling stations will be used for the polling of ECC, GC and FC elections simultaneously (see para. 6.19 below for details of the

combined polling arrangements). Polling stations, with the exception of small polling stations, the ECC polling station and dedicated polling stations, will be converted to counting stations for the count of GC ballot papers. A central counting station will be set up for counting the FC and ECC ballot papers and any misplaced GC ballot papers found in FC or ECC ballot boxes. *[Amended in January 2010, June 2012, June 2020 and October 2021]*

6.15 The CEO must designate by notice in the Gazette place(s) as polling stations (including small polling stations, ECC polling station and special polling stations), dedicated polling stations, ballot paper sorting stations⁴¹ or counting stations at least 10 days before the polling day. A single place may be designated to serve as both a polling station and a counting station. Polling stations at which less than 500 electors are assigned to vote will be designated as **small polling stations**. A polling station (other than a small polling station and a dedicated polling station) will be designated as a **main counting station** for the purpose of counting GC votes cast at the designated polling station, small polling stations, the ECC polling station and/or dedicated polling stations. Nonetheless, the CEO may, before the election, designate another place in addition to or in substitution of a place designated as a polling station, if necessary [ss 2(6), 28(1), (1A), (1B), (1BA), (1C), (4) and 29 of the EAC (EP) (LC) Reg]. The RO must, at least 10 days before the polling day, give notice in writing to each candidate of the place or places at which vote counting and where applicable, at which sorting of ballot papers received from the dedicated polling stations or the ECC polling station is to take place for the constituency contested by the candidates [ss 2(6), 65(3) and (5) of the EAC (EP) (LC) Reg]. *[Amended in July 2008, January 2010, June 2016, June 2020 and October 2021]*

⁴¹ A ballot paper sorting station may be set up to sort GC ballot papers received from dedicated polling stations or the ECC polling station according to GCs before the ballot papers are delivered to the respective main counting stations for counting of votes.

6.16 Where premises occupied by any school or organisation/association/body receiving grant from the Government's general revenue are concerned, the CEO may require by written notice the owner or occupier to allow an authorised person to carry out site visits. If the CEO considers the premises suitable for use as a polling station or a counting station, the CEO may require by written notice the owner or occupier to make available the premises for use as a polling station or a counting station in the LegCo election and allow an authorised person to carry out preparatory work and store materials at the premises. Anyone who fails to comply with the above requirements is liable to a fine of \$50,000. [Ss 28 and 28A of the EAC (EP) (LC) Reg] Besides, to facilitate the smooth conduct of major public elections and minimise the impact of the elections on schools' operation, in accordance with Education Bureau Circular No. 5/2020, starting from the school year 2020/21, all public sector schools, Direct Subsidy Scheme schools and private schools offering formal curriculum, including secondary schools, primary schools, kindergartens and kindergarten-cum-child care centres, shall designate the day following a major public election (i.e. DC ordinary elections and LegCo general elections) as a school holiday. *[Added in October 2021]*

No Canvassing Zone and No Staying Zone

6.17 An area outside each polling station will be designated as the NCZ and NSZ. The boundaries will be determined by the RO. All candidates for the constituency concerned will be notified of the designation of these zones before the polling day [s 40 of the EAC (EP) (LC) Reg]. The RO may also authorise the PRO to vary the NCZ or NSZ on the polling day [s 40(11A) of the EAC (EP) (LC) Reg]. (See Chapter 15) *[Amended in July 2008]*

Allocation of Polling Stations

6.18 A polling station for a GC is normally situated within the boundaries of the constituency. That said, polling stations may have to be designated in nearby areas outside the constituency if there are no suitable premises for use within the GC. Where circumstances require, temporary structures may also be designated as polling stations. The polling stations designated for the 10 GCs will be, as far as practicable, close to the principal residence of electors as shown on the FR. However, registered electors of the ECC will be assigned to vote at the ECC polling station. Registered electors imprisoned or held in custody by the law enforcement agencies will cast their votes at dedicated polling stations allocated to them as appropriate. [S 30(4) and (4A) of the EAC (EP) (LC) Reg] *[Amended in January 2010 and October 2021]*

The Combined Polling Arrangements

6.19 The combined polling arrangements are adopted for the convenience of the electors/ARs. An elector/AR needs to go to **1** polling station only to cast all his/her votes regardless of the number of constituencies (viz. the GC, FC and ECC) in which he/she is entitled to vote. The arrangements for different scenarios are as follows:

- (a) an elector who is only entitled to cast a GC vote: he/she will be allocated to a polling station designated for that GC (or a dedicated polling station as appropriate) for casting the GC vote;
- (b) (i) an FC elector or the AR of a corporate elector for one of the FCs: he/she will be allocated to a polling station designated for his/her GC (or a dedicated polling station as

appropriate), where he/she can cast both the GC vote and the FC vote as an FC elector/AR;

- (ii) an elector for an FC who is also an AR for another FC: he/she will be allocated to a polling station designated for his/her GC (or a dedicated polling station as appropriate), where he/she can cast the GC vote, the FC vote as an FC elector and the other FC vote as an AR in one go;
- (c)
- (i) an ECC elector (i.e. an EC member): he/she will be allocated to the ECC polling station (or a dedicated polling station as appropriate), where he/she can cast both the GC vote and the ECC vote;
 - (ii) an ECC elector who is also an FC elector/AR for one of the FCs: he/she will be allocated to the ECC polling station (or a dedicated polling station as appropriate), where he/she can cast the GC vote, the ECC vote and the FC vote as an FC elector/AR in one go; and
 - (iii) an ECC elector who is also an elector for an FC and an AR for another FC: he/she will be allocated to the ECC polling station (or a dedicated polling station as appropriate), where he/she can cast the GC vote, the ECC vote, the FC vote as an FC elector and the other FC vote as an FC AR in one go.

[S 30(4) and (4A) of the EAC (EP) (LC) Reg] *[Amended in January 2010, June 2012 and October 2021]*

6.20 To tie in with the combined polling arrangements, there may also be special features regarding the poll cards, ballot papers, cardboards and ballot

boxes to ensure the secrecy of the vote, and effective sorting of ballot papers at the count, avoiding confusion and mistakes at polling aside.

6.21 The **ballot papers** for each of the 10 GCs, each of the 28 FCs and the ECC will be made easily distinguishable by their differences in size, colour, colour pattern and/or code, so as to facilitate the issuance of ballot papers at polling and the sorting of ballot papers at the count. The **poll card** (notifying each elector/AR of the polling station where he/she can vote) sent to the elector/AR shortly before the polling day will come in the same colour as that of the cardboard referred to in para. 6.23 below, indicating the number and combination of ballot papers the elector/AR is entitled to collect at the polling station. *[Amended in June 2012 and October 2021]*

6.22 Except for the ECC polling station and dedicated polling stations, **2 types of ballot boxes** will be provided in each polling station to receive GC ballot papers and FC ballot papers respectively. For the ECC polling station and dedicated polling stations, **3 types of ballot boxes** will be provided to receive GC ballot papers, FC ballot papers and ECC ballot papers respectively. *[Amended in July 2008 June 2012 and October 2021]*

6.23 To ensure that no elector/AR will leave the polling station with any ballot paper, a **colour cardboard** will be handed to the elector/AR together with the ballot paper(s) issued. The colour of the cardboard indicates the number and combination of ballot papers issued to the elector/AR according to his/her entitlement: **green** for 1 GC ballot paper only; **red** for 1 GC ballot paper and 1 FC ballot paper; **blue** for 1 GC ballot paper and 2 FC ballot papers; **white** for 1 GC ballot paper and 1 ECC ballot paper; **orange** for 1 GC ballot paper, 1 FC ballot paper and 1 ECC ballot paper; and **purple** for 1 GC ballot paper, 2 FC ballot papers and 1 ECC ballot paper. *[Amended in July 2008, June 2012 and October 2021]*

(Please see **Appendix 5** for details of the combined polling arrangements mentioned in the preceding 5 paragraphs.)

Poll Card

6.24 At least 10 days before the polling day, poll cards will be sent to electors/ARs of contested constituencies at their registered addresses or correspondence addresses (if applicable) to notify them of the date, time and place of the poll. If the CEO decides to change any polling station, the CEO must as early as practicable inform the electors/ARs, RO and PRO concerned in a manner deemed appropriate. To allow electors/ARs serving a sentence of imprisonment on the polling day to receive the poll cards as early as possible, the REO will send the poll cards to the penal institutions where the electors/ARs are serving their sentences insofar as practicable. [S 31(1), (3A) and (6) of the EAC (EP) (LC) Reg] *[Amended in January 2010, June 2016 and June 2020]*

Uncontested Election

6.25 If the number of validly nominated candidates for a constituency does not exceed the number of members to be elected for that constituency, the candidate(s) will be declared as duly elected [s 46(1) of the LCO and s 22(1) and (2) of the EAC (EP) (LC) Reg]. Electors/ARs of that constituency do not need to vote, and will be issued a notice to that effect.

Special Polling Station

6.26 An elector/AR **may vote only at the polling station allocated to him/her** by the CEO [s 32 of the EAC (EP) (LC) Reg]. Most of the polling stations are accessible to persons with mobility difficulty. Accessibility of the polling station to persons who are wheelchair users or have difficulty in

walking will be specified clearly in the location map attached to the poll card sent to each elector/AR. If an elector/AR with mobility difficulty is allocated a polling station not accessible to him/her, he/she may **at least 5 days before** the polling day apply to the CEO for re-assigning a special polling station [s 33(2) of the EAC (EP) (LC) Reg]. If a special polling station is allocated as such to the elector/AR, then he/she may vote only at that polling station [s 32(2) of the EAC (EP) (LC) Reg]. Subject to availability, free Rehabus service may also be arranged to take those electors/ARs to and from the special polling station. In case special circumstances require, the CEO may allocate to an elector/AR an alternative polling station, in addition to or in substitution of the one originally allocated to him/her [s 30(4A) of the EAC (EP) (LC) Reg]. Electors/ARs concerned may make enquiries with the REO on this subject by telephone or in writing. *[Amended in October 2007 and June 2016]*

Dedicated Polling Station

6.27 Due to security reasons, there is a need to separate some persons imprisoned or held in custody from others inside penal institutions. The Commissioner of Correctional Services shall assign a time slot within the polling hours of a dedicated polling station situated in a penal institution to an elector/AR allocated to that polling station to vote, and inform the elector/AR of the time slot assigned. The Commissioner of Correctional Services must assign time slots for the electors/ARs so as to give them a reasonable opportunity to vote. An elector/AR to whom a time slot is assigned may only cast his/her vote during that time slot (see para. 6.61 below). [S 27(2A), (2B), (3A) and (4A) of the EAC (EP) (LC) Reg] *[Amended in January 2010]*

PART III : OUTSIDE THE POLLING STATION

6.28 The PRO will arrange for the display of a copy of the relevant Introduction to Candidates produced by the REO outside the polling station (or inside if it is a dedicated polling station) for easy reference by electors/ARs, unless it is not practicable to do so. *[Amended in June 2012]*

6.29 The CEO will arrange for a map or plan showing the respective boundaries of the polling station to be displayed outside the polling station (or inside if it is a dedicated polling station) [s 43(1A) of the EAC (EP) (LC) Reg]. An NCZ will be designated outside each polling station to ensure the undisturbed access of electors/ARs to the polling station. In addition, an NSZ in which no one is allowed to stay or loiter will be designated immediately outside the entrance/exit of a polling station to avoid obstruction to electors/ARs who enter or exit. Canvassing activities within an NCZ are prohibited (except for the static display of EAs authorised by the RO, such as EAs mounted at designated spots). A notice of the determination of the NCZ and a map or plan showing the boundary of the area will be put up at or near the polling station [s 40(10) of EAC (EP) (LC) Reg]. (See Chapter 15) *[Amended in October 2007, July 2008, January 2010, June 2012, June 2016 and June 2020]*

- 6.30 On the polling day, a person must not:
- (a) engage in canvassing votes (including suggesting not voting for any candidate) within the NCZ, except for the permitted door-to-door canvassing activities stated in para. 6.31 below; *[Amended in October 2007]*
 - (b) use a sound amplifying system or device for any purpose in the NCZ, except for the performance of duties by officers of the CSD

on the polling day at dedicated polling stations in penal institutions; *[Amended in June 2012]*

- (c) use a sound amplifying system or device, or conduct any activity (e.g. lion dance) for canvassing votes, so that the sound emitted by it can be heard in the NCZ;
- (d) display or wear in the NCZ any promotional material, such as any badge, emblem, clothing or head-dress (except for the static display of EAs authorised by the RO, such as EAs mounted at designated spots), which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election; or
 - (ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election; or
- (e) stay or loiter in the NSZ without the express permission of the PRO;

otherwise he/she commits an offence and is liable to the maximum penalty of a fine at level 2 (\$5,000) and to imprisonment for 3 months [ss 40(16), (19) and 45(5) and (7) of the EAC (EP) (LC) Reg]. *[Amended in October 2007, June 2012 and June 2016]*

6.31 Canvassing activities are prohibited in the entire building where a polling station is located. Besides, no canvassing is allowed on the street level (i.e. ground floor) within the NCZ. Door-to-door canvassing may be allowed

on the storeys above or below the street level in any building other than the building where the polling station is located within an NCZ, provided that permission has been obtained for entry into the building for canvassing votes, that no obstruction is caused to any person, and that no sound amplifying system or device is used. For the purpose of such door-to-door canvassing, it is permitted to display or wear promotional materials (e.g. any badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election) or materials making direct reference to a body a member of which is standing as a candidate in the election, or the registered name or emblem of a prescribed body printed on any ballot paper for the election, but under no circumstances are such materials allowed to appear on the street level within the NCZ. [S 40(16), (17) and (18) of the EAC (EP) (LC) Reg] (See Chapter 15) *[Added in June 2020]*

PART IV : POLLING HOURS

6.32 The CEO will designate by notice in the Gazette the polling hours at least 10 days before the polling day. About 30 minutes before the commencement of poll (or 15 minutes for dedicated polling stations situated in penal institutions), the PRO at a polling station will admit the candidates, their election agents or polling agents into the polling station to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes. In front of these observers, the PRO will show that the sealed packets of ballot papers are not tampered with before opening the packets and that the ballot boxes are empty before locking and sealing the boxes. [S 48 of the EAC (EP) (LC) Reg] The PRO will also inform and show to such persons the number of GC/FC/ECC ballot papers, as applicable, in his/her possession. For each candidate, only 1 person (i.e. either the candidate or his/her election agent or polling agent) may be present to observe the opening of the sealed packets of

ballot papers and the locking and sealing of ballot boxes. *[Amended in June 2020 and October 2021]*

6.33 For dedicated polling stations situated in penal institutions, the following restrictions are imposed due to security reasons:

- (a) at a dedicated polling station situated inside a maximum security prison, only a maximum of 2 candidates may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes;
- (b) at a dedicated polling station situated in a penal institution if it is not a maximum security prison, only a maximum of any 2 of the candidates, their election agents or polling agents may be present to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes.

Admission of candidates, election agents or polling agents to the aforesaid dedicated polling stations to observe the opening of the sealed packets of ballot papers and the locking and sealing of ballot boxes will be on a **first-come-first-served basis**. (The procedures for election agents or polling agents to apply for admission to dedicated polling stations situated in penal institutions are set out in Chapter 8.) *[Amended in January 2010, June 2016 and June 2020]*

6.34 Where no candidates or none of their agents are present at the polling station, the above process of opening the sealed packets of ballot papers and the locking and sealing of ballot boxes will be conducted in the presence of any 2 of the following persons inside the polling station: police officers, members of the Civil Aid Service (“CAS”), officers of the CSD or polling staff (as the case may be). *[Amended in January 2010, June 2016 and June 2020]*

6.35 For a small polling station, as no counting of votes will be conducted there, the PRO will display a notice outside to show the venue designated for counting the votes cast at that small polling station [s 39(1A) of the EAC (EP) (LC) Reg]. A notice providing information on the ballot paper sorting station (if any), the main counting station and the central counting station will be displayed outside an ECC polling station and inside a dedicated polling station [s 39(1B) of the EAC (EP) (LC) Reg]. *[Amended in January 2010, June 2020 and October 2021]*

6.36 In a polling station, separate sets of ballot papers and corresponding ballot boxes will be provided for different types of constituencies. An ordinary polling station will hold 29 sets of ballot papers – 1 set for the GC for which the polling station is designated and 1 set for each of the 28 FCs. The ECC polling station and dedicated polling stations will hold 39 sets of ballot papers – 1 set for each of the 10 GCs, 28 FCs and the ECC. In respect of ballot boxes, an ordinary polling station will hold 2 types of ballot boxes – 1 type for GC votes and 1 type for FC votes (combined). The ECC polling station and dedicated polling stations will hold 3 types of ballot boxes – 1 type for the ECC votes⁴², 1 type for GC votes (combined) and 1 type for FC votes (combined). *[Amended in June 2012 and October 2021]*

6.37 Ballot papers for the respective GCs, FCs and the ECC are easily distinguishable by their differences in colour pattern, size and/or code (printed at the back and/or in the front), so as to facilitate identification during the polling and counting process. *[Amended in October 2021]*

⁴² If there are no ECC electors to vote at a dedicated polling station situated in a penal institution on the polling day, no ballot box for the ECC will be provided in the dedicated polling station.

PART V : PERSONS TO BE ADMITTED TO THE POLLING STATION

6.38 In addition to electors/ARs, only the following persons may be admitted to a polling station:

- (a) the PRO and other polling staff;
- (b) the Chief Returning Officer (“CRO”);
- (c) the ROs and Assistant Returning Officers (“AROs”) for the relevant constituencies;
- (d) members of the EAC;
- (e) the CEO;
- (f) public officers on duty at the polling station, including police officers, members of the CAS, etc.;
- (g) officers of the CSD and other law enforcement agencies on duty at dedicated polling stations;
- (h) candidates and election agents of the relevant constituencies subject to para. 6.39 below;
- (i) polling agents appointed for the polling station (not applicable to dedicated polling stations situated in maximum security prisons), subject to para. 6.39 below;
- (j) public officers authorised in writing by the CEO;

- (k) any person authorised in writing by a member of the EAC;
- (l) a person authorised in writing by the RO for liaison duties; and
- (m) children accompanying an elector/AR who enter the polling station for the purpose of voting (if the PRO considers that the children should not be left unattended while the elector/AR is in the polling station and that the children will not disturb or cause inconvenience to any person in the polling station). *[Amended in October 2007]*

[S 44(4), (5) and (13) of the EAC (EP) (LC) Reg] *[Amended in October 2007 and January 2010]*

A notice will be displayed at the entrance to the polling station, or inside if it is a dedicated polling station, stating that only electors/ARs and designated/authorised persons may be allowed to enter.

6.39 For the purpose of maintaining order in the polling station, the PRO may regulate the number of electors/ARs, candidates, election agents and polling agents to be admitted to the polling station at any one time [s 44(2) of the EAC (EP) (LC) Reg]:

- (a) For each candidate, only 1 person among the candidate, his/her election agent and polling agents may enter and be present in the polling station at any one time [s 44(6), (7), (8) and (9) of the EAC (EP) (LC) Reg];
- (b) A notice will be displayed outside each polling station specifying the capacity of the designated area inside the polling station for

candidates, their election agents or polling agents to observe the poll;

- (c) Admission of candidates, election agents and polling agents will be on a **first-come-first-served basis**. In order that as many candidates, election agents and polling agents as possible may have the chance to observe the poll in the polling station, any candidate, election agent or polling agent who has been admitted to the polling station may only stay for 1 hour. He/She must then leave the polling station unless there is no other candidate, election agent and polling agent waiting for admission. He/She may apply for admission into the polling station again on a first-come-first served basis;
- (d) As stated in (c) above, to ensure fairness, waiting slots for entering a polling station are all allocated on a first-come-first-served basis. If a candidate or his/her agent seeks admission to a polling station but all the waiting slots are full until the close of poll, no vacant slot can be allocated to the candidate or his/her agent. However, if no one among this candidate and his/her agents has earlier entered the polling station to observe the poll on the polling day, the PRO concerned will endeavour to give the candidate/agent an opportunity to enter the polling station to observe the poll before the close of poll under a special arrangement. Under this special arrangement, the person will replace a candidate or his/her agent who has been allocated the last waiting slot for admission to the polling station if this last candidate or any of his/her agents has already been given an earlier slot to observe the poll in that polling station;

- (e) Anyone on admission into a polling station has to sign and register his/her time of entry on a log sheet. A candidate, election agent or polling agent who has to queue outside the polling station for his/her turn to observe the poll at the designated area will be given a number chit that indicates the order of admission. The polling staff will call out the number to admit the holder of the number chit concerned. If the holder concerned is not present at the time, his/her place will be taken over by the person next in line. He/She who has lost his/her place due to his/her absence will have to obtain a new number chit when he/she returns; and
- (f) For security reasons, only a maximum of 2 candidates may be present at any one time to observe the poll at a dedicated polling station situated inside a maximum security prison, and a maximum of 2 persons among the candidates, election agents and polling agents may be admitted to a dedicated polling station situated in a penal institution other than a maximum security prison at any one time. Observers will have to take turn in case more than 2 candidates/agents intend to observe the poll at the same time. The PRO may regulate the number of people entering the dedicated polling station (see also Chapter 8).

[Amended in January 2010, June 2016, June 2020 and October 2021]

6.40 Except for electors/ARs, and those police officers, officers of the CSD, officers of any law enforcement agencies and members of the CAS who are on duty, all other persons permitted to enter a polling station are required to make a **Declaration of Secrecy** on a specified form⁴³ before entering the polling station and observe the regulations on the secrecy of voting [s 95 of the EAC (EP) (LC) Reg]. *[Amended in January 2010 and June 2020]*

⁴³ The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO (or a person whose official designation is that of a deputy to the CEO)/a Justice of the Peace/a solicitor with a practising certificate.

PART VI : HOW TO ISSUE BALLOT PAPERS

6.41 In accordance with s 53 of the EAC (EP) (LC) Reg, an EPR system will be adopted for issuing ballot papers at polling stations (except for dedicated polling stations) for a more flexible, efficient and accurate issuance of ballot papers. The printed copy of FR of electors or FR of EC members, referred to collectively as FR below, will be used in issuing ballot papers where the EPR system cannot be adopted (i.e. at dedicated polling stations or polling stations lacking network coverage) or in the event of system failure.

(a) Use of EPR System in Issuing Ballot Papers

Upon entry to the polling station, an elector/AR will be directed to one of the ballot paper issuing desks to collect the ballot paper. The polling staff will request the elector/AR to present his/her Hong Kong Permanent Identity Card (“HKID”). The polling staff will then check the elector/AR’s HKID, and then scan it with a tablet so as to verify whether the person is a registered elector of the GC and whether he/she is also an elector/AR of one or two of the 28 FCs and/or an elector of the ECC, so as to ascertain the number (either 1, 2, 3 or 4) and types of ballot papers to be issued. If a specified identity document other than the HKID is presented by the elector/AR, then the PRO’s authorisation is to be obtained for the manual input of the elector/AR’s HKID number into the EPR system for verification purpose.

The polling staff will softly call out the name of the elector/AR as stated in the entry in the EPR system. Then the polling staff will issue to the elector/AR either 1, 2, 3 or 4 ballot papers according to his/her entitlement. If the elector/AR is entitled to be issued with 2 or more ballot papers, all such ballot papers must be handed over to

him/her at the same time. The polling staff will show the ballot papers to the elector/AR to confirm that each ballot paper given to him/her is unmarked, and request the elector/AR to acknowledge the number of ballot papers so received to ensure the ballot papers issued are correct. The EPR system will record the number and types of ballot papers issued to the elector/AR and the time of issuance, but **no record will be made** as to which particular ballot paper is given to the elector/AR. To ensure accurate record-keeping, the elector/AR may check his/her name, partial HKID number and types of ballot papers issued to him/her as shown on the screen of the EPR system during the issuance process.

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

The printed copy of FR will be used in issuing ballot papers where the EPR system cannot be adopted (i.e. at dedicated polling stations or polling stations lacking network coverage) or in the event of system failure. The polling staff will check the elector/AR's identity document against the entry in the printed copy of FR to verify whether the person is a registered elector of the GC and whether he/she is also an elector/AR of one or two of the 28 FCs and/or an elector of the ECC. Thereafter, the polling staff will softly call out the name of the elector/AR as stated in the entry in the printed copy of FR, and draw a line across the name and the identity document number therein to indicate that the ballot paper(s) has/have been issued to the elector/AR. The polling staff will conduct the line-drawing under observation of the elector/AR to ensure accuracy, while at the same time covering up the entries of other electors/ARs in the printed copy of FR to safeguard the personal data privacy of the other electors.

Then, the polling staff will issue to the elector/AR either 1, 2, 3 or 4 ballot papers according to his/her entitlement. If the elector/AR is entitled to be issued with 2 or more ballot papers, all such ballot papers must be handed over to him/her at the same time. The polling staff will show the ballot papers to the elector/AR to confirm that each ballot paper given to him/her is unmarked, and request the elector/AR to acknowledge the number of ballot papers so received to ensure the ballot papers issued are correct. No record will be made as to which particular ballot paper is given to the elector/AR.

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

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

[S 53 of the EAC (EP) (LC) Reg] *[Amended in June 2012, June 2016, June 2020 and October 2021]*

6.42 To facilitate the verification of the total number of ballot papers issued, the counterfoil of each ballot paper bears a serial number on its front. However, the serial number will not appear on the ballot paper, and neither the polling staff nor the EPR system will record the serial number of the ballot paper issued to an elector/AR. [Ss 49(15) and 53(8) of the EAC (EP) (LC) Reg] The polling staff and the EPR system will only register the quantity of ballot papers issued to electors/ARs at the ballot paper issuing desks for calculating the hourly voter turnout and cumulative voter turnout. While the voter turnout statistics will be posted outside the polling stations for the public's information, they are for reference only. *[Amended in June 2020 and October 2021]*

6.43 According to the established procedures, all ballot papers issued at the ballot paper issuing desks are counted towards the cumulative voter turnout. "TENDERED" ballot papers and ballot papers issued to electors/ARs in replacement of "SPOILT" ballot papers must be handled and issued by the PRO at the PRO desk (please refer to paras. 6.66 and 6.67 below for details). *[Added in June 2020]*

PART VII : QUEUING ARRANGEMENT

6.44 Electors/ARs have to queue up to enter the polling station. As stipulated in s 49A of the EAC (EP) (LC) Reg, the PRO will make special queuing arrangements for persons with special needs including, by definition:

- (1) persons aged 70 or above;
- (2) pregnant women; or

- (3) persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids.

The PRO will set up two queues outside the polling station, one for persons with special needs and the other for the ordinary public. The actual arrangement for collecting ballot papers at ballot paper issuing desks may vary depending on the methods for issuing ballot papers. Seats may also be provided in the polling station for persons with special needs to take rest while waiting to join the special queue for collecting ballot papers.

(a) Queuing Arrangement When the EPR System is Used

When ballot papers are issued via the EPR system, all ballot paper issuing desks installed with the tablets of the EPR system are able to serve any elector/AR. Given such flexibility, the ballot paper issuing desks are no longer individually confined to a group of HKID prefixes allocated according to the printed copy of FR, which would otherwise be split and distributed to them.

As a caring initiative for persons with special needs (see para. 6.44 above), the PRO will assign a number of ballot paper issuing desks (special ballot paper issuing desks) for their use while other ballot paper issuing desks are available for use by the ordinary public. Electors/ARs may collect their ballot papers at the respective ballot paper issuing desks as directed by the polling staff.

When there is a relatively long queue of persons with special needs, the PRO may, having regard to the actual situation, assign more special ballot paper issuing desks so as to shorten the waiting time in that queue. The PRO may also, having regard to the actual situation, direct people in the ordinary queue to use special ballot paper issuing desks

when the desks are free or when few people are in the special queue.

Having regard to the order and the overall situation of the polling station, the PRO may flexibly deploy the ballot paper issuing desks and make other special arrangements as appropriate to give priority to persons with special needs and shorten their waiting time.

[S 49A of the EAC (EP) (LC) Reg]

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

Polling stations which cannot use the EPR system due to their locations or other circumstances will use the printed copy of FR instead for issuing ballot papers. To avoid duplicate issuance of ballot papers, the printed copy of FR will be split into parts, by the alphabetical prefixes of HKID number, in a number that matches the number of the ballot paper issuing desks, and then distributed to the issuing desks accordingly. A line will be drawn across the entry of the elector/AR in the printed copy of FR when that elector/AR has collected the ballot papers.

Under this situation, the PRO may also set up two queues outside the polling station, one for persons with special needs and the other for the ordinary public.

Regarding the collection of ballot papers, past experience has shown that most holders of HKID numbers prefixed with A, B, C and so forth are senior citizens. More ballot paper issuing desks will therefore be assigned by the PRO for these HKID number alphabetical prefixes to shorten the waiting time of this group of persons with special needs. Meanwhile, considering that the holders of other HKID number

alphabetical prefixes may also have special needs due to age or physical conditions, the PRO may likewise, having regard to the actual situation, set up a special queue for each ballot paper issuing desk to shorten their waiting time.

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

In case the EPR system breaks down while in use rendering it inoperable, the polling station should activate the fallback mode and switch to use the printed copy of FR for issuing ballot papers. The aforementioned procedures regarding the use of the printed copy of FR for issuing ballot papers will be adopted at ballot paper issuing desks. In particular, before an elector/AR is given any ballot paper, the polling staff must first check the record in the encrypted local storage device and confirm that the elector/AR has not obtained any ballot paper prior to activation of the fallback mode so as to avoid duplicate issuance of ballot papers. The special queuing arrangement regarding the use of the printed copy of FR for issuing ballot papers also applies to this scenario.

[Added in October 2021]

6.45 As shown in past experience, when polling staff request to go to vote at their assigned polling stations, the PRO will arrange as far as practicable and release them to do so usually during meal breaks or off-peak hours of the polling station. The operation of the polling station, if due to heavy workload and stringent manpower, may still be affected anyhow. In this regard, an initiative is now in place to facilitate their early resumption of work to serve electors/ARs. If a polling staff member goes to vote at the assigned polling station but finds a long queue waiting for admission thereto, then he/she

may present his/her polling staff identification to the staff on duty there and be permitted to enter the polling station for priority queuing to collect ballot papers and cast his/her votes, with a view to returning to the polling station where he/she works as soon as practicable and resuming service for electors/ARs. *[Added in June 2020]*

PART VIII : PRESENTATION OF DOCUMENT FOR COLLECTING BALLOT PAPER

6.46 Polling stations are designated to serve simultaneously GCs, FCs and/or the ECC for the convenience of electors/ARs. Inside each polling station, a notice will be displayed to inform electors/ARs that polling for the relevant GC, all the FCs and/or the ECC is being held there concurrently and that an elector/AR will be issued with either 1, 2, 3 or 4 **ballot papers**, depending on his/her entitlement. An elector/AR entitled to more than 1 ballot paper must **collect all different ballot papers at the same time** and, if he/she wishes to exercise the right to cast any of the votes, must vote at the **same visit** to that polling station. *[Amended in June 2012 and October 2021]*

6.47 Upon arrival at the polling station, an elector/AR should show to the polling staff at the ballot paper issuing desk the original of any of the following documents, to the satisfaction of the PRO or polling staff, before he/she can be issued with the ballot papers:

- (a) the original of the elector/AR's HKID;
- (b) alternative documents:
 - (i) a document issued by the Commissioner of Registration to the elector/AR certifying that the elector/AR is exempt, under regulation 25 of the Registration of Persons

Regulations (Cap 177A), from being required to register under the Registration of Persons Ordinance (Cap 177);

- (ii) a document issued by the Commissioner of Registration acknowledging that the elector/AR has applied:
 - (1) to be registered under the Registration of Persons Ordinance; or
 - (2) for a new HKID issued under regulation 13 or 14 of the Registration of Persons Regulations but is awaiting its issuance;
- (iii) a valid HKSAR Passport issued to the elector/AR under the Hong Kong Special Administrative Region Passports Ordinance (Cap 539);
- (iv) a valid HKSAR seaman's identity book issued to the elector/AR under regulation 3 of the Immigration Regulations (Cap 115A);
- (v) a valid document of identity issued to the elector/AR under regulation 3 of the Immigration Regulations; or
- (c) a document evidencing the elector/AR's report to a police officer of the loss or destruction of document referred to in para. 6.47(a), (b)(i) or (ii) above, together with the original of a valid passport or similar travel document (not being one referred to in para. 6.47(a), (b)(i) to (v) above) issued to him/her showing his/her name and photograph.

[S 50 of the EAC (EP) (LC) Reg] [*Amended in June 2020*]

6.48 An elector/AR applying for a ballot paper at a dedicated polling station situated in a penal institution is required to produce a document issued

by the Commissioner of Correctional Services showing the elector/AR's name, photograph and prisoner registration number allocated by the Commissioner to the elector/AR for identification purpose. [S 50 of the EAC (EP) (LC) Reg] *[Added in June 2020]*

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

- (a) “Are you the person registered in the final register now in effect for this geographical constituency/the final register now in effect for this functional constituency/the Election Committee final register (as appropriate), as follows (the Presiding Officer to read the whole entry as it is recorded in the register)?”
- (b) “Have you already voted for this geographical constituency/this functional constituency/the Election Committee constituency (as appropriate) in this election?”

The elector/AR will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO. [S 51(3) and (5) of the EAC (EP) (LC) Reg] *[Amended in October 2007 and October 2021]*

6.50 Where there is reasonable cause to believe that a person has engaged in corrupt conduct by impersonating an elector/AR, the PRO may request the police to arrest that person. If the polling station is a dedicated polling station, the PRO may request the officer of the CSD or the law enforcement agency to remove the person concerned from the polling station and report the case to the police. [S 52(1), (2) and (2A) of the EAC (EP) (LC) Reg] *[Amended in January 2010]*

PART IX : VOTING METHODS

6.51 When issued with the ballot paper(s), an elector/AR will also be provided with a colour cardboard attached with a chop of the tick “✓” sign (and if applicable, a black pen for marking the ECC ballot paper):

- (a) Persons issued with 1 GC ballot paper will be given a **green** cardboard;
- (b) Persons issued with 1 GC ballot paper and 1 FC ballot paper will be given a **red** cardboard;
- (c) Persons issued with 1 GC ballot paper and 2 FC ballot papers will be given a **blue** cardboard;
- (d) Persons issued with 1 GC ballot paper and 1 ECC ballot paper will be given a **white** cardboard;
- (e) Persons issued with 1 GC ballot paper, 1 FC ballot paper and 1 ECC ballot paper will be given an **orange** cardboard; or
- (f) Persons issued with 1 GC ballot paper, 2 FC ballot papers and 1 ECC ballot paper will be given a **purple** cardboard.

This arrangement helps the polling staff manning the ballot boxes to ensure that an elector/AR has cast all his/her votes (1, 2, 3 or 4 votes) before leaving the polling station, and that no elector/AR will leave the polling station with any ballot paper. The cardboard will be collected by the polling staff after the elector/AR has inserted his/her ballot paper(s) into the ballot box(es) and before he/she leaves the polling station. *[Amended in June 2012, June 2016, June 2020 and October 2021]*

6.52 Having collected the ballot paper(s) and the cardboard attached with the chop of the tick “✓” sign (and if applicable, a black pen provided by

the polling station for marking the ECC ballot paper), the elector/AR should immediately proceed to one of the voting compartments to mark the ballot paper(s) to indicate his/her choice of candidate(s). Different types of ballot papers, either for the GC, FCs or the ECC, should be marked in the respective ways according to their respective voting systems. An elector/AR should read carefully the instructions given on the ballot papers and follow the instructions in marking his/her choice of candidates. One compartment can only be used by one elector/AR at one time. *[Amended in June 2012, June 2016 and October 2021]*

6.53 In brief, the ballot papers should be marked in the following manner, as appropriate:

- (a) In respect of the GC election under the “double seats and single vote” voting system, each elector can vote for 1 candidate of his/her choice. On the ballot paper, the elector must affix the chop provided by the polling station to mark a single “✓” in the circle opposite the name of that candidate.
- (b) In respect of the election for the 28 FCs under the “first past the post” voting system, each elector/AR can vote for 1 candidate of his/her choice in the relevant FC (or up to 3 candidates in the case of the Labour FC). On the ballot paper, the elector/AR must affix the chop provided by the polling station to mark a single “✓” in the circle opposite the name of that candidate (or in each of the circles opposite the names of up to 3 candidates in the case of the Labour FC).
- (c) (i) In respect of the ECC election under the “block vote” voting system, each elector must vote for a number of candidates that is equal to the number of members to be returned for the ECC at the election. In the case of a

LegCo general election, the elector must use the black pen provided by the polling station to fill the ovals on the ballot paper opposite the names of the candidates of his/her choice.

- (ii) In the case of an ECC by-election, the elector must affix the chop provided by the polling station to mark a single “✓” in each of the circle(s) opposite the name(s) of the candidate(s) of his/her choice.

[Ss 55, 57 and 58A of the EAC (EP) (LC) Reg]

As it is an offence for anyone to take photographs, films or make any video or audio recording within a polling station, electors/ARs must not take photos of their marked ballot papers (please refer to para. 6.71 below). *[Amended in June 2012, June 2016, June 2020 and October 2021]*

6.54 An elector/AR for a GC or FC should mark the ballot paper in the manner as described in para. 6.53(a) and (b) above and then insert it with the marked side facing down into the ballot box. **The ballot paper must not be folded.** [S 54(3) and (3A) of the EAC (EP) (LC) Reg] *[Amended in June 2012 and October 2021]*

6.55 An elector for the ECC, after marking his/her ballot paper in the manner as described in para. 6.53(c) above, should cast his/her vote in the way as directed by the EAC. In the case of a LegCo general election, before putting the ballot paper into the ballot box, the elector may choose to use an Optical Mark Recognition machine installed in the ECC polling station to check whether the number of candidates marked by him/her on the ballot paper is equal to the number of members to be returned for the ECC at the election. This will avoid invalidating the ballot paper if the number of candidates marked on the ballot paper by the elector is less than or more than the number of

members to be returned. **The Optical Mark Recognition machine installed in the polling station shall not record or count electors' choices marked on their ballot papers. Whether or not an elector uses the machine is entirely voluntary and it is not a mandatory arrangement.** The ways deemed fit by the EAC for casting votes are as follows:

- (a) In a LegCo general election, electronic counting will be adopted for the ECC. Therefore, an elector should insert the unfolded ballot paper into an envelope provided by the polling station and then put the ballot paper contained in the envelope into the ballot box.
- (b) In an ECC by-election, manual counting will usually be adopted. Therefore, an elector is not required to insert the ballot paper into an envelope. He/she should insert the unfolded ballot paper into the ballot box with the marked side facing down.

[S 54(3B) of the EAC (EP) (LC) Reg] *[Added in October 2021]*

6.56 Upon leaving the voting compartment, the elector/AR should immediately put his/her marked ballot paper (already inserted into an envelope in the manner as mentioned in para. 6.55(a) above, as applicable) into the ballot box as directed by the polling staff. An elector for a GC should insert the GC ballot paper into the ballot box designated for GC ballot papers. An elector/AR for an FC should insert the FC ballot papers into the ballot box designated for FCs. An elector for the ECC should insert the ECC ballot paper into the ballot box designated for the ECC. Afterwards, the cardboard attached with the chop should be returned to the polling staff. Then the elector/AR should leave the polling station without undue delay. [S 54 of the EAC (EP) (LC) Reg] *[Amended in July 2008, June 2012, June 2016 and October 2021]*

NOTE :

An elector/AR who has collected the ballot paper must proceed to a voting compartment to mark the ballot paper immediately and, after casting his/her vote, leave the polling station without undue delay. A person who fails to obey any order of the PRO or misconducts himself/herself commits an offence. The PRO may seek assistance from the police and order the person to leave the polling station immediately [s 46(2) and (3) of the EAC (EP) (LC) Reg].

If an elector/AR deliberately makes an error in marking the ballot paper and asks the PRO to issue a new ballot paper to him/her repeatedly, the PRO may reject the request. If there is a reasonable cause to believe that a person impersonates an elector/AR to apply for a ballot paper, the PRO may request the police to arrest that person [s 52(2) and (2A) of the EAC (EP) (LC) Reg]. A person engages in corrupt conduct if he/she directly or indirectly, by a deception, induces another person not to vote at the election, or wilfully (whether or not deception is involved) obstructs or prevents another person from voting at the election [s 14 of the ECICO]. It is an offence for a person to take away a ballot paper from a polling station. It will also be a corrupt conduct if any person, without lawful authority, destroys, defaces, takes or otherwise interferes with a ballot paper in use or having been used at the election; or without lawful authority, destroys, removes, opens or otherwise interferes with a ballot box in use at the election [s 17 of the ECICO].

Candidates/their agents and electors/ARs should make a complaint to PROs, ROs, law enforcement agencies or the EAC

about any possible contraventions of the electoral law. All complaints will be treated in strict confidence. The EAC will refer any complaints of suspected violation of the law to the law enforcement agencies for follow-up action.

[Amended in June 2020 and October 2021]

6.57 An elector/AR with visual impairment who so requests will be provided with a **braille template** to facilitate his/her marking of the ballot paper by himself/herself [s 59(3) of the EAC (EP) (LC) Reg]. The template should be returned to the polling staff after use. (For details about the template, see para. 8.41 of Chapter 8.) *[Amended in June 2016]*

6.58 An elector/AR must mark his/her vote on the ballot paper by himself/herself and cannot request other electors/ARs to do it on his/her behalf. If the elector/AR is unable to mark the ballot paper by himself/herself (e.g. due to inability to read or visual impairment or other physical conditions) to indicate the choice of candidates, he/she may ask the PRO, Deputy PRO or Assistant PRO to mark the ballot paper on his/her behalf. The marking of the ballot paper as such must be made in the presence of 1 polling staff as a witness [s 59(1) and (2) of the EAC (EP) (LC) Reg].

6.59 **The ballot is secret. No one is allowed to use force or duress, or threaten to use force or duress against a person to make him/her vote or not vote for any particular candidate at an election [s 13 of the ECICO]. Also, no one is required to disclose which candidate he/she has voted for or is going to vote for.** It is an offence for anyone to, without lawful authority, require or purport to require an elector/AR to disclose the name of or any particulars relating to the candidate whom the elector/AR has voted for [s 60 of the LCO]. Some other prohibited acts which may infringe the secrecy of the vote during the polling and counting process are also specified under s 96 of

the EAC (EP) (LC) Reg. It is an offence to commit any of the acts prohibited under this section, and offenders will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months.

6.60 To safeguard the secrecy of the ballot by electors/ARs, no one is allowed to disclose at any time whether an elector/AR has or has not applied for a ballot paper or voted; or disclose the identity of an elector/AR at a dedicated polling station. Anyone who makes such disclosure, unless otherwise permitted by the law, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 96(1), (1A), (2) and (10) of the EAC (EP) (LC) Reg] *[Added in January 2010 and amended in June 2016]*

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

6.61 An elector/AR who has collected the ballot papers (1 or more in number, depending on his/her entitlement) but leaves the polling station without casting any one of or all his/her votes is not allowed to return to the polling station later to cast the votes not yet cast, except under the following circumstances:

- (a) if, after having been issued with the ballot papers (1 or more in number), the elector/AR has become incapacitated from voting or completing the voting by physical illness and needs to leave the polling station without marking any one of or all of the ballot papers, he/she may return to the polling station to vote before the close of poll provided that prior to his/her leaving the polling station the unmarked ballot papers have been handed back to the PRO [s 53A(5) of the EAC (EP) (LC) Reg]; or
- (b) for a reason considered justified by the PRO, the elector/AR who has not marked the ballot paper(s) issued to him/her may, with the

permission of the PRO, hand back the ballot paper(s) to the PRO and return later to vote [s 53A(1) of the EAC (EP) (LC) Reg]; and

- (c) in the case of a dedicated polling station situated in a penal institution, the elector/AR concerned is allowed to return to vote only within the existing or any newly assigned time slot [s 53A(5B) of the EAC (EP) (LC) Reg].

[Amended in January 2010, June 2016 and June 2020]

6.62 If the above situations arise in a polling station other than a dedicated polling station, the following procedures must be taken by the PRO:

- (a) the PRO must keep the ballot paper(s) in his/her custody and, when the elector/AR returns to the polling station to vote before the close of poll, return such ballot paper(s) to the elector/AR in the presence of a police officer [s 53A(3) of the EAC (EP) (LC) Reg]; and
- (b) where the elector/AR has not returned to the polling station at the close of poll, the PRO must endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**” and show it/them to each candidate or his/her election agent or polling agent who is present at the time. Ballot papers endorsed as such must not be put into the ballot box and must be excluded from the counting of votes [ss 61 and 80 of the EAC (EP) (LC) Reg].

[Amended in January 2010, June 2016 and June 2020]

6.63 If the situations arise in a dedicated polling station, the following procedures must be taken by the PRO and/or the Commissioner of Correctional Services or his/her officer:

- (a) the PRO must keep the ballot paper(s) in his/her custody and, when the elector/AR returns to the dedicated polling station to vote before the close of poll, return such ballot paper(s) to the elector/AR in the presence of an officer of the CSD or any law enforcement agency [s 53A(3) and (6) of the EAC (EP) (LC) Reg];
- (b) where a dedicated polling station situated in a penal institution is concerned, the Commissioner of Correctional Services or his/her officer must as far as practicable assign to the elector/AR a new time slot within the polling hours appointed for that dedicated polling station, and notify the elector/AR of the new time slot [s 53A(2A) and (5A) of the EAC (EP) (LC) Reg]; and
- (c) where the elector/AR has not returned to the dedicated polling station at the close of poll, the PRO must endorse the ballot paper(s) with the words “**UNUSED**” and “**未用**” and show it/them to each candidate or his/her election agent or polling agent who is present at the time. Ballot papers endorsed as such must not be put into the ballot box and must be excluded from the counting of votes [ss 61 and 80(1)(d) of the EAC (EP) (LC) Reg].

[Added in June 2020]

6.64 If any issued ballot paper (whether marked or unmarked) is found abandoned or left behind in a voting compartment or other areas inside the polling station, it must be handed in to the PRO. The ballot paper will then be endorsed with the words “**UNUSED**” and “**未用**” on the front and be kept by the PRO. In no circumstances can ballot papers endorsed as such be put into the ballot box. These ballot papers will be excluded from the counting of votes. [Ss 61 and 80(1)(d) of the EAC (EP) (LC) Reg] *[Amended in June 2016]*

6.65 The PRO is required to keep in his/her custody those ballot papers handed in under the circumstances described in para. 6.61 above only if he/she knows which electors/ARs handed over such ballot papers. Otherwise, ballot papers left behind in the polling station should be endorsed as “**UNUSED**” and “**未用**” and be excluded from the counting of votes [ss 61 and 80(1)(d) of the EAC (EP) (LC) Reg]. *[Amended in June 2016]*

6.66 Any elector/AR who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him/her may ask the PRO to exchange it for another unmarked ballot paper. If the PRO considers the request reasonable, he/she will issue 1 new ballot paper to the elector/AR in exchange for the spoiled ballot paper. The spoiled ballot paper will be endorsed with the words “**SPOILT**” and “**損壞**” on the front and be kept by the PRO. Spoiled ballot papers will be excluded from the counting of votes. [Ss 62 and 80(1)(c) of the EAC (EP) (LC) Reg] *[Amended in June 2016]*

6.67 If a person, claiming to be a particular elector/AR on the FR, applies for a ballot paper after a person has already been issued with a ballot paper as such an elector/AR, the PRO may issue a tendered ballot paper to the elector/AR **only if** the PRO is not certain that the latter person is the former person who has been issued with a ballot paper earlier, and the latter person has answered the questions set out by the law (para. 6.49 above) to the satisfaction of the PRO. The PRO may in such circumstances issue a ballot paper with the words “**TENDERED**” and “**重複**” endorsed on the front. Ballot papers endorsed as such will be excluded from the counting of votes. [Ss 60(1) and 80(1)(b) of the EAC (EP) (LC) Reg] *[Amended in July 2008 and October 2021]*

PART X : CONDUCT INSIDE THE POLLING STATION

6.68 Subject to para. 6.69 below, no person (including electors/ARs) is allowed to interfere with or attempt to influence other electors/ARs. In particular, no one is allowed to:

- (a) speak to or communicate with other electors/ARs contrary to a direction of the RO, ARO, PRO or any polling staff not to do so;
- (b) attempt to obtain or disclose any information, on the vote of other electors/ARs;
- (c) display or distribute any canvassing material;
- (d) display or wear any promotional material, e.g. any badge, emblem, clothing or head-dress, which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election; or
 - (ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election; or
- (e) use a mobile telephone, paging machine or any other form of electronic communication device contrary to a direction of the RO, ARO, PRO or any polling staff not to do so.

Any person who contravenes the above regulations commits an offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 or 6 months (as the

case may be). [Ss 45 and 96 of the EAC (EP) (LC) Reg] *[Amended in October 2007 and July 2008]*

6.69 Inside a polling station, only the following persons may speak to or communicate with electors/ARs and use a mobile telephone, paging machine or any other form of electronic communication device:

- (a) the PRO and other polling staff;
- (b) the ROs and AROs for the relevant constituencies;
- (c) members of the EAC;
- (d) the CEO;
- (e) police officers and members of the CAS on duty at the polling station;
- (f) officers of the CSD or other law enforcement agencies on duty at the dedicated polling station;
- (g) any person authorised in writing by the ROs to perform liaison duties; and
- (h) any person authorised in writing by a member of the EAC.

[S 45(1) and (6) of the EAC (EP) (LC) Reg] *[Amended in January 2010, June 2016 and October 2021]*

6.70 Any person who misconducts himself/herself or fails to obey the lawful orders of the RO or the PRO at a polling station or its vicinity commits an offence, and is liable to a fine and imprisonment. He/She may be ordered by

such officers to leave the polling station or the vicinity of the polling station. A person misconducts himself/herself if he/she disrupts the poll or disturbs or causes inconvenience to other persons in the polling station. An elector/AR must cast his/her vote without undue delay, otherwise he/she may be ordered by the RO or the PRO to leave the polling station immediately. Any person who fails to leave the polling station immediately as ordered by the RO or the PRO may be removed by:

- (a) a police officer (if the polling station is not a dedicated polling station);
- (b) an officer of the CSD or other law enforcement agencies (if the polling station is a dedicated polling station); or
- (c) any other person authorised in writing by the RO or the PRO to do so.

The person so removed is not allowed to re-enter the polling station on that day except with the permission of the RO or the PRO. Nevertheless, the powers conferred on the RO and the PRO are not to be exercised to order an elector/AR to leave or remove an elector/AR from the polling station for the purpose of preventing the elector/AR from voting at the polling station allocated to him/her. [S 46(2), (2A), (3), (4) and (5) of the EAC (EP) (LC) Reg] *[Amended in January 2010 and June 2020]*

6.71 A person commits an offence if he/she takes photographs, films or makes any video or audio recording within a polling station without the express permission of the PRO, the RO for the constituency or constituencies for which the polling station is used or a member of the EAC. Offenders are liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 45(2) and (7)(a) of the EAC (EP) (LC) Reg]. Generally speaking, such permission is

only granted to government photographers for performing publicity duties.
[Amended in October 2007, July 2008 and October 2021]

PART XI : CLOSE OF POLL

6.72 An elector/AR who intends to vote but is not already at the door of the assigned polling station by the close of poll will not be allowed in afterwards. When the close of poll approaches but there is a long queue of electors/ARs outside the polling station waiting to vote, the PRO will arrange for polling staff to hold up a signboard to direct electors/ARs to proceed to the end of the queue. If there are still electors/ARs queuing outside the entrance of the polling station at the end of poll, polling staff will stand at the end of the queue to stop latecomers from joining the queue and, if practicable, let electors/ARs already in the queue enter the polling station and close the entrance of the polling station. If there are too many such electors/ARs and arrangement cannot be made for all of them to enter the polling station, polling staff will stand at the end of the queue and hold up a signboard to show that no latecomers will be allowed to join the queue. *[Amended in June 2020 and October 2021]*

6.73 In short, all electors/ARs who have arrived and queued up outside the polling station before the close of poll may enter the polling station to cast their votes. However, some polling stations are located at a place inside a building. If an elector/AR has arrived at the building but has not reached the entrance of the place where the polling station is located or has not queued up outside the entrance by the close of poll, he/she will not be allowed to enter the polling station to cast the vote. The PRO will close the entrance of the polling station only when all electors/ARs having arrived at the entrance of the polling station or queued up outside the entrance of the polling station before the close of poll have entered the polling station. *[Added in June 2020]*

A Polling Station which is also a Counting Station

6.74 Polling stations (except for small polling stations, dedicated polling stations and the ECC polling station) will be designated as counting stations for the counting of GC votes as well. At the close of poll, a notice will be displayed by the PRO outside the polling station to inform the public that the poll has ended and that preparations are underway for arranging the polling station to be used vote counting. If the EPR system is used in the polling station, the PRO must also confirm the close of poll through the system. The counting station will be open to the public when the preparations are completed. While it is closed in preparation for vote counting, candidates and their election agents, counting agents and polling agents may stay in the polling station to observe the locking and sealing of ballot boxes. The ballot boxes will be locked and sealed by the PRO in the presence of the candidates and/or their agents (if any). The PRO will also inform them of the numbers of unissued ballot papers, spoilt ballot papers and unused ballot papers in his/her possession. All such ballot papers will then be packed into separate sealed packets for the respective constituencies. The marked printed copies of FR (if used) will also be packed into separate sealed packets. The PRO will prepare a ballot paper account to estimate the number of ballot papers in the ballot boxes. [S 63(1), (1A), (2) and (3) of the EAC (EP) (LC) Reg] *[Amended in June 2016 and October 2021]*

6.75 The locked and sealed ballot boxes referred to in para. 6.74 above will be kept by the PRO until the counting of the GC votes begins, when all GC ballot boxes will be opened and all ballot papers inside will be put on the counting table (the sealed GC packets will be kept in the PRO's safe custody until delivery to the RO). The sealed FC ballot boxes and sealed FC packets (excluding the marked printed copies of FR, if used), referred to in para. 6.74, together with any misplaced FC ballot papers found in GC ballot boxes (see para. 6.98 below), will be delivered to the central counting station for the

counting of FC votes. The Assistant PRO will deliver the FC ballot boxes from the polling station to the central counting station under police escort. Up to 2 persons among the FC candidates (or their respective agents) may accompany in the delivery if they so wish. If more than 2 such persons are interested, the PRO will draw lots to determine which 2 persons can join the escort. FC candidates and their agents are allowed to stay in the polling station until they see the arrival of police officers for escorting the delivery. Thereafter, FC candidates and their agents must leave the polling station. They may enter the counting station to observe the counting of the GC votes in the public area. *[Amended in June 2012, June 2016 and October 2021]*

A Polling Station which is not a Counting Station

(a) Small Polling Stations and Dedicated Polling Stations

6.76 **Small polling stations and dedicated polling stations will not be converted to counting stations after the close of poll.** The PRO will display notice outside the small polling station to inform the public that the poll has ended. After the close of poll, candidates and their election agents and polling agents may stay in the small polling station to observe the process of locking and sealing ballot boxes. As for dedicated polling stations, the following persons may stay behind to observe the process:

- (a) a candidate, his/her election agent and polling agent may stay in a dedicated polling station not situated in a penal institution;
- (b) a maximum of only 2 persons among the candidates, their election agents or polling agents may stay in a dedicated polling station situated in a penal institution other than a maximum security prison; and

- (c) a maximum of only 2 candidates may stay in a dedicated polling station situated in a maximum security prison.

[S 63A(2) and (2A) of the EAC (EP) (LC) Reg] *[Amended in January 2010 and June 2016]*

In the presence of the candidates and/or their agents (if any), the ballot boxes will be locked and sealed by the PRO. The PRO will also inform them of the numbers of unissued ballot papers, spoilt ballot papers and unused ballot papers in his/her possession. All such ballot papers and the marked printed copies of FR if used (applicable to small polling stations only) will then be packed into separate sealed packets. [S 63A(1) of the EAC (EP) (LC) Reg] *[Added in June 2016 and amended in October 2021]*

NOTE :

Under the principle of secrecy of the ballot, given the relatively small number of votes cast at the small polling stations and dedicated polling stations, votes cast will not be counted therein. For a small polling station, after the close of poll, the GC ballot box (locked and sealed) will be delivered to the designated main counting station. The GC ballot papers from the small polling station will then be mixed with the GC ballot papers at the main counting station before counting. The FC ballot box will, meanwhile, be delivered to the central counting station for the counting of FC votes. In the case of a dedicated polling station, the GC ballot box (locked and sealed) will first be delivered to the ballot paper sorting station for sorting by GCs. The sorted ballot papers for each GC will then be transported to a corresponding main counting station and mixed with the GC ballot papers there before counting. The FC/ECC ballot boxes will, on the other

hand, be delivered directly to the central counting station for the counting of votes. Please refer to paras. 6.81 to 6.88 below for the ballot paper sorting and delivery arrangements regarding the ballot paper sorting stations, and paras. 6.100, 6.116 and 6.126 for how the ballot papers transported to the main counting stations/central counting station will be processed. *[Added in June 2020 and amended in October 2021]*

6.77 The PRO/Deputy PRO of a small polling station will first deliver the locked and sealed GC/FC ballot boxes, sealed packets of relevant electoral documents and ballot paper accounts to the main counting station under police escort. The PRO of a dedicated polling station will deliver the locked and sealed GC/FC/ECC ballot boxes, sealed packets of relevant electoral documents and ballot paper accounts under police escort to:

- (a) the PRO of the relevant ballot paper sorting station (in the case of a LegCo general election, or a by-election in which a ballot paper sorting station has been set up);
- (b) the PRO of the relevant main counting station (in the case of a LegCo by-election in respect of a GC in which no ballot paper sorting station has been set up); or
- (c) the RO of the relevant counting station (in the case of a LegCo by-election in respect of FCs/ECC).

[S 63A(3) and (4) of the EAC (EP) (LC) Reg] *[Amended in January 2010, June 2016 and October 2021]*

The FC/ECC ballot boxes at main counting stations and ballot paper sorting stations, together with any misplaced FC/ECC ballot papers found in GC ballot

boxes, will then be delivered to the central counting station for the counting of votes (see paras. 6.98 and 6.108 below for details). *[Amended in June 2012 and October 2021]*

6.78 Not more than 2 persons among the candidates and their agents, if they so wish, may accompany the PRO in the delivery of the locked and sealed ballot boxes, sealed packets of relevant electoral documents and ballot paper accounts prepared by the PRO from the polling station to the relevant ballot paper sorting station/main counting station/FC or ECC counting station (as the case may be) under police escort. If more than 2 such persons are interested, the PRO will draw lots to determine which 2 persons can join the escort. Candidates and their agents are allowed to stay in the polling station until they see the arrival of police officers for escorting the delivery. Thereafter, all persons other than those 2 who are allowed to accompany in the delivery must leave the polling station. *[Amended in January 2010, June 2016, June 2020 and October 2021]*

(b) ECC Polling Station

6.79 The ECC polling station will be designated as a ballot paper sorting station for sorting GC ballot papers as well. At the close of poll, a notice will be displayed by the PRO outside the ECC polling station to inform the public that the poll has ended and that preparations are underway for arranging the polling station to be used for ballot paper sorting. If the EPR system is used in the polling station, the PRO must also confirm the close of poll through the system. The ballot paper sorting station will be open to the public when the preparations are completed. While it is closed in preparation for ballot paper sorting, candidates and their election agents, counting agents and polling agents may stay in the polling station to observe the locking and sealing of ballot boxes. The ballot boxes will be locked and sealed by the PRO in the presence of the candidates and/or their agents (if any). The PRO will

also inform them of the numbers of unissued ballot papers, spoilt ballot papers and unused ballot papers in his/her possession. All such ballot papers will then be packed into separate sealed packets for the respective constituencies. The marked printed copies of FR (if used) will also be packed into sealed packets separately. The PRO will prepare a ballot paper account to estimate the number of ballot papers in the ballot boxes. [S 63(1), (1A), (2) and (3) of the EAC (EP) (LC) Reg] *[Added in October 2021]*

6.80 The locked and sealed ballot boxes referred to in para. 6.79 above will be kept by the PRO until the sorting of GC ballot papers begins, when the GC ballot boxes will be opened and all ballot papers inside will be put on the sorting table (the sealed GC packets will be kept in the PRO's safe custody until delivery to the CEO). For details of the workflow at a ballot paper sorting station, please refer to paras. 6.81 to 6.88 below. Regarding the sealed FC/ECC ballot boxes and sealed FC/ECC packets (excluding the marked printed copies of FR, if used) referred to in para. 6.79, together with any misplaced FC/ECC ballot papers found in the GC ballot boxes (see para. 6.88 below), they will be delivered to the central counting station for the counting of FC votes and ECC votes. The Assistant PRO will deliver the FC/ECC ballot boxes from the polling station to the central counting station under police escort. Up to 2 persons among the FC/ECC candidates (or their respective agents) may accompany in the delivery if they so wish. If more than 2 such persons are interested, the PRO will draw lots to determine which 2 persons can join the escort. FC/ECC candidates and their agents are allowed to stay in the polling station until they see the arrival of police officers for escorting the delivery. Thereafter, FC/ECC candidates and their agents must leave the polling station. They may enter the ballot paper sorting station to observe the sorting of GC ballot papers in the public area. *[Added in October 2021]*

PART XII : SORTING OF BALLOT PAPERS

Conduct at the Ballot Paper Sorting Station

6.81 In a LegCo general election or, where the CEO considers it appropriate, in a LegCo by-election, ballot paper sorting stations will be set up for sorting by GCs the GC ballot papers received from dedicated polling stations or the ECC polling station before the GC ballot papers are delivered to the respective main counting stations for the counting of votes. The PRO of a ballot paper sorting station may determine the time at which the sorting of ballot papers is to begin, which must be a time after the poll has closed at all the dedicated polling stations situated in penal institutions but may be a time before the poll has closed at all the other polling stations. Before the polling day, candidates will be informed of the expected time of the commencement of the sorting of ballot papers at the ballot paper sorting station. [Ss 2(6), 28(1)(c), 63A(4) and 65(2A) of the EAC (EP) (LC) Reg] *[Added in January 2010 and amended in October 2021]*

6.82 Only the following persons may be present during the sorting of ballot papers:

- (a) the ROs, AROs, PROs, Deputy PROs, Assistant PROs and counting staff for the relevant GCs;
- (b) the CRO; *[Added in June 2012]*
- (c) members of the EAC;
- (d) the CEO;
- (e) candidates and their election agents and counting agents for the relevant GCs;

- (f) police officers and members of the CAS on duty at the ballot paper sorting station;
- (g) public officers authorised in writing by the CEO;
- (h) any person authorised by the CRO, the RO or the PRO; and
[Amended in June 2012]
- (i) any person authorised in writing by a member of the EAC.

The PRO will designate a restricted zone for counting staff to sort the ballot papers. Candidates and their agents are prohibited from entering the restricted zone. Members of the public may observe the sorting of ballot papers from the public area designated by the PRO, unless the PRO considers that the presence of a person may:

- (a) cause disorder or disturbance in the ballot paper sorting station; or
- (b) prejudice the secrecy of individual votes.

[Ss 2(6) and 68(1) and (2) of the EAC (EP) (LC) Reg] [Added in January 2010 and amended in June 2012]

6.83 Except for police officers and members of the CAS on duty, every person permitted to stay in a ballot paper sorting station must make a **Declaration of Secrecy** on a specified form⁴⁴ before entering the sorting station and observe the regulations on the secrecy of voting [ss 2(6) and 95 of the EAC (EP) (LC) Reg]. Members of the public staying in the public area are not required to make a Declaration of Secrecy. *[Added in January 2010]*

⁴⁴ The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO (or a person whose official designation is that of a deputy to the CEO)/a Justice of the Peace/a solicitor with a practising certificate.

6.84 Except with the express permission of the PRO, the CRO, the ROs for the GCs for which the ballot paper sorting station is used or a member of the EAC (as the case may be), it is an offence for anyone to take photographs, films or make any video or audio recording within the restricted area of a ballot paper sorting station during the period commencing from the time at which the sorting of GC ballot papers is to begin and ending upon the completion of the sorting [ss 2(6), 68A(1) and (2) of the EAC (EP) (LC) Reg]. *[Added in January 2010 and amended in June 2012]*

6.85 Any person who misconducts himself/herself or fails to obey any lawful order of the PRO in or in the vicinity of a ballot paper sorting station commits an offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. He/She may be ordered by the PRO to leave the area immediately. A person misconducts himself/herself if he/she disrupts the sorting of GC ballot papers or disturbs or causes inconvenience to other persons in the ballot paper sorting station. The PRO may also order a person to leave the ballot paper sorting station if the person's conduct in the venue is not in line with the purpose authorised or permitted for the entry to or presence in the ballot paper sorting station. If the person fails to leave immediately, he/she may be removed by a police officer or by any other person authorised in writing by the PRO. Any person so removed is not allowed to enter the relevant ballot paper sorting station again on that day except with the permission of the PRO [ss 2(6), 68A and 69 of the EAC (EP) (LC) Reg]. *[Added in January 2010]*

Sorting of Ballot Papers

6.86 In the presence of the candidates, their election agents or counting agents, if any, the PRO of a ballot paper sorting station will sort the GC ballot papers received from dedicated polling stations or the ECC polling station. The PRO will check whether the GC ballot boxes and sealed packets

are properly sealed. The seal on each ballot box will be broken by the PRO in the presence of the candidates, their election agents or counting agents, if any. The PRO will then open the ballot box and empty the contents onto a sorting table. After the ballot box is opened by the PRO, if any paper other than the marked ballot papers is found and taken out from the ballot box, the candidates, their election agents or counting agents may request to inspect such paper before it is disposed of by the PRO. **At no time should a candidate, his/her election agent or counting agent touch any of the ballot papers.** *[Added in January 2010 and amended in October 2021]*

6.87 The PRO of a ballot paper sorting station shall:

- (a) open the GC ballot boxes received from dedicated polling stations or the ECC polling station;
- (b) for each ballot box, sort the GC ballot papers inside according to each GC;
- (c) count and record the number of GC ballot papers for each GC inside each GC ballot box;
- (d) verify the ballot paper account by comparing it with the number of GC ballot papers recorded under para. 6.87(c) above;
- (e) prepare a statement in writing as to the result of the verification;
- (f) prepare a statement in writing as to the number of GC ballot papers recorded under para. 6.87(c) above;
- (g) make into separate bundles the sorted GC ballot papers together with the relevant statement prepared under para. 6.87(f) above;

- (h) place each bundle in a separate orange or green document box and seal it in the presence of those present at the counting zone;
- (i) arrange for each of the orange or green document boxes to be delivered to the PRO of the main counting station for the corresponding GC⁴⁵;
- (j) send to the CEO the ballot paper accounts, the verification of number of ballot papers and the sealed packets made under para. 6.74 above; and
- (k) arrange for the FC/ECC ballot boxes, the sealed packets containing unissued FC/ECC ballot papers etc. and the relevant ballot paper accounts received from dedicated polling stations or the ECC polling station to be delivered to the central counting station.

[Ss 70 and 73E(1) of the EAC (EP) (LC) Reg] *[Added in January 2010 and amended in June 2012, June 2016 and October 2021]*

6.88 If the PRO of a ballot paper sorting station finds any FC ballot papers or ECC ballot papers in a GC ballot box, he/she must:

- (a) sort the FC ballot papers according to each FC;
- (b) count and record the number of ballot papers for each FC and the ECC found in the GC ballot box from the dedicated polling station or the ECC polling station;

⁴⁵ If no GC vote has been cast at the dedicated polling stations or the ECC polling station, then no orange or green document box will be delivered to the corresponding main counting station. In that case, the PRO of that main counting station will be notified accordingly.

- (c) prepare a statement in writing as to the number of ballot papers recorded for each FC and the ECC under para. 6.88(b) above;
- (d) make into separate bundles the sorted FC and ECC ballot papers together with the relevant statement prepared under para. 6.88(c) above;
- (e) place each bundle in a separate orange or green document box and seal it in the presence of those present at the counting zone of the ballot paper sorting station; and
- (f) pass the orange or green document box(es) to an Assistant PRO on duty at the counting zone of the ballot paper sorting station. The Assistant PRO shall deliver the orange or green document box(es) to the central counting station and hand over each of them to the RO(s) for the relevant FC or the ECC.

[S 73E of the EAC (EP) (LC) Reg] *[Added in June 2012 and amended in October 2021]*

PART XIII : THE COUNT

Conversion of Polling Station into Counting Station

6.89 Polling stations (except for small polling stations, dedicated polling stations and the ECC polling station) will be converted to counting stations where the GC votes will be counted and the counting results will be announced to the candidates and their agents present. If the same place is designated as both a polling station and a counting station, the PRO of the polling station is to be regarded as the PRO of the counting station [s 34(4) of

the EAC (EP) (LC) Reg]. The PRO, assisted by Deputy PROs, Assistant PROs, polling staff and counting staff, is responsible for converting the polling station into a counting station and conducting the count. Before the counting of votes begins, a notice will be displayed outside the counting station specifying at what time the counting station is expected to be open to the public to observe the counting of votes [s 65(5A) of the EAC (EP) (LC) Reg]. The telephone number of the counting station should be provided on the notice, so that the candidates/agents will be able to contact the counting staff. *[Amended in October 2007, January 2010 and October 2021]*

Central Counting Station

6.90 A central counting station will be set up to conduct the count for FC votes and ECC votes and announce the election results. The RO for each FC and the ECC is responsible for conducting the count with the assistance of his/her AROs and counting staff. *[Amended in October 2021]*

6.91 An RO will be designated for each of the 10 GCs. The 10 ROs will be stationed at the central counting station. With the assistance of a number of AROs, an RO will compile the final election results of the relevant GC by adding up the counting results obtained from the counting stations under his/her charge, and announce the election results at the media centre. *[Amended in October 2007 and October 2021]*

Conduct at the Counting Station and the Central Counting Station

6.92 Only the following persons may be present during the counting of votes at the counting zone of a counting station or the central counting station:

- (a) the ROs, AROs, PROs, Deputy PROs, Assistant PROs and counting staff for the relevant constituencies;

- (b) the CRO;
- (c) members of the EAC;
- (d) the CEO;
- (e) police officers and members of the CAS on duty at the counting station;
- (f) candidates and their election agents and counting agents of the relevant constituencies;
- (g) public officers authorised in writing by the CEO;
- (h) any person permitted by the CRO, the RO or the PRO; and
- (i) any person authorised in writing by a member of the EAC.

The PRO, the CRO or the RO (as the case may be) will designate a restricted zone inside the counting zone for the counting staff to count the votes. Candidates and their agents are prohibited from entering the restricted zone. Members of the public may observe the counting of votes from an area (“the public area”) at the counting station set apart for that purpose by the PRO, the CRO or the RO, unless the PRO, the CRO or the RO considers that the presence of a person may:

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

6.93 Members of the public and the media have the rights to observe the count in a counting station. That said, to maintain order inside the counting station, there are always occasions that the PRO, the CRO or the RO has to reject further entrants when the area designated for the public reaches the maximum capacity. To enhance the transparency of the admission arrangement for counting stations, a notice setting out the maximum capacity of the public area will be displayed by the PRO, the CRO or the RO outside each counting station and the central counting station. *[Added in June 2020 and amended in October 2021]*

6.94 Besides, photography and/or video-recording is allowed inside a counting station. Members of the public, including the media, can take photographs and/or videos inside the public area (but not inside the counting zone). For record purposes, closed-circuit televisions will be installed in each counting station and the central counting station (including inside the counting zone) to record the actual situation of the counting station (including the public area). *[Added in June 2020]*

6.95 Except for police officers and members of the CAS on duty, every person permitted to enter a counting zone must make a **Declaration of Secrecy** on the specified form⁴⁶ before entering the zone, and observe the regulations on the secrecy of voting [s 95 of the EAC (EP) (LC) Reg]. Members of the public and the media inside the public area and the media zone are not required to make a Declaration of Secrecy.

6.96 Except with the express permission of the relevant PRO, the CRO, the RO or a member of the EAC (as the case may be), a person commits an offence if he/she takes photographs, films or makes any audio or video recording within a counting zone during the period commencing from the time

⁴⁶ The declaration can be made in the presence of a Commissioner for Oaths/a member of the EAC/the RO/the CEO (or a person whose official designation is that of a deputy to the CEO)/a Justice of the Peace/a solicitor with a practising certificate.

at which the counting of votes is to begin at the zone and ending upon the completion of the counting and re-count, if any, at the zone [s 68A(1) and (2) of the EAC (EP) (LC) Reg].

6.97 Any person who misconducts himself/herself or fails to obey any lawful order of the PRO (for a counting station other than the central counting station) or the CRO/RO (for the central counting station) in or in the vicinity of a counting station commits an offence, and is liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months. He/She may be ordered by the PRO, the CRO or the RO (as the case may be) to leave the area immediately. A person misconducts himself/herself if he/she disrupts the counting of votes or disturbs or causes inconvenience to other persons in the counting station. The PRO, the CRO or the RO may also order a person to leave the counting station immediately if the person's conduct in the venue is not in line with the purpose authorised or permitted for the entry to or presence in the counting station. If the person fails to leave immediately, he/she may be removed by a police officer or by a person authorised in writing by the PRO, the CRO or the RO. Any person so removed is not allowed to enter the relevant counting station again on that day except with the permission of the PRO, the CRO or the RO [ss 68A and 69 of the EAC (EP) (LC) Reg]. *[Amended in June 2016]*

(a) Counting of GC votes

6.98 The PRO of a counting station will conduct the counting of GC votes in the presence of the candidates, their election agents or counting agents, if any. The PRO will check whether all the ballot boxes and sealed packets are properly sealed. The seal on each GC ballot box will be broken by the PRO in the presence of the candidates, their election agents or counting agents (if any). All the GC ballot boxes will then be opened by the PRO and the contents will be emptied onto the counting table. After a ballot box is opened by the PRO, the candidates, their election agents or counting agents may request to inspect

any paper other than ballot papers taken out from the ballot box before the paper is disposed of [s 73A of the EAC (EP) (LC) Reg]. If the PRO identifies any FC ballot papers misplaced inside the GC ballot boxes, the PRO will seal the misplaced FC ballot papers and arrange to deliver them, together with the sealed FC ballot boxes, to the relevant RO at the central counting station for counting. **At no time should a candidate, his/her election agent or counting agent touch any of the ballot papers.** [S 73A of the EAC (EP) (LC) Reg] *[Amended in January 2010 and June 2016]*

6.99 The PRO of a counting station (except for the PRO of a main counting station or a ballot paper sorting station) shall:

- (a) sort the ballot papers according to the choices marked by the electors on the ballot papers and place them in separate transparent plastic boxes on the table;
- (b) separate and put aside the invalid and questionable ballot papers, if any;
- (c) determine the validity of questionable ballot papers;
- (d) count the valid votes obtained by each candidate;
- (e) verify the number of the ballot papers counted by comparing it with the ballot paper account for the GC from the polling station and prepare a statement in writing as to the result of the verification; and
- (f) compile the final counting results.

[Ss 73D and 75 of the EAC (EP) (LC) Reg] *[Amended in January 2010, June 2012, June 2016 and June 2020]*

- 6.100 The PRO of a main counting station shall:
- (a) count and record the number of GC ballot papers in the orange (from dedicated polling stations) or green (from the ECC polling station) document box(es) received from a ballot paper sorting station (which will be set up in a LegCo general election or, where the CEO considers it appropriate, in a LegCo by-election), and verify the number by comparing it with the respective ballot paper statements;
 - (b) count and record the number of GC ballot papers in the ballot boxes received from designated small polling stations (and also from dedicated polling stations and the ECC polling station if it is a LegCo by-election in which no ballot paper sorting station has been set up), and verify the number by comparing it with the respective ballot paper accounts;
 - (c) prepare a statement in writing as to the respective result of the verification in (a) and (b) above;
 - (d) mix the ballot papers contained in at least one of the GC ballot boxes from the polling station designated as the main counting station together with the ballot papers received from small polling stations/ballot paper sorting stations/dedicated polling stations/the ECC polling station (as the case may be);
 - (e) sort the ballot papers according to the choices marked by the electors on the ballot papers and place them in separate transparent plastic boxes on the table;
 - (f) separate and put aside the invalid and questionable ballot papers, if any;

- (g) determine the validity of questionable ballot papers;
- (h) count the valid votes obtained by each candidate;
- (i) upon completing the counting of votes, verify the number of the GC ballot papers recorded in the counting process by comparing it with the ballot paper account of that polling station (excluding those from the small polling stations, dedicated polling stations and the ECC polling station which are processed in accordance with (b) above) and prepare a statement in writing as to the result of the verification; and
- (j) compile the final counting results.

[Ss 73D and 75 of the EAC (EP) (LC) Reg] *[Amended in January 2010, June 2012, June 2016, June 2020 and October 2021]*

6.101 The cumulative voter turnout announced on the polling day is an estimate based on the statistics on ballot papers issued to electors by polling staff at the ballot paper issuing desks (see para. 6.43 above). Under certain circumstances, the cumulative voter turnout may not tally with the number of ballot papers in the ballot boxes because it does not take into account the numbers of ballot papers endorsed as “TENDERED”⁴⁷ issued at the PRO desk or the “UNUSED”⁴⁸ ones which were found abandoned or left behind in the polling station instead of being put into the ballot boxes (see paras. 6.64 and 6.67 above). After adding the number of “TENDERED” ballot papers and deducting the number of “UNUSED” ballot papers, the cumulative voter

⁴⁷ “TENDERED” ballot papers are issued at the PRO desk. They are not counted in the cumulative voter turnout, but were put into the ballot box and included in the number of ballot papers actually counted from the ballot box.

⁴⁸ Ballot papers are occasionally found abandoned or left behind in the polling station. The PRO will endorse such ballot papers with the words “UNUSED” and “未用”, and keep them in his/her custody. These ballot papers have been counted in the cumulative voter turnout although they were not put into the ballot box.

turnout should, in principle, tally with the number of ballot papers in the ballot boxes⁴⁹. A discrepancy may also occur between the two numbers if any ballot paper was taken away without authorisation and consequently not put into the ballot box. In any event, the counting results shall be based on the number of ballot papers actually counted from the ballot boxes, while the cumulative voter turnout is for reference only. *[Added in June 2020]*

Invalid Ballot Papers

6.102 A ballot paper is invalid if:

- (a) no vote has been marked on it;
- (b) it is not marked with the chop provided by the polling station;
- (c) it is endorsed on the front with the words “**SPOILT**” and “**損壞**”;
- (d) it is endorsed on the front with the words “**TENDERED**” and “**重複**”;
- (e) it is endorsed on the front with the words “**UNUSED**” and “**未用**”;
- (f) the vote recorded on it is for a deceased or disqualified candidate whose name and other information on the ballot paper are crossed out under s 37(2) of the EAC (EP) (LC) Reg; or

⁴⁹ See para. 6.43 above. Ballot papers issued to electors in replacement of “SPOILT” ballot papers are issued at the PRO desk. The “SPOILT” ballot papers to be kept by the PRO were issued at the ballot paper issuing desks, so they have been counted in the cumulative voter turnout. On the other hand, ballot papers issued to electors by the PRO in replacement of “SPOILT” ballot papers were put into the ballot box and hence subsequently included in the number of ballot papers actually counted from the ballot box.

- (g) votes are given for more than 1 candidate (e.g. by marking a “✓” each against 2 candidates).

[S 80(1) of the EAC (EP) (LC) Reg]

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agent may inspect these ballot papers but is not entitled to make representations to the PRO concerning these ballot papers [s 80(4) of the EAC (EP) (LC) Reg]. *[Amended in October 2007, July 2008 and June 2020]*

Questionable Ballot Papers

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

- (a) it has any writing or mark by which the elector can possibly be identified;
- (b) it is not marked in accordance with s 55(2) of the EAC (EP) (LC) Reg, i.e. not marked by affixing the chop to give a single “✓” in the circle opposite the name of the candidate of the elector’s choice on the ballot paper, and the elector’s intention is unclear. However, the PRO may count the vote on that ballot paper if he/she is satisfied that the elector’s intention is clear even though the “✓” mark is not placed inside the circle; *[Amended in June 2016]*
- (c) it is substantially mutilated; or

- (d) it is void for uncertainty.

Questionable ballot papers must be separated and forwarded to the RO or the PRO (as appropriate) to decide whether the votes are to be counted. [S 75(7)(a) of the EAC (EP) (LC) Reg] When deciding on the validity of the ballot papers in (a) above, the PRO will make reference to the judgment made by the Court on an election petition case (HCAL 127/2003). In that case, the Court ruled that the handwritten tick found on the ballot paper in question in the said election petition was considered a mark by which the elector could possibly be identified. The validity of ballot papers with any other writings or marks will remain to be determined by the PRO on a case-by-case basis. [S 81 (1), (2) and (3) of the EAC (EP) (LC) Reg] *[Amended in October 2007, June 2016 and June 2020]*

6.104 The validity of all questionable ballot papers shall be decided by the PRO [s 81(2) of the EAC (EP) (LC) Reg]. The PRO will invite the candidates, their election agents or counting agents present to participate in the determination process of questionable ballot paper. *[Amended in June 2016]*

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

- (a) the PRO will inform the candidates and their agents of his/her initial decision on the validity of a questionable ballot paper. The candidates, their election agents or counting agents may inspect and make representations concerning the questionable ballot paper [s 81(1) of the EAC (EP) (LC) Reg];
- (b) the PRO will then consider their representations and make a final decision on the validity of the questionable ballot paper (see para. 6.106 below) [s 81(2) of the EAC (EP) (LC) Reg];

- (c) if the PRO decides that a questionable ballot paper is invalid and therefore not to be counted, he/she must endorse the words “不獲接納” and “rejected” on the front of it. In that case, if any candidate, election agent or counting agent objects to the PRO’s final decision, the PRO must also endorse the words “反對此選票不獲接納” and “rejection objected to” on that ballot paper [s 81(4) of the EAC (EP) (LC) Reg];
- (d) if any candidate, election agent or counting agent objects to the decision of the PRO to count a questionable ballot paper, the PRO must endorse the words “反對此選票獲接納” and “acceptance objected to” on that ballot paper [s 81(5) of the EAC (EP) (LC) Reg]; and
- (e) the PRO shall prepare a statement to record his/her decisions made in respect of all questionable ballot papers [s 81(6) of the EAC (EP) (LC) Reg].

[Amended in June 2016]

6.106 The decision of the PRO in regard to any question arising in respect of any ballot paper shall be **final** [s 82 of the EAC (EP) (LC) Reg], subject to an election petition lodged [s 61 of the LCO] (see Part II of Chapter 7).

6.107 The vote counting will proceed continuously, as far as possible, until the counting of all the votes is completed.

6.108 After the vote counting at an individual counting station for a constituency is completed, the PRO of the counting station will make known the counting results to the relevant candidates, their election agents or counting agents present. Candidates, their election agents or counting agents may

request the PRO to re-count the votes, and the PRO shall comply with such request unless in his/her opinion the request is unreasonable. If there is no request for a re-count, or the request for a re-count is rejected, or the re-count is completed and there is no request for a further re-count, or the request for a further re-count is rejected by the PRO, then the PRO shall report the counting results to the ARO for the relevant constituency at the central counting station. For misplaced GC ballot papers which were found in FC ballot boxes at the central counting station and delivered to the relevant RO, the votes will be counted by the said RO. The validity of any questionable ballot papers will be determined by that RO. Candidates, their election agents or counting agents present may raise objection to the acceptance or rejection of a questionable ballot paper. The RO's decision on the validity of the ballot paper shall be final [s 82 of the EAC (EP) (LC) Reg]. The counting arrangement as set out in paras. 6.102 to 6.106 above will be followed by the RO [s 79A of the EAC (EP) (LC) Reg]. *[Amended in July 2008 and June 2012]*

6.109 After the ARO has been notified of the results of the counting of votes and re-count (if any) of all counting stations for the constituency in his/her charge, he/she shall inform the RO for the constituency of the results. The RO shall then inform the candidates, their election agents or counting agents who are present at the central counting station of the results. If a candidate or his/her election agent at the central counting station requests the RO to re-count the votes of all the counting stations for the constituency, the RO will decide whether the request should be acceded to. If the RO decides that such a re-count is reasonable in the circumstances, he/she will inform the PROs of all the counting stations for the constituency of the decision so that a re-count at the respective counting stations can be conducted. [S 79A(5) and (6) of the EAC (EP) (LC) Reg]

6.110 When the RO makes known to the candidates or their election agents or counting agents the counting results of all the counting stations for

the GC, he/she must also make known to them the estimated number of GC ballot papers estimated to be misplaced in FC/ECC ballot boxes (the estimated number will be based on the information in the ballot paper account). Candidates and their election agents may at that point request a re-count of the votes of all counting stations for the GC without having to wait for the counting results of any misplaced GC ballot papers (see para. 6.109 above) [s 79A(7) of the EAC (EP) (LC) Reg]. Alternatively, they may at that point request a re-count of the votes of all the counting stations for the GC together with the votes of the misplaced GC ballot papers after the latter votes are counted. The RO will not entertain the alternative request if the estimated number of misplaced GC ballot papers is **less than** the difference between the numbers of remaining votes cast for any two candidates (in which case the counting results of the misplaced GC ballot papers will not affect the overall election results of the GC in question) [s 79A(14) of the EAC (EP) (LC) Reg]. *[Amended in June 2012 and October 2021]*

6.111 The PRO of each of the counting stations must make known the result of the re-count at his/her counting station to the candidates or their election agents or counting agents present at that counting station, and report the same to the ARO for the GC at the central counting station. The ARO shall inform the RO for the GC of the results of the re-count of all the counting stations in his/her charge [s 79A(10) of the EAC (EP) (LC) Reg]. The RO shall add together such results and the result of the counting of the votes recorded on the misplaced GC ballot papers found in FC/ECC ballot boxes, and make known the aggregate result to the candidates or their election agents or counting agents present at the central counting station. If a candidate or his/her election agent makes a request to the RO for a re-count of the votes of the misplaced GC ballot papers, the RO shall comply with the request unless in his/her opinion the request is unreasonable [s 79A(12) of the EAC (EP) (LC) Reg]. *[Amended in July 2008, January 2010 and June 2012]*

6.112 If at any time it appears to the EAC that a counting station (“first counting station”) assigned for the counting of votes cast at a polling station (“polling station concerned”) in respect of a GC is no longer available or suitable for the counting to take place or continue to take place for reasons other than those referred to in s 2(3) of Schedule 2 to the EAC (EP) (LC) Reg (i.e. the occurrences of a typhoon or other climatic condition of a serious nature; riot, open violence or any danger to public health or safety; or an occurrence which appears to the EAC to be a material irregularity relating to the election, the poll or count), then the EAC may direct that the counting is to take place or continue to take place at another counting station (“new counting station”) specified by the CEO [s 75A(1) of the EAC (EP) (LC) Reg]. The RO must give notice to each candidate for the constituency of the time and place at which the counting is to take place or continue to take place [s 65(7A) of the EAC (EP) (LC) Reg]. Where such direction is given by the EAC, the PRO of the first counting station must arrange the ballot boxes (whether opened or unopened) and receptacles, if any, together with the ballot papers (whether counted or not), any un-issued ballot papers, tendered ballot papers, ballot paper accounts, verification of number of ballot papers and any other relevant election materials to be transferred to the new counting station [s 75A(3) of the EAC (EP) (LC) Reg]. Any person who is entitled to be present at the first counting station or the polling station concerned may also be present with the PRO when the PRO makes any of the aforesaid arrangement [s 75A(4) of the EAC (EP) (LC) Reg]. *[Amended in July 2008, June 2016 and October 2021]*

(b) Counting of FC votes

6.113 The FC ballot boxes, together with any misplaced FC ballot papers found in GC/ECC ballot boxes, will be delivered to the central counting station and given into the charge of the relevant RO [ss 70(1) and 72(1) of the EAC (EP) (LC) Reg]. Each ballot box will then be checked to see if it is properly sealed. The seal on the ballot box will be broken by the RO in the

presence of the candidates, their election agents or counting agents, if any [s 73(1) of the EAC (EP) (LC) Reg]. All the ballot boxes will then be opened and the contents emptied onto a counting table. Any misplaced ECC and GC ballot papers found will be sealed and then delivered to the relevant RO at the central counting station for counting. The candidates, their election agents or counting agents may request to inspect any paper other than ballot papers taken out from the ballot boxes before the paper is disposed of. **At no time should a candidate, his/her election agent or counting agent touch any of the ballot papers** [s 73(2) of the EAC (EP) (LC) Reg]. *[Amended in June 2012, June 2016 and October 2021]*

6.114 There will be sorting/counting zones for the FCs. The FC ballot papers from each of the polling stations (including small polling stations, dedicated polling stations and the ECC polling station) will first be sorted, counted and recorded by the central counting staff, who will then verify the number of ballot papers recorded for each FC by comparing it with the ballot paper accounts from the respective polling stations. Such sorted ballot papers will then be separately bundled with the relevant ballot paper accounts. [S 73B of the EAC (EP) (LC) Reg] *[Amended in June 2012 and October 2021]*

6.115 As described above, the FC ballot papers in each of the sorting/counting zones will be sorted to make up separate bundles for each FC. Each bundle of ballot papers which is required to be delivered to another sorting/counting zone will be placed in a separate receptacle and sealed in the presence of the candidates or their agents, if any, at the counting station. Bundles belonging to the same FC will be passed to the relevant ARO and his/her staff for transfer to the relevant counting zone and counting of votes under the supervision of the RO of that FC. The ballot papers for the same FC from not less than 2 of the polling stations will first be mixed before counting [ss 73B(1), (6), (7) and 77(3) of the EAC (EP) (LC) Reg]. *[Amended in June 2012, June 2016 and October 2021]*

6.116 At the counting zone, with the assistance of the counting staff, the RO of an FC shall:

- (a) (i) For FC returning 1 member
sort the votes according to the choices marked by the electors/ARs on the ballot papers and place the ballot papers in separate transparent plastic boxes on the counting table;
or
- (ii) For FC returning more than 1 member
record the votes according to the choices marked by the electors/ARs on the ballot papers;
- (b) separate and put aside the invalid and questionable ballot papers, if any;
- (c) determine the validity of questionable ballot papers (by the RO);
- (d) count the valid votes obtained by each candidate in accordance with the “first past the post” voting system described in s 51 of the LCO; and
- (e) compile the final counting results.

[S 77 of the EAC (EP) (LC) Reg] *[Added in June 2012 and amended in October 2021]*

Invalid Ballot Papers

6.117 A ballot paper is invalid if:

- (a) no vote has been marked on it;

- (b) it is endorsed on the front with the words “**TENDERED**” and “**重複**”;
- (c) it is endorsed on the front with the words “**SPOILT**” and “**損壞**”;
- (d) it is endorsed on the front with the words “**UNUSED**” and “**未用**”;
- (e) it is not marked with the chop provided by the polling station;
- (f) the vote recorded on it is for a deceased or disqualified candidate whose name and other information on the ballot paper are crossed out under s 37(2) of the EAC (EP) (LC) Reg; or
- (g) votes are marked for more than the number of vacancies to be filled (in respect of the Labour FC, a ballot paper is invalid if more than 3 votes are marked on it; in respect of the other 27 FCs, a ballot paper is invalid if more than 1 vote is marked on it).

[S 80(1) of the EAC (EP) (LC) Reg]

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agent may inspect these ballot papers but is not entitled to make representations to the RO concerning these ballot papers [s 80(4) of the EAC (EP) (LC) Reg]. *[Amended in October 2007, July 2008, June 2012, June 2020 and October 2021]*

Questionable Ballot Papers

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

- (a) it has any writing or mark by which the elector/AR can possibly be identified;
- (b) it is not marked in accordance with s 57(2) of the EAC (EP) (LC) Reg, i.e. not marked by affixing the chop to give a single “✓” in the circle opposite the name of the candidate of the elector/AR’s choice on the ballot paper, and the elector/AR’s intention is unclear. However, the RO may count the vote on that ballot paper if he/she is satisfied that the intention of the elector/AR is clear even though the “✓” mark is not placed inside the circle;
- (c) it is substantially mutilated; or
- (d) it is void for uncertainty.

Questionable ballot papers must be separated and forwarded to the RO to decide whether the votes are to be counted. [S 77(7)(a) of the EAC (EP) (LC) Reg] When deciding on the validity of the ballot papers in (a) above, the RO will make reference to the judgment made by the Court on an election petition case (HCAL 127/2003) (see para. 6.103 above) [s 81(2) and (3) of the EAC (EP) (LC) Reg]. *[Amended in July 2008, June 2012, June 2016 and October 2021]*

6.119 The validity of all questionable ballot papers shall be decided by the RO of the relevant FC. The RO will invite the candidates, their election

agents or counting agents present to participate in the determination process of questionable ballot papers. *[Amended in June 2016]*

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

- (a) the RO will inform the candidates and their agents of his/her initial decision on the validity of a questionable ballot paper. The candidates, their election agents or counting agents (if present at the counting zone) may inspect and make representations concerning the questionable ballot paper [s 81(1) of the EAC (EP) (LC) Reg];
- (b) the RO will then consider their representations and make a final decision on the validity of the questionable ballot paper (see para. 6.121 below) [s 81(2) of the EAC (EP) (LC) Reg];
- (c) if the RO decides that a questionable ballot paper is invalid and therefore not to be counted, he/she must endorse the words “不獲接納” and “rejected” on the front of it. In that case, if any candidate, election agent or counting agent objects to the RO’s final decision, the RO must also endorse the words “反對此選票不獲授納” and “rejection objected to” on that ballot paper [s 81(4) of the EAC (EP) (LC) Reg];
- (d) if any candidate, election agent or counting agent objects to the decision of the RO to count a questionable ballot paper, the RO must endorse the words “反對此選票獲接納” and “acceptance objected to” on that ballot paper [s 81(5) of the EAC (EP) (LC) Reg]; and

- (e) the RO shall prepare a statement to record his/her decisions made in respect of all questionable ballot papers [s 81(6) of the EAC (EP) (LC) Reg].

[Added in June 2016]

6.121 The decision of the RO in regard to any question arising in respect of any ballot paper shall be **final** [s 82 of the EAC (EP) (LC) Reg], subject to an election petition lodged [s 61 of the LCO] (see Part II of Chapter 7).

6.122 The vote counting will proceed continuously, as far as possible, until the counting of all the votes is completed.

6.123 After the vote counting for a particular FC is completed, the RO for the constituency will make known the counting result to the relevant candidates, their election agents or counting agents present [s 79(1) of the EAC (EP) (LC) Reg]. Candidates or their election agents may request the RO to re-count the votes, and the RO shall comply with such request unless in his/her opinion the request is unreasonable [s 79(2) of the EAC (EP) (LC) Reg]. If there is no request for a re-count, or the request for a re-count is rejected, or the re-count is completed and there is no request for a further re-count, or the request for a further re-count is rejected by the RO, then the RO will inform the candidates and their agents of the counting results [s 79 of the EAC (EP) (LC) Reg].

(c) **Counting of ECC votes**

6.124 The ECC ballot boxes, together with any misplaced ECC ballot papers found in GC/FC ballot boxes, will be delivered to the central counting station and given into the charge of the relevant RO(s) [ss 70(4) and 72(2) of

the EAC (EP) (LC) Reg]. Each ballot box will then be checked to see if it is properly sealed. The seal on the ballot box will be broken by the RO(s) in the presence of the candidates, their election agents or counting agents, if any [s 73(1) of the EAC (EP) (LC) Reg]. All the ballot boxes will then be opened and the contents emptied onto a counting table. Any misplaced GC and FC ballot papers found will be sealed and then delivered to the relevant RO at the central counting station for counting. The candidates, their election agents or counting agents may request to inspect any paper other than ballot papers taken out from the ballot boxes before the paper is disposed of. **At no time should a candidate, his/her election agent or counting agent touch any of the ballot papers** [s 73(2) of the EAC (EP) (LC) Reg]. *[Added in October 2021]*

6.125 Before counting the votes recorded on ECC ballot papers in respect of each of the candidates, the RO(s) for the ECC, assisted by the central counting staff, will take out the ECC ballot papers from the envelopes (if envelopes for containing ECC ballot papers are used in the election), count and record the number of the ECC ballot papers, verify the number recorded by comparing it with the ballot paper accounts for the ECC from the respective polling stations, and prepare a statement in writing as to the result of the verification. [S 73C of the EAC (EP) (LC) Reg] *[Added in October 2021]*

6.126 The RO(s) for the ECC, assisted by the counting staff, will first mix the ballot papers from the ECC polling station and dedicated polling stations (if applicable) at the counting zone before counting the votes as follows:

- (a) record the votes according to the choices marked by the electors on the ballot papers;
- (b) separate and put aside the invalid and questionable ballot papers, if any;

- (c) determine the validity of questionable ballot papers (by the RO(s));
- (d) count the valid votes obtained by each candidate in accordance with the “block vote” and “first past the post” voting system described in s 52A of the LCO; and
- (e) compile the final counting results.

[S 78A of the EAC (EP) (LC) Reg] *[Added in October 2021]*

6.127 Due to the large number of seats and candidates for the ECC in a LegCo general election, the Optical Mark Recognition System will be used for automatic counting of the votes as per the arrangements of the EC subsector ordinary elections. In case the system fails to operate normally, the counting staff will activate the contingency plan and input the votes on each ballot paper manually into an independent computer system. Counting staff will work in pairs and perform “double entry” to ensure data accuracy. On the other hand, manual counting is usually adopted in ECC by-elections. [S 78A(4) of the EAC (EP) (LC) Reg] *[Added in October 2021]*

Invalid Ballot Papers

6.128 A ballot paper is invalid if:

- (a) no vote has been marked on it;
- (b) it is endorsed on the front with the words “**TENDERED**” and “**重複**”;
- (c) it is endorsed on the front with the words “**SPOILT**” and “**損壞**”;

- (d) it is endorsed on the front with the words “**UNUSED**” and “**未用**”;
- (e) in respect of an ECC by-election, it is not marked with the chop provided by the polling station;
- (f) the vote recorded on it is for a deceased or disqualified candidate whose name and other information on the ballot paper are crossed out under s 37(2) of the EAC (EP) (LC) Reg; or
- (g) the number of votes marked on the ballot paper is not equal to the number of members to be returned.

[S 80(1) of the EAC (EP) (LC) Reg]

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agent may inspect these ballot papers but is not entitled to make representations to the RO(s) concerning these ballot papers [s 80(4) of the EAC (EP) (LC) Reg]. *[Added in October 2021]*

Questionable Ballot Papers

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

- (a) it has any writing or mark by which the elector can possibly be identified;

- (b) it is not marked in accordance with s 58A(1) or 58A(3)(b) of the EAC (EP) (LC) Reg:
 - (i) for a LegCo general election, the ballot paper is not marked by filling in black the ovals on it opposite the names of the candidates of the elector's choice, and the intention of the elector is unclear. However, the RO may count the votes on that ballot paper if he/she is satisfied that the intention of the elector is clear, notwithstanding the deviation from the requirements in s 58A(1) of the EAC (EP) (LC) Reg; or
 - (ii) for an ECC by-election, the ballot paper is not marked by affixing the chop to give a single "✓" in each of the circles opposite the names of the candidates of the elector's choice, and the elector's intention is unclear. However, the RO may count the votes on that ballot paper if he/she is satisfied that the intention of the elector is clear even though the "✓" mark is not placed inside the circle;
- (c) it is substantially mutilated; or
- (d) it is void for uncertainty.

Questionable ballot papers must be separated and forwarded to the RO(s) to decide whether the votes are to be counted [s 78A(5)(a) of the EAC (EP) (LC) Reg]. When deciding on the validity of the ballot papers in (a) above, the RO(s) will make reference to the judgment made by the Court on an election petition case (HCAL 127/2003) (see para. 6.103 above) [s 81(2) and (3) of the EAC (EP) (LC) Reg]. *[Added in October 2021]*

6.130 The validity of all questionable ballot papers shall be decided by the RO(s) for the ECC. The RO(s) will invite the candidates, their election agents or counting agents present to participate in the determination process of questionable ballot papers. *[Added in October 2021]*

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

- (a) the RO will inform the candidates and their agents of his/her initial decision on the validity of a questionable ballot paper. The candidates, their election agents or counting agents (if present at the counting zone) may inspect and make representations concerning the questionable ballot paper [s 81(1) of the EAC (EP) (LC) Reg];
- (b) the RO will then consider their representations and make a final decision on the validity of the questionable ballot paper (see para. 6.132 below) [s 81(2) of the EAC (EP) (LC) Reg];
- (c) if the RO decides that a questionable ballot paper is invalid and therefore not to be counted, he/she must endorse the words “不獲接納” and “rejected” on the front of it. In that case, if any candidate, election agent or counting agent objects to the RO’s final decision, the RO must also endorse the words “反對此選票不獲授納” and “rejection objected to” on that ballot paper [s 81(4) of the EAC (EP) (LC) Reg];
- (d) if any candidate, election agent or counting agent objects to the decision of the RO to count a questionable ballot paper, the RO must endorse the words “反對此選票獲接納” and “acceptance

objected to” on that ballot paper [s 81(5) of the EAC (EP) (LC) Reg]; and

- (e) the RO shall prepare a statement to record his/her decisions made in respect of all questionable ballot papers [s 81(6) of the EAC (EP) (LC) Reg].

[Added in October 2021]

6.132 The decision of the RO in regard to any question arising in respect of any ballot paper shall be **final** [s 82 of the EAC (EP) (LC) Reg], subject to an election petition lodged [s 61 of the LCO] (see Part II of Chapter 7). *[Added in October 2021]*

6.133 The vote counting will proceed continuously, as far as possible, until the counting of all the votes is completed. *[Added in October 2021]*

6.134 After the vote counting for the ECC is completed, the RO(s) for the constituency will make known the counting result to the relevant candidates, their election agents or counting agents present [s 79(1) of the EAC (EP) (LC) Reg]. Candidates or their election agents may request the RO(s) to re-count the votes, and the RO(s) shall comply with such request unless in his/her/their opinion the request is unreasonable [s 79(2) of the EAC (EP) (LC) Reg]. If there is no request for a re-count, or the request for a re-count is rejected, or the re-count is completed and there is no request for a further re-count, or the request for a further re-count is rejected by the RO(s), then the RO(s) will inform the candidates and their agents of the counting results [s 79 of the EAC (EP) (LC) Reg]. *[Added in October 2021]*

PART XIV : DECLARATION OF RESULT

(a) For GCs

6.135 When the counting of votes and re-counts, if any, are completed and a result is obtained, the PRO of each of the counting stations shall report to an ARO for the relevant GC the final counting or re-count result of his/her counting station. After tallying the total of the final counting or re-count results with all the final counting or re-count results reported from individual counting stations/counting zones for the GC, the RO for the GC shall declare the successful candidate(s) elected for the GC. In the event that 1 or 2 vacancies are still to be filled for a GC and the number of the most successful candidates having an equal number of votes is more than the number of vacancies, the RO will determine the result of the election by drawing lots at the central counting station (see para. 2.50 for detailed procedures for drawing of lots). The RO shall declare the candidate on whom the lot falls as elected, and display a notice of the result of the GC election at a prominent place outside the central counting station. The result of the election shall also be published in the Gazette within 10 days of the declaration of the result. [Ss 83 and 84 of the EAC (EP) (LC) Reg] *[Amended in June 2012, June 2016 and October 2021]*

(b) For FCs

6.136 When the counting of votes and re-counts, if any, are completed and a result is obtained, the RO for the relevant FC shall declare the successful candidate(s) elected for the FC. In the event that 1 or more than 1 vacancy are still to be filled for an FC and the number of the most successful candidates having an equal number of votes is more than the number of vacancies, the RO will determine the result of the election by drawing lots at the central counting station (see para. 3.54 for detailed procedures for drawing of lots). He/She shall declare the candidate on whom the lot falls as elected. The RO for the

relevant FC shall display a notice of the result of the FC election at a prominent place outside the central counting station. The result of the election shall also be published in the Gazette within 10 days of the declaration of the result. [Ss 83 and 84 of the EAC (EP) (LC) Reg] *[Amended in July 2008, June 2012 and October 2021]*

(c) For the ECC

6.137 When the counting of votes and re-counts, if any, are completed and a result is obtained, the RO(s) for the ECC shall declare the successful candidate(s) elected for the constituency concerned. In the event that 1 or more than 1 vacancy are still to be filled and the number of the most successful candidates having an equal number of votes is more than the number of vacancies, the RO(s) will determine the result of the election by drawing lots at the central counting station (see para. 4.14 for detailed procedures for drawing of lots). He/She shall declare the candidate on whom the lot falls as elected. The RO(s) for the ECC shall display a notice of the result of the ECC election at a prominent place outside the central counting station. The result of the election shall also be published in the Gazette within 10 days of the declaration of the result. [Ss 83 and 84 of the EAC (EP) (LC) Reg] *[Added in October 2021]*

PART XV : DISPOSAL OF DOCUMENTS

6.138 As soon as practicable after the result of the poll has been ascertained, the RO/PRO shall pack all the relevant documents and ballot papers into sealed packets. Candidates and their agents may be present to observe the packing [s 85(1) and (3) of the EAC (EP) (LC) Reg]. *[Amended in June 2012]*

6.139 These sealed packets and other documents including nomination forms, notices of appointment of agents, etc. will then be deposited with the CEO for safe custody for at least 6 months from the date of the LegCo election to which they relate before destruction. [Ss 86(1) and 88 of the EAC (EP) (LC) Reg] *[Amended in June 2012]*

6.140 **Except pursuant to a court order** in relation to an election petition or criminal proceedings, **no person may inspect any ballot paper in the custody of the CEO.** [S 87 of the EAC (EP) (LC) Reg]

PART XVI : POSTPONEMENT OR ADJOURNMENT OF THE ELECTION, THE POLL OR THE COUNT

6.141 The LCO and the EAC (EP) (LC) Reg provide for the postponement or adjournment of the election, the poll or the count for a LegCo general election as well as such cases in respect of an individual constituency or an individual polling/counting station. *[Added in June 2020]*

6.142 Regarding the postponement or adjournment of a **general election as a whole and the poll at all polling stations and/or the count at all counting stations**, if, before the holding of a general election or during the poll or the count in respect of a general election, the CE is of the opinion that the election, the poll or the count is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot, open violence or any danger to public health or safety, then the CE may, by order, direct the postponement or adjournment of the election, the poll or the count. Besides, if it appears to the EAC that the election, the poll or the count is likely to be obstructed, disrupted, undermined or seriously affected by (a) a typhoon or other climatic condition of a serious nature; or (b) an occurrence which appears to the EAC to be a material irregularity relating to the election, the poll or the

count, then the EAC may postpone or adjourn the election, the poll or the count. [S 44(1) and (2) of the LCO and s 1 of Schedule 2 to the EAC (EP) (LC) Reg] *[Added in June 2020]*

6.143 Regarding **an individual constituency**, if, during or before a general election or by-election or at any time during the poll or the count in respect of the election, it appears to the EAC that the election, the poll at all the polling stations or the count at all the counting stations for a particular constituency is likely to be obstructed, disrupted, undermined or seriously affected by any of the prescribed occurrences including (a) a typhoon or other climatic condition of a serious nature; (b) riot, open violence or any danger to public health or safety; or (c) an occurrence which appears to the EAC to be a material irregularity relating to the election, the poll or the count, then the EAC may postpone or adjourn the election or by-election, the poll at all the polling stations or the count at all the counting stations for that constituency. [S 2 of Schedule 2 to the EAC (EP) (LC) Reg] *[Added in June 2020]*

6.144 Regarding the **poll or the count at an individual polling/counting station**, if, at any time during the poll or the count of a general election or by-election, it appears to the PRO that the poll at the polling station or the count at the counting station is likely to be obstructed, disrupted, undermined or seriously affected by any of the prescribed occurrences mentioned in para. 6.143 above, then the PRO may adjourn the poll at that polling station or the count at that counting station. [S 3 of Schedule 2 to the EAC (EP) (LC) Reg] *[Added in June 2020]*

6.145 If a general election or by-election or the poll or count has to be postponed or adjourned in accordance with s 44 of the LCO or Schedule 2 to the EAC (EP) (LC) Reg, the CE or the EAC must appoint a date for holding the election, the poll or the count as soon as practicable after the postponement or adjournment. The date appointed must not be later than 14 days after the date originally scheduled. Pursuant to the established contingency measures of the

EAC, the election, the poll or the count will usually be postponed or adjourned to the fallback polling day (i.e. the following Sunday). There is no provision in the relevant electoral laws and regulations regarding further postponement or adjournment of an already postponed or adjourned election, poll or count. [S 44(4) of the LCO and s 7 of Schedule 2 to the EAC (EP) (LC) Reg] *[Added in June 2020]*

PART XVII : LEGISLATIVE COUNCIL BY-ELECTION TO BE HELD

6.146 In respect of LegCo by-elections, the EAC must, in accordance with regulations in force under the LCO, arrange for a by-election to be held in the following circumstances and not otherwise:

- (a) on the making of a declaration by the Clerk to the LegCo as to the existence of a vacancy in the membership of the LegCo;
- (b) on the making of a declaration by an RO that the election for a constituency has failed;
- (c) on the CFI's making of a determination that a person whose election is questioned was not duly elected and that no other person was duly elected instead; and
- (d) if an appeal against the CFI's determination is lodged to the Court of Final Appeal ("CFA"), on the CFA's determination that a person whose election is questioned was not duly elected and that no other person was duly elected instead, or on the termination of the appeal proceedings in other circumstances.

[S 36 of the LCO] *[Added in June 2020 and amended in October 2021]*

6.147 There is no provision in the subsisting law regarding the holding of any by-election to cater for the event that a LegCo general election, poll or count has to be postponed or adjourned due to the circumstances mentioned in paras. 6.142 to 6.144 above but cannot be held within the 14 days after the scheduled date as stipulated in the law. *[Added in June 2020]*