CHAPTER 4   CONCLUSIONS AND RECOMMENDATIONS

Introduction

4.1   Given the good track records of previous elections held in Hong Kong, we, like many other people in Hong Kong, are quite surprised by the chaos on the polling day.   Based on the available information, we have tried the best to understand what had actually happened on the polling day, in particular the major problems leading to the chaos and how the problems were handled.   We have also tried to analyze the problems from different management and operational perspectives with a view to identifying practicable measures to improve the management, planning and conduct of elections in future.   This Chapter outlines the conclusions and recommendations we have made based on our assessment detailed in Chapters 2 and 3.

Conclusions

4.2   When reviewing issues relating to the chaos on the polling day, we did not find any fundamental or major problems with the existing electoral system and procedure.   Instead, the chaos was the result of a number of implementation problems that might not be insurmountable if they did not occur at the same time and the staff concerned were more prepared to handle a crisis like this.   Based on the review and our observations on the problems as detailed in Chapters 2 and 3, we have reached some conclusions that are the lessons which all parties involved

should learn.   They also form the basis of the recommendations we would like to make so as to improve the practical arrangements for future elections.

Conclusion No.1 – Integrity of the Election upheld

4.3   Although the chaos on the polling day has aroused great public concern and a lot of criticisms, the problems and discontent were mainly concerned with the practical arrangements on the polling day but not the election results.   As confirmed by the three main political parties which the Committee has met, the election results were fair despite the chaos on the polling day.   We are also satisfied that an effective check and balance mechanism and sufficient safeguards are available in the electoral process to ensure that the Election was held openly, fairly and honestly.   To conclude, we consider that the quality of the Election as a whole was good and the integrity, fairness and impartiality of the election results were not compromised.

Conclusion No.2 – Efforts of staff recognized

4.4   Although some problems occurred on the polling day were obviously due to human errors or oversight, which in our view were avoidable, and could have been handled in a better way, it should be recognized that all parties involved including EAC, REO, polling and counting staff etc. had tried their best to tackle the problems on the polling day.   With the record turnout rate of 55.64% involving about

1.78 million electors, keen competition of the election involving 35 lists of 88 candidates for the five GCs and adoption of a number of new features, including the new GC ballot paper and ballot box and the polling-cum-counting arrangement for GC votes, altogether for the first time, the personnel/staff concerned were working under great pressure. Many problems were beyond their expectations in view of the experience gained from previous elections. However, all the people involved had strived to resolve the problems and above all to ensure that the impact on the poll would be reduced to the minimum. For example, the impression we have got from the PROs whom the Committee has met is that although we have reservation on the stopgap measures they had adopted, they did try their best in those circumstances to avoid the poll from being interrupted or suspended because of the shortage of ballot boxes. In addition, despite the unexpected extension of the working hours that were already very long, the polling-cum-counting staff still remained in the stations and worked hard to complete the counting (and re-counting where appropriate) work so as to ensure that the election results could be announced as soon as possible. Without the efforts of the civil servants involved, the poll might need to be interrupted or postponed because of the chaos on the polling day. To conclude, we consider that the efforts of all parties involved, in particular the working staff in general, should not be ignored or undermined because of the chaos on the polling day.

Conclusion No.3 – Importance of independence of the electoral process recognized

4.5   The independence of the electoral process is important to ensure the integrity and impartiality of an election.   Although there is room for improvement, the existing organization structure helps to ensure the independence of the electoral process.   Major structural changes should not be implemented lightly.   To conclude, we consider that the existing independence of the electoral process from the Administration should be retained and protected.

Conclusion No.4 – Current set-up and mode of operation of EAC and REO not adequate to cope with their roles and responsibilities

4.6   With the current set-up and mode of operation, it is difficult for EAC members to exercise close supervision over the daily work of REO or the detailed practical arrangements for elections.   This can no longer fully meet the actual need and public expectations, in view of the increasing public interest and participation in elections, and the fact that as compared with previous elections, an election (in particular when a LegCo Election is involved) is expected to be larger in scale because of the increasing registered electorate, voter turnout rate and number of candidates, and involve issues that are more complicated and politically sensitive.

4.7   The turnover of key staff in REO once every three to four years (though not at the same time) is not conducive to accumulation of experience.   The head of the Elections Division of REO, who was responsible for the planning and conduct of the Election including taking charge of CCC on the polling day, only had working experience in the 2003 DC Election but not the 2000 LegCo Election.   Comprising mainly general grades staff, REO also lacks the technical expertise required for better discharging its duties in view of the advancement in IT and increasing public expectations.   In addition, the line of command between EAC and REO is not crystal clear when compared with the typical working relationship between a policy Bureau and its working or professional department, and an effective reporting system does not seem to exist in practice despite their respective statutory roles in conducting and supervising elections in Hong Kong.   The deficiency in the tests conducted by REO on the capacity of the new GC ballot box and IVRS have also reflected that there is a lack of an effective check and balance mechanism within REO on critical issues like these.

4.8   To conclude, we consider that the current set-up of both EAC and REO, and their mode of operation need to be strengthened to better equip them in discharging their statutory duties in conducting and supervising future elections.

Conclusion No.5 – Mindset of REO staff be changed

4.9   Maybe due to the good experience of the previous elections,

REO staff were not alert and meticulous enough when drawing up the practical arrangements for the Election and dealing with the problems popped up on the polling day. The deficiency in the tests conducted on the capacity of the new GC ballot box and IVRS, the reaction of the subject Helpdesk in CCC when facing calls from a number of polling stations for additional GC ballot boxes only a few hours after the commencement of the poll, and the errors in the Operation Manual are good examples. In addition, even when the shortage of GC ballot boxes had been confirmed as a widespread problem and had in fact been developed into a crisis, neither the CEO nor EAC members were alerted of the severity and urgency of the problem though obviously the extent and nature of the problem did call for immediate attention from the higher level.

4.10   Some REO staff may treat the planning and conduct of elections as routine event management duties and are not aware of the significance and sensitivity of the operation that they are handling. To conclude, we consider that the mindset of REO staff should be changed to appreciate that a poll needs to be run as a military operation requiring meticulous planning, adequate preparation beforehand and execution with precision.

Conclusion No.6 – Set-up of CCC not adequate to cope with crisis

4.11   The current set-up of CCC including the rank of the staff at the supervisory level and its chain of command is not adequate to deal with a widespread problem or a crisis, the effective management of which

requires prompt and high-level decisions and probably close co-ordination with other bodies including relevant policy bureaux and government departments. The current set-up of CCC was only designed to handle normal hiccups on the polling day such as requests for replenishment of electoral equipment or supply of reserve polling staff from a few polling stations at one time, and election-related complaints from candidates/agents/public. Lack of a contingency plan for dealing with such a crisis including a system to escalate the issue to the senior management level and to pool the resources required, and training for CCC staff on crisis management was also a main cause of the chaos. That different teams of CCC were located in different venues including separate floors in HKITEC where the central command post was located was also not conducive to close communication and co-ordination required to handle the crisis on the polling day. To conclude, we consider that the set-up of CCC was not adequate to cope with a crisis.

Conclusion No.7 – Training of and supervision on polling and counting staff inadequate

4.12 Although REO had organized a number of briefing/training sessions for the polling and counting staff including those on the election-related legislation and the Guidelines, we are in doubt about its adequacy and effectiveness in view of the complaints and problems arising from the lack of full understanding by the PROs concerned on the electoral procedures and statutory requirements. There were comments from some political parties and ROs that the performance of the PROs was

uneven and that some of the PROs were not familiar even with their roles and duties. In addition, apart from the operational details, we consider that not all PROs were adequately impressed on the need to uphold the key principles of ensuring that the election is held openly, fairly and honestly under all circumstances throughout the polling day. Otherwise, cases such as eviction of candidates/agents from the polling station when it was being converted into a counting station could have been avoided.

4.13   Even if there is a perfect training programme and adequate guidelines and reference materials are provided to the polling and counting staff beforehand, there should still be means to ensure that the electoral procedure and requirements are strictly followed in practice. Under the existing system, REO mainly relied on the polling stations themselves (in particular the PROs) or the 18 DLOs to keep them informed if there were any significant events. There was no close supervision on the actual operation of the polling stations. Apart from the visits made by EAC members accompanied by the senior officials of REO on the polling day, there were no spot checks or on-site inspections on the polling stations.

4.14   To conclude, we consider that the training provided to polling and counting staff is not adequate and totally effective. In addition, there is a need to tighten the supervision over the operation of individual polling stations including performance of polling and counting staff.

Conclusion No. 8 – Transparency of and public relations on the electoral arrangements inadequate

4.15   Neither EAC nor REO had taken the initiative to keep the public informed of the progress of the Election on the polling day apart from the voter turnout rate.   No announcements or explanations were given on the shortage problem of GC ballot boxes and remedial actions being taken, and EAC's decision to postpone the announcement of the election results pending the completion of the manual verification of the voter turnout figures.   All of the three political parties which the Committee has met confirmed that they were not aware of the system failure of IVRS in the compilation of the voter turnout figures on the polling day though some of them had noticed irregularities about the figures.   Neither were they aware of EAC's decision to postpone the release of the counting and election results.   All of them considered that people had strong reaction partly because they were kept in the dark.   Lack of transparency had generated unnecessary suspicion and speculation.   To conclude, we consider that the public relations on the practical arrangements on the polling day was not handled properly and the transparency of the electoral process should be further enhanced.

Recommendations

4.16   Based on the review of the problems identified, we have drawn up a number of recommendations to improve the election-related system, structure and practices with a view to enabling EAC and REO to better

discharge their statutory duties in the management, planning and conduct of elections. Implementation of some of the recommendations may need to be further examined in view of the financial implications and other considerations, if any.

Recommendation No.1 – Strengthening the set-up and mode of operation of EAC and REO and the check and balance mechanism

4.17 The composition of EAC should be strengthened by including people with the related expertise. For example, additional members may be appointed/co-opted from fields like logistics, IT and training. There should also be a mechanism enabling EAC to solicit support and resources required for discharging its statutory duties more effectively. For example, EAC may consider forming different task groups comprising representatives from the related policy bureaux and departments on a need basis. In addition, given that EAC members are appointed on a part-time basis, to effectively discharge its statutory functions, the Commission needs to be supported by a strong REO, especially on the detailed arrangements for an election. Consideration should be given to retain at least the key personnel of REO in their posts for a longer period of time to facilitate accumulation of experience. The posting of the key personnel, in particular the head of the Elections Division, should also be adjusted to tie in with the electoral cycle as far as possible so that an officer would have a chance to assist in the same type of election (in particular a LegCo Election that is larger in scale than a DC Election) before he formally takes up the post. In addition, the

composition of REO should also be strengthened. Apart from staff with good knowledge and experience in management duties, REO is also in need of staff with lateral thinking and expertise in IT so as to enable it to provide better support to EAC in discharging its duties. In this regard, we understand that an Information Technology Management Unit was established in REO on 3 January 2005 to provide professional advice on IT application of the department.

4.18   In order to strengthen the check and balance mechanism between EAC and REO, the line of command and reporting relationship between the two bodies should be formalized instead of relying too much on the informal communication between the EAC Chairman and the CEO. There should be regular formal meetings between the two bodies, and REO should make regular reports to EAC on their work especially in an election year including the practical arrangements for the election. In addition, provided that the independent role of EAC in the conduct and supervision of elections will not be compromised, CAB should be invited to attend EAC/REO meetings and provide advice on, say, operational arrangements of elections as appropriate, since in general, CAB staff should have more relevant experience and knowledge than EAC members in dealing with those detailed logistics issues. The final decision on these issues should of course rest with EAC.

4.19   The check and balance mechanism within REO should also be enhanced. Critical tasks such as the capacity tests on the new GC ballot box and IVRS in the Election should be conducted under close scrutiny.

Close co-ordination and co-operation among different teams of REO is vital in this aspect. In addition, there should also be an effective monitoring and reporting system within REO under which the senior management would have a closer supervision over the work of different teams, especially when a number of time-limited civil service posts and NCSC staff are employed in an election year.

Recommendation No.2 – Re-organizing the set-up of CCC

4.20   To ensure a closer supervision over the operation of individual polling stations and to enhance the efficiency in deployment of resources, we consider that the work of CCC should be decentralized with the establishment of sub-centres at the regional and district levels with the assistance of District Offices. In this regard, we consider that the three-tier structure proposed by EAC in its Final Report is worth supporting. Some ROs also proposed in their submissions to set up depots in the 18 districts under the command of the respective District Offices for the replenishment of electoral equipment. In our view, CCC run by REO should remain as the overall in-charge of the practical arrangements on the polling day. Regional and district centres should be set up to co-ordinate the replenishment of supplies and to assist CCC in overseeing the conduct of the poll at the regional and district level respectively. Under the proposed decentralized structure, there should be a reporting system to ensure that any significant issue including a widespread problem or crisis will be escalated from the district centres to the respective regional centres and to CCC as appropriate in good time

for prompt decision and action. We recommend that REO should further liaise with the Home Affairs Department ("HAD") on this new command structure. It is important to draw up a clear delineation of the roles and responsibilities of REO and HAD (and the District Offices) and enhance the co-operation between the two departments under the new arrangement.

4.21   The physical set-up of CCC should also be reviewed. REO should ensure that the venue to be used is large enough to accommodate all teams of CCC (or at least those critical ones) on the same floor and a spacious Press Centre. In this regard, REO should explore ways to pencil-mark the venue as early as possible. In addition, there should be sufficient provision of all supporting resources including manpower and facilities like telephone lines for the Helpdesks/hotlines and devices to transmit and display/print textual messages.

Recommendation No.3 – Beefing up the contingency plans

4.22   The existing contingency plans obviously failed to equip REO to properly deal with the problems occurred on the polling day. The lack of a contingency plan for a widespread shortage of ballot boxes was a major cause of the chaos. REO should thoroughly review the whole electoral process to identify the critical paths/items and then draw up the corresponding contingency plans. For example, in an election, ballot boxes and ballot papers are the most important electoral equipment and it is essential to ensure their adequate supply and security. Take the

provision of ballot boxes, that went wrong in the Election, as an example. A contingency plan for quick replenishment of all ballot boxes (disregarding the reasons for such a need) is required. While it would be unreasonable to order and keep an exceptionally large stock of spare boxes, REO may arrange for the allocation of the old ballot boxes to all emergency depots in advance as reserve for unexpected situations. Similarly, apart from keeping a certain amount of reserve staff at the emergency depots, there should be staff on call for unexpected emergencies. Advance arrangement should also be made with other government departments which have their own vehicle fleets for urgent deployment in case of emergencies.

4.23   For the compilation of voter turnout figures and counting results, no matter which system (including IVRS with the rectification of the design flaw) is adopted, there should be a contingency or fallback plan for compiling the data manually. There should be sufficient staff on call for such purpose.

Recommendation No.4 – Establishment of an effective reporting system and a crisis management system

4.24   Since it is impossible to draw up plans for all kinds of contingencies, there should be a system which will enable a prompt response and pooling of resources required even when a crisis arises totally beyond expectation. We recommend that a system should be drawn up under which an emergency task force comprising key personnel

with the necessary authority, e.g. those from EAC, REO and other related government bureaux and departments, could be set up immediately to deal with the crisis. To operate effectively, the crisis management system needs to be supported by an effective reporting system under which issues requiring the senior management's attention would be escalated and reported without delay. There should also be a crisis management team formed by a few officers responsible for deciding when to declare a situation as a crisis and hence trigger the crisis management system.

Recommendation No.5 – Enhancing staff training and related support

4.25   Training for REO staff deployed to man the CCC should be enhanced.   For those at the supervisory level, training on crisis management should be provided to better equip them to deal with unexpected scenarios or emergencies.   For those manning the hotlines or helpdesks, in addition to training on the technical or operational details that fall within their ambit, customer services training is also required. In addition, the awareness of REO staff of the significance of an election and the mission of EAC and REO in ensuring an election is held openly, fairly and honestly should also be enhanced.   A more cautious and structured approach should be adopted when handling significant and potentially contentious issues such as dissemination of EAC's decision on the opening of ballot boxes for re-arranging the ballot papers inside on the polling day.

4.26   For polling and counting staff, training on the procedure and statutory requirements should be enhanced.   In addition to large-scale briefing sessions, workshops should also be organized to facilitate discussion and in turn understanding of the related procedure and requirements.   In this regard, all written training materials and reference documents such as the Operation Manual should be provided to the participants in advance so that they may study the information in advance and raise questions or seek clarifications at the training sessions when necessary.   A hotline should also be established to answer enquiries from the polling and counting staff on the procedure and requirements before the polling day.   EAC's recommendation of involving the Civil Service Training and Development Institute in the training of polling and counting staff is supported.   Consideration may also be given to provide computer-based training as a supplement to the briefing sessions and workshops.

4.27   In addition, the Operation Manual should be revised to ensure that all errors or inconsistencies are removed.   The content should also be simplified as far as possible and the Manual should be made more user-friendly.   Apart from the technical and operational details, the awareness of the polling and counting staff of the key principles of ensuring that an election is held openly, fairly and honestly, which should be upheld throughout the poll, should be highlighted.

Recommendation No.6 – Adequate preparation especially before adoption of any new features

4.28   We consider that the deficiency of the capacity tests, rather than the design of the new GC ballot box or new GC ballot paper, was the crux of the shortage problem.   Hence, while agreeing that the new GC ballot paper may facilitate electors in identifying candidates for their choices during the voting process, we have no strong views on whether the same design of the ballot paper and that of the GC ballot box should be adopted in future LegCo elections.   The most important thing is that no matter which design is subsequently adopted, capacity tests with the genuine ballot box and papers to be used should be conducted with extreme caution with a separate team to double-check the results.   Similarly, testing with the real life situation should be conducted before any system is adopted for the compilation of the voter turnout figures and counting results.   The same principle should apply before any new feature is to be adopted.   In this regard, that a LegCo Election is much larger in scale and more complicated than a DC Election should be recognized when assessing whether a new feature successfully implemented in a DC Election should be adopted in a LegCo Election.

4.29   In addition, sufficient time should be allowed to do the testing and other preparation work if a new feature is going to be adopted.   In this regard, we consider that the time allowed for the development of the IVRS was quite tight.   Given such a mission critical communication system, at least nine months should be allowed for system analysis,

design, development, testing, installation and documentation.

4.30   REO should be more meticulous about the planning and preparation of an election.   For example, a critical review including on-site inspections should be conducted on all potential venues for use as polling stations.   Assistance should be sought from the respective District Offices in the identification of venues and liaison with the venue management.

Recommendation No.7 – Exploring the feasibility of computerizing the polling and counting process

4.31   At present, the electoral process, including checking of an elector's identification with the entry in the Final Register, issuing ballot papers and making the corresponding records, and compiling the statistical returns such as the sex and age profile of electors, is quite labour intensive.   To improve the efficiency of the process, we suggest further exploring the feasibility of computerizing the process as far as possible.   Firstly, the use of Optical Mark Readers, which were used in previous elections, for sorting and counting FC votes is worth exploring. The political parties which the Committee has met were not against the proposal.   They in fact supported computerization of the electoral process as far as possible provided that the system(s) to be used was fully tested in advance.

4.32   For the polling process, since the Final Register has already been computerized, we consider that further adoption of computer systems in the process is feasible.   A system can be developed and implemented so that when an elector turns up at a polling station, the polling staff may simply enter his HKID number in the computer system which can cross-check the Final Register and confirm the eligibility of the elector for both GC and FC elections very quickly.   The system is also able to keep and update an account of the voter turnout figures for the GC and each FC of the polling station.   Figures compiled in each polling station can be transmitted to a central computer system at pre-designated intervals on a regular basis.   Electors' profiles including their sex and age can be retrieved and compiled from the computer system after the poll.   Another option is to use a portable electronic device such as Personal Digital Assistants or smart phones at polling stations to enter and record the last serial number of the GC and FC ballot papers issued. The respective voter turnout rates can then be calculated automatically and be transmitted to a central computer system for compilation of the total figures.

4.33   We are aware of the need to examine the financial implications involved and technical difficulties, if any, for installing the required devices in some polling stations.   However, we consider that computerization of the electoral process is the right direction for future development and hence worth exploring.

Recommendation No.8 – Establishment of an inspection system over the operation of polling and counting stations

4.34   At present, apart from the visits made by EAC members accompanied by the senior officials of REO on the polling day, there were no spot checks or on-site inspections on the operation of the polling and counting stations.   In order to ensure that the stipulated electoral procedures and requirements are strictly followed, there should be an inspection team to conduct random checks on the operation of the polling and counting stations and the performance of the polling and counting staff.   REO may set up such a team with the assistance of District Offices.   The findings may serve as a reference in the future recruitment exercises for polling and counting staff though in this regard we understand from REO that after each election all ROs will be required to conduct an assessment on the PROs of the polling stations in their respective regions, and similarly, PROs are requested to assess the performance of their polling staff.

Recommendation No.9 – Streamlining the compilation of statistical returns

4.35   At present, polling staff are required to compile a number of statistical returns and fill in various forms on an hourly basis during the poll.   Some forms may duplicate with each other and hence not serve any real function.   We suggest that a critical review should be conducted on the statistical returns and forms that polling staff are required to

compile and fill in respectively on the polling day with a view to streamlining the work as far as possible. In conducting the review, REO should bear in mind that the prime function of the polling staff on the polling day should be to ensure that the poll is conducted properly and smoothly. Compilation of statistics other than the voter turnout figures, which serve an important (though only indicative) function in a poll, should be left to later stages, which should be technically feasible based on the electors' HKID numbers.

Recommendation No.10 – Reviewing the counting and re-counting arrangements

4.36   All of the three political parties which the Committee has met expressed their support for continuing the counting arrangements adopted in the Election, i.e. the polling-cum-counting arrangement for GC votes and centralized counting for FC votes. We agree that the polling-cum-counting arrangement, if implemented successfully, will speed up the counting process and the announcement of the election results and hence is more desirable. However, if the arrangement will continue to be adopted in future elections, REO should ensure that other supporting arrangements are available. For one thing, there should be separate shifts of staff for the polling and counting duties. In addition, in view of the problems arising from the conversion of a polling station into a counting station in the Election, REO should identify venues with sufficient space for having separate polling and counting areas as far as practicable.

4.37   Under the present arrangement, candidates/agents may request a re-count when the counting result of a polling station is released in the station or the result of the GC as a whole is announced in the Central Counting Station.   Counting stations cannot be closed until it is confirmed that there is no request for a re-count.   To better utilize the manpower resources, instead of holding up a large number of counting staff at the counting stations, we suggest exploring the feasibility of conducting re-counting in the Central Counting Station for requests raised at the Station (normally for a GC as a whole).

Recommendation No.11 – Enhancing related civic education for general public and briefing for candidates/agents

4.38   With the increasing public interest and participation in an election, we recommend that civic education should be enhanced to enable the general public to better understand the significance of an election.   They should also be educated to be more tolerant when they are required to queue up for voting which seems to be unavoidable in future elections with the increasing registered electorate and voter turnout rate, and to treasure their right to vote.

4.39   Apart from the general briefing session conducted by the EAC Chairman for all candidates/agents, we suggest that more briefing sessions should be organized for candidates/agents especially the newcomers.   Better understanding of the related procedure and

requirements may reduce complaints on the polling day and relieve the workload of the polling and counting staff.   In addition, candidate/agents may raise suggestions for improvement on the administrative arrangements or implementation details from their perspective, which are beneficial to the successful conduct of the poll.

Recommendation No.12 – Regular updates on the progress of the poll

4.40   Enhancing   transparency   may   reduce   unnecessary misunderstanding, suspicion and concern.   We suggest that EAC and REO should enhance the transparency of the electoral process by making regular reports on the progress of their work and issues of concern before, on and after the polling day.   For example, they may set certain milestones for an election and keep the public informed.   They may also inform the public of new major features to be adopted in an election. On the polling day, there should be regular and proactive updates on the progress of the poll, in particular when there are irregularities, instead of taking a passive approach by only reacting to media enquiries or even avoiding the media.

Recommendation No. 13 – Review of related legislation

4.41   In view of the concern about the legality of the various stopgap measures adopted in some polling stations because of the shortage of GC ballot boxes, we consider that there is a need to review the related electoral legislation to see whether there is room to enhance the clarity of

the provisions concerned.   In this regard, the flexibility required by the authorities concerned (including EAC, REO, and polling/counting staff) for handling unexpected emergency situations should also be taken into account.

-------- End of Report --------