

CHAPTER 9

Registration and Electoral Office

<h4>Provision of electoral services</h4>

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PROVISION OF ELECTORAL SERVICES

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PART 1: INTRODUCTION

1.1 This PART describes the background to the audit of the provision of electoral services by the Registration and Electoral Office (REO) and outlines the audit objectives and scope.

Background

1.2 The Basic Law (Note 1) came into effect on 1 July 1997 upon the establishment of the Hong Kong Special Administrative Region (HKSAR). Article 26 of the Basic Law stipulates that permanent residents of the HKSAR shall have the right to vote and the right to stand for election in accordance with the law.

1.3 In August 1997, the Electoral Affairs Commission (EAC — Note 2) was established as an independent, apolitical and impartial statutory body under the EAC Ordinance (Cap. 541) to oversee elections in Hong Kong with the objective of ensuring that elections are conducted openly, honestly and fairly. The EAC is responsible for the conduct and supervision of the following elections:

- (a) the Chief Executive elections under the Chief Executive Election Ordinance (Cap. 569);
- (b) the Election Committee (EC) subsector elections under the Chief Executive Election Ordinance;
- (c) the Legislative Council (LegCo) elections under the LegCo Ordinance (Cap. 542);
- (d) the District Council (DC) elections under the DCs Ordinance (Cap. 547); and

Note 1: *The Basic Law of the HKSAR of the People's Republic of China (PRC), enacted by the National People's Congress in accordance with the Constitution of the PRC, prescribes the systems to be practised in the HKSAR in order to ensure the implementation of the basic policies of the PRC regarding Hong Kong.*

Note 2: *Under section 3 of the EAC Ordinance, the EAC consists of a Chairman and two other members appointed by the Chief Executive. The Chairman must be a Judge of the High Court. The Chairman and two other members of the EAC are entitled to remuneration and allowance determined by the Chief Executive, but they are not servants or agents of the Government.*

- (e) the Village Representative elections under the Village Representative Election Ordinance (Cap. 576).

For elections mentioned in (a) to (d), the EAC performs its functions through the Chief Electoral Officer appointed by the Chief Executive. For the Village Representative elections, the EAC performs its functions through the Director of Home Affairs (Note 3).

Functions of the Registration and Electoral Office

1.4 The Chief Electoral Officer is the Controlling Officer of the REO. He and the staff of the REO are public officers. The REO provides administrative support to and implements the decisions of the EAC in relation to:

- (a) the review and delineation of geographical constituencies (GCs) for the LegCo and DC constituencies;
- (b) the registration of electors; and
- (c) the conduct and supervision of elections.

1.5 As at 31 March 2006, the REO had 113 permanent civil service staff and 163 non-civil service contract (NCSC) staff. According to the REO, 113 permanent civil service staff and 24 NCSC staff represent the staffing level for normal activities in a non-election year. During the year when large-scale elections are scheduled to be held, additional resources will be acquired to cope with the increased workload.

1.6 Under the direction of the EAC, the REO was responsible for conducting the elections shown in Table 1.

Note 3: *Under the direction of the EAC, the Director of Home Affairs is responsible for conducting the Village Representative elections. Since the Village Representative elections are handled under different registration and election procedures by the Director of Home Affairs, these are not included in the scope of this audit review which focuses on the provision of electoral services by the REO.*

Table 1

**Elections conducted by the REO
(1998 — 2005)**

Date	Type of election
2 April 1998	EC subsector election
24 May 1998	LegCo election
28 November 1999	DC election
9 July 2000	EC subsector election
10 September 2000	LegCo election
28 February 2002	Chief Executive election
23 November 2003	DC election
12 September 2004	LegCo election
16 June 2005	Chief Executive election

Source: REO records

Remarks: The REO conducted 15 by-elections during the years from 1998 to 2005.

According to the Controlling Officer's Report (COR) for 2006-07, the REO will conduct the 2006 EC subsector elections and the 2007 Chief Executive election. The REO estimated that it would register 35,000 new electors and update 440,000 elector records in 2006. The estimated expenditure for 2006-07 is \$174 million.

1.7 The Constitutional Affairs Bureau (CAB) is responsible for the formulation of electoral policies and enactment of related principal legislation. The CAB is also the housekeeping bureau of the EAC.

Audit review

1.8 The Audit Commission (Audit) has carried out a review to examine the economy, efficiency and effectiveness of the provision of electoral services by the REO. The review has focused on the following areas:

- (a) voter registration and deregistration (PART 2);
- (b) election arrangements and expenditure (PART 3); and
- (c) performance measurement and resources management (PART 4).

1.9 In carrying out the audit review, Audit examined the records and interviewed the staff of the CAB and the REO. Audit has found that there are areas where improvements can be made. Audit has made a number of recommendations to address the issues.

General response from the Administration

1.10 The **Chief Electoral Officer** generally agrees with the audit recommendations. He has consulted the EAC on his comments on the audit recommendations.

1.11 The **Secretary for Constitutional Affairs** has said that the response from the Chief Electoral Officer has incorporated his comments on the audit recommendations.

Acknowledgement

1.12 Audit would like to acknowledge with gratitude the cooperation of the staff of the CAB and the REO during the course of the audit review.

PART 2: VOTER REGISTRATION AND DEREGISTRATION

2.1 This PART examines the voter registration and deregistration activities of the REO, and suggests measures for improvement.

Qualifications for registration as an elector

2.2 Only a registered elector is eligible to vote at an election. A person has to apply to the REO for registration as an elector. To qualify for registration, the applicant has to fulfil the following conditions that he:

- (a) is aged 18 or above;
- (b) is a permanent resident of Hong Kong;
- (c) ordinarily resides in Hong Kong and the residential address in his application for registration is his only or principal residence in Hong Kong;
- (d) holds an identity document; and
- (e) is not subject to any disqualification from registration.

Registration of electors for geographical constituencies

2.3 The five LegCo GCs are the Hong Kong Island GC, the Kowloon East GC, the Kowloon West GC, the New Territories East GC and the New Territories West GC. For the DCs, there are 400 constituencies. An applicant for voter registration for GC is required to provide in a voter registration form “REO-1” (Note 4) his Hong Kong identity card number, sex, name, residential address, telephone number and e-mail address (Note 5). In addition, the applicant has to declare that:

Note 4: *The “REO-1” voter registration form serves as an application for voter registration for GC and a report on change of residential address.*

Note 5: *The provision of e-mail address is voluntary. The e-mail address is provided to candidates of the constituencies concerned for the purpose of sending election-related publicity materials.*

- (a) the particulars entered in the REO-1 are true and accurate;
- (b) the residential address is his only or principal residence in Hong Kong (Note 6);
- (c) he is eligible to be registered as an elector in a GC; and
- (d) he is not subject to any disqualification from registration.

A person who knowingly gives information which is materially false or misleading commits an offence.

2.4 All applicants are informed of their registration results 14 days after the submission of their applications. A qualified applicant is registered in a GC for the LegCo and the DC constituency to which he belongs according to his residential address which should be his only or principal residence in Hong Kong.

2.5 A registered elector is a person whose name appears on the GC final register which is in force at the time of election under the LegCo Ordinance. All registered electors are eligible to vote at a LegCo election as well as a DC election. At the 2003 DC election, 400 DC Members were returned by 400 DC constituencies. The five GCs returned 30 LegCo Members at the 2004 LegCo election.

Registration of electors for functional constituencies

2.6 There are 28 functional constituencies (FCs). The name and composition of FCs are specified under sections 20 and 20A to 20ZB of the LegCo Ordinance. At the 2004 LegCo election, the 28 FCs returned 30 LegCo Members (i.e. 3 LegCo Members from the Labour FC and 27 LegCo Members from the other 27 FCs).

2.7 An individual and a body (Note 7) may apply for registration as FC electors. For an individual eligible to be registered as an elector of an FC, he must be a GC elector and meet the eligibility criteria of the relevant FC under the LegCo Ordinance. For a body eligible to be registered as an elector of an FC, it has to be a body specified for the relevant FC under the LegCo Ordinance and meet the relevant eligibility criteria. A corporate elector is required to select an eligible individual to be its authorised representative for the purpose of casting its vote at the election. An individual is eligible to be appointed as authorised representative only if he is registered as an elector for a GC and has a substantial connection with the corporate elector concerned.

Note 6: *The only or principal residence in Hong Kong is a dwelling place in Hong Kong at which the applicant resides and which constitutes his sole or main home.*

Note 7: *A body means an incorporated or unincorporated body, and includes a firm or a group of persons (which may include incorporated or unincorporated bodies) who are associated with each other through a shared relevant interest.*

2.8 Applications for registration as electors for FCs have to be made in the voter registration form “REO-41” for an individual, or “REO-42” for a body. No person may be registered in two or more FCs. If he is eligible to be registered in two or more FCs, he must choose to be registered in any one of the FCs. However, a person who is eligible to be registered in Heung Yee Kuk FC, Agriculture and Fisheries FC, Insurance FC and/or Transport FC must be registered in any one of these four FCs, although he may also be eligible to be registered in any other FC.

Registration of voters for Election Committee subsectors

2.9 Under the Chief Executive Election Ordinance, the EC is constituted for the purpose of electing the Chief Executive of the HKSAR. The Chief Executive is elected by the EC, composed of 800 members, as prescribed in Annex I to the Basic Law and appointed by the Central People’s Government.

2.10 There are four sectors in the EC. Each sector is composed of a number of subsectors. There are 38 subsectors. Members are returned to the EC through an election by the voters of each subsector, with the exception of the National People’s Congress subsector, the LegCo subsector and the Religious subsector.

2.11 Basically, an elector for an FC is eligible to become a voter of the corresponding subsector (Note 8). There are, however, five optional EC subsectors (i.e. the Chinese Medicine subsector, the Chinese People’s Political Consultative Conference subsector, the Employers’ Federation of Hong Kong subsector, the Hong Kong Chinese Enterprises Association subsector and the Social Welfare subsector — Note 9) without a corresponding FC. If a person/corporate voter is eligible to be registered in one or more of the five optional subsectors, then he/it is eligible to choose any one of these optional subsectors or his/its corresponding subsector.

Registration rate of eligible electors

2.12 The registration rates of eligible electors in Hong Kong for the years from 1998 to 2005 are shown in Table 2. The registration rates, ranging from 65% to 71%, were 69% in 1998 and 70% in 2005.

Note 8: *A subsector bearing the same or similar name as an FC is called a “corresponding subsector”.*

Note 9: *While the Social Welfare subsector consists of both individual and corporate voters, the Social Welfare FC consists of individual voters only. Therefore, the corporate voters of the Social Welfare subsector do not have a corresponding FC.*

Table 2

**Registration rate of eligible electors
(1998 – 2005)**

Year	Number of registered electors (Note 1) (a)	Number of eligible electors (Note 2) (b)	Registration rate (c) = $\frac{(a)}{(b)} \times 100\%$
1998	2,795,371	4,075,785	69 %
1999	2,832,524	4,345,000	65 %
2000	3,055,378	4,525,014	68 %
2001	3,007,244	4,525,000	66 %
2002	2,909,594	4,474,000	65 %
2003	2,973,612	4,527,900	66 %
2004	3,207,227	4,539,800	71 %
2005	3,215,522	4,606,700	70 %

Source: REO records

Note 1: The number of registered electors in a year was based on the number of registered electors in the GC final register for that year.

Note 2: The REO estimated the number of eligible electors based on the population figures provided by the Census and Statistics Department multiplied by the percentage of permanent identity card holders derived from data provided by the Immigration Department. The percentage of permanent identity card holders is equal to:

$$\frac{\text{Number of permanent identity card holders}}{\text{Number of permanent identity card holders and non-permanent identity card holders}} \times 100\%$$

Age profile of registered electors

2.13 The registration rates of eligible electors by age group for the years from 1999 to 2005 are shown in Appendix A. Audit noted that:

- (a) the overall average registration rate was 67%; and
- (b) the average registration rate of 33% for electors aged between 18 and 20 (the lowest of all age groups) was only about half of the overall average registration rate of 67%.

In view of the low registration rates of the young age groups, Audit reviewed the efforts made by the REO to induce the young people to register as electors, including the school visit programme (see para. 2.14) and the voter registration programme at the Registration of Persons (ROP) offices (see para. 2.19).

School visit programme

2.14 In 2001, the EAC proposed to launch a school visit programme. Its objectives were to educate secondary school students on the importance of elections in Hong Kong and to let them learn more about their civic rights and responsibilities. The students might in turn disseminate the message on the importance of elections to their parents, relatives and friends. Under the school visit programme, the EAC Members or representatives of the REO would visit secondary schools to give a 15-minute talk about the electoral systems for the Chief Executive, the LegCo and the DCs, followed by a question and answer session of about 15 minutes. The REO would take the opportunity to distribute voter registration forms at the end of the briefings.

Audit observations

Need to launch the school visit programme

2.15 In March 2001, the REO issued 499 letters to all secondary schools in Hong Kong inviting them to join the school visit programme. Although 92% of schools were unable to participate in the programme due to their own hectic schedules, the REO eventually arranged visits to 41 schools involving 18,000 students. As the 2001 school visit programme was well received by the students, the EAC endorsed the launching of another round of school visits as part of the publicity campaign for the 2003 DC election. However, Audit noted that no more school visits had been arranged since 2002.

2.16 In response to audit enquiries about the reasons for the suspension of the school visit programme, the REO informed Audit in June 2006 that the programme was arranged during the voter registration campaign period which was usually held in early summer. According to the REO experience, it was difficult to register students on campus during this period as most upper secondary students had gone on summer vacation. In order to reach out to this group of potential electors, from 2003 onwards, the REO turned the school visit programme into an ongoing registration activity which would be conducted throughout the year, subject to staff resources. The REO further explained that there was a lack of staff resources (Note 10) for conducting school visits and the staff were preoccupied with various urgent tasks (Note 11). The REO had plans to resume the school visits in September/October 2006.

Note 10: *In 2003, five Executive Officer II posts for handling voter registration duties were deleted under the Enhanced Productivity Programme.*

Note 11: *In 2005, the REO had to re-direct resources to conduct the EC subsector by-election and the Chief Executive election, and review the overall electoral process in accordance with the recommendations of the Independent Committee of Experts for the Review on the Management, Planning and Conduct of Elections.*

Audit recommendation

2.17 **Audit** has *recommended* that the Chief Electoral Officer should, in consultation with the Chairman, Electoral Affairs Commission, consider launching the school visit programme on a regular basis to promote the awareness of students on electoral affairs and encourage more eligible young persons to register as electors.

Response from the Administration

2.18 The **Chief Electoral Officer** agrees with the audit recommendation. He has said that:

- (a) subject to the availability of resources, the REO will, in consultation with the EAC, consider carrying out the school visit programme on a regular basis to explain to students the electoral system of Hong Kong and encourage more eligible young persons to register as electors;
- (b) the REO plans to resume the school visits in the 2006-2007 school year. The main target audience will be the upper form students who have reached or will soon reach the age of 18 and hence become eligible for registration. Subject to the feedback gathered in these visits and the availability of resources, the REO will consult the EAC on the longer-term arrangements; and
- (c) the REO has, as part of the 2006 voter registration campaign, made arrangements to appeal to students by sending voter registration forms to secondary schools and invited the schools to help distribute the forms.

Voter registration programme at the Registration of Persons offices

2.19 Under the ROP Regulations (Cap. 177A), all residents who have reached the age of 18 must apply for an adult permanent identity card at the ROP offices of the Immigration Department (Note 12). Since 2000, staff have been deployed at the ROP offices to invite the newly eligible persons to register as electors.

Note 12: *There are five ROP offices in the territory (i.e. the Hong Kong Office, the Kowloon Office, the Kwun Tong Office, the Fo Tan Office and the Yuen Long Office).*

Audit observations

Need to strengthen registration efforts at the ROP offices

2.20 Audit compared the registration results of three periods (Note 13) during which staff (Note 14) were deployed to set up voter registration counters at the ROP offices. The results are shown in Table 3.

Table 3

Registration rate at the ROP offices

Period	Number of REO-1 collected at the ROP offices	Number of people visiting the ROP offices (Note)	Registration rate
	(a)	(b)	(c) = $\frac{(a)}{(b)} \times 100\%$
1 June 2003 to 16 July 2003 (Six weeks)	9,160	9,517	96%
6 April 2004 to 30 June 2005 (15 months)	25,532	105,731	24%
10 April 2006 to 30 June 2006 (12 weeks)	6,773	18,943	36%

Sources: REO and Immigration Department records

Note: The number of persons visiting the ROP offices represented the number of juveniles applying for adult permanent identity cards.

According to Table 3, there are significant variances in the registration rates for these three periods.

Note 13: *In the absence of other relevant data for analysis, the registration results of these three periods were used for comparison.*

Note 14: *The voter registration counters were manned by staff of the REO during the 15-month period ended on 30 June 2005 and the 12-week period ended on 30 June 2006, and by staff of the Home Affairs Department during the six-week period ended on 16 July 2003.*

2.21 Audit noted that during the six-week period ended on 16 July 2003, two to three Voter Registration Assistants (VRAs) were deployed at each of the three ROP offices in the urban areas, and one VRA at each of the other two ROP offices in the New Territories. However, only one VRA was deployed at each ROP office during the 15-month period ended on 30 June 2005, and the 12-week period ended on 30 June 2006. **The better registration rate for the six-week period ended on 16 July 2003 may be attributable to the additional number of staff deployed during this period. Audit considers that the REO needs to strengthen its registration efforts at the ROP offices.**

Audit recommendations

2.22 **Audit has recommended that the Chief Electoral Officer should:**

- (a) **in consultation with the Director of Immigration, consider deploying more staff (i.e. VRAs) at the ROP offices to encourage eligible young persons to register as electors; and**
- (b) **closely monitor the performance of such staff so as to gain the full benefits of the voter registration programme at the ROP offices.**

Response from the Administration

2.23 The **Chief Electoral Officer** agrees with the audit recommendations. He has said that:

- (a) the REO will, in consultation with the Immigration Department, consider deploying more staff resources, within the total amount of resources available to the REO, at the ROP offices to encourage eligible young persons to register as voters and closely monitor the performance of VRAs;
- (b) the voter registration programme at the ROP offices in 2003 achieved a higher registration rate than the other two similar exercises (i.e. from April 2004 to June 2005 and from April to June 2006). Both 2005 and 2006 were non-election years. In respect of the 2003 exercise, more staff resources were deployed, and it was carried out in a year when DC election would be conducted, hence potential electors could have a higher incentive for registration. Whilst the registration rates for the three periods may not be strictly comparable, the REO would take into account the experience of the 2003 exercise in planning for the voter registration programme at the ROP offices to be launched in future, including deploying more staff resources at the ROP offices. The REO will liaise closely with the Immigration Department in taking the programme forward; and

- (c) as part of established procedures, the REO will conduct training sessions for VRAs before they start working in the ROP offices. The REO will also provide VRAs with clear instructions and guidelines on how to carry out their duties. Their performance will be closely monitored by responsible supervisors on a day-to-day basis.

2.24 The **Director of Immigration** has said that the Immigration Department will continue to coordinate with the REO for the necessary arrangement and provide assistance to facilitate the work of VRAs at the ROP offices.

Publicity programmes for voter registration

2.25 Before the publication of the final registers, publicity programmes are conducted to encourage eligible persons to register as electors and remind registered electors who have changed addresses to update their records with the REO. These publicity programmes are organised through voter registration campaigns.

2.26 In recent years, an inter-departmental working group (the Working Group), chaired by the Deputy Secretary for Constitutional Affairs with representatives of the REO, the Home Affairs Department, the Information Services Department, the Radio Television Hong Kong and the Independent Commission Against Corruption, worked out the details of voter registration campaigns and formulated the publicity strategies. It has been the established practice of the Administration to carry out large-scale voter registration campaigns during election years. The overall objectives of the campaigns are to encourage eligible persons to register as electors, and to remind registered electors who have changed addresses to update their records with the REO. The scale of voter registration campaign in an election year is always larger than that in a non-election year. For example, 2005 was a non-election year. The scale of voter registration campaign was small. The campaign was carried out by the REO with the assistance of the Information Services Department.

2.27 With the adoption of a multi-pronged approach, a variety of activities (Note 15) were included in the voter registration campaigns. Upon completion of each major voter registration campaign, the Working Group usually obtained comments and recommendations from the government departments concerned to identify room for improvement. The expenditure for the voter registration campaigns from 1999 to 2005 is shown in Appendix B.

Note 15: *These activities included holding ceremonies cum mini-concerts, establishing roving counters at Mass Transit Railway stations and shopping malls, sending out appeal letters, conducting household visits, displaying advertisements in public transports, displaying posters and banners in government buildings, and setting up websites and hyperlinks.*

Audit observations

Need to evaluate the effectiveness of voter registration campaigns

2.28 Audit noted that at a Working Group meeting held in September 2003, the CAB suggested that objective criteria should be worked out to evaluate the effectiveness of voter registration campaigns. The Working Group proposed to conduct pre-campaign and post-campaign surveys to gauge the effectiveness of the activities organised. The feedback received would assist the Working Group in identifying objectively the most cost-effective publicity channels instead of relying on words of mouth or casual observations. However, up to the end of June 2006, no objective criteria had been established and no review on the cost-effectiveness of voter registration campaigns had been conducted. **Audit considers that the CAB needs to implement its suggestion of establishing objective criteria, and ensure that pre-campaign and post-campaign surveys are carried out for evaluating the effectiveness of voter registration publicity activities.**

Need to focus publicity efforts on attracting new electors

2.29 Audit analysis of the results of voter registration and updating of voter address records for the GC from 1999 to 2005 indicated that:

- (a) on average, 29% of the applications were related to voter registration and 71% of the applications were related to the updating of address records;
- (b) in the non-election years 2001, 2002 and 2005:
 - (i) the percentages of applications for the updating of address records were 84% for 2001, 98% for 2002 and 94% for 2005 (i.e. more than the overall average of 71%); and
 - (ii) the percentages of applications for voter registration were 16% for 2001, 2% for 2002 and 6% for 2005 (i.e. less than the overall average of 29%); and
- (c) in the election years 1999, 2000, 2003 and 2004:
 - (i) the percentages of applications for voter registration were 35% for 1999, 44% for 2000, 39% for 2003 and 33% for 2004 (i.e. more than the overall average of 29%); and
 - (ii) the percentages of applications for the updating of address records were 65% for 1999, 56% for 2000, 61% for 2003 and 67% for 2004 (i.e. less than the overall average of 71%).

Details are shown in Table 4.

Table 4
Voter registration and
updating of address records for the GC
(1999 — 2005)

Year	Voter registration		Updating of address records		Total
	(Number)	(%)	(Number)	(%)	(Number)
1999	91,786	35 %	170,559	65 %	262,345
2000	248,771	44 %	313,448	56 %	562,219
2001	36,896	16 %	194,845	84 %	231,741
2002 (Note)	2,805	2 %	172,103	98 %	174,908
2003	164,478	39 %	257,858	61 %	422,336
2004	303,885	33 %	603,585	67 %	907,470
2005	29,463	6 %	470,336	94 %	499,799
Total	878,084	29 %	2,182,734	71 %	3,060,818
Average	125,440	29 %	311,819	71 %	437,259

Source: REO records

Note: There was no voter registration campaign in 2002.

2.30 Audit noted that most of the applications received by the REO from 1999 to 2005, particularly in non-election years, were related to the updating of address records. Despite the receipt of 878,084 applications for voter registration during this period, the number of registered electors only increased by 420,151 (from 2,795,371 in 1998 to 3,215,522 in 2005) as 457,933 registered electors were deregistered (Note 16).

Note 16: The average number of deregistered electors was 65,419 a year, including the deregistration of 45,000 electors due to unknown addresses.

2.31 Audit noted that the Immigration Department and the Housing Department had together referred 357,008 (59%) addresses in 2004, and 454,790 (97%) addresses in 2005, to the REO for its updating of address records. It is more cost-effective if the REO makes full use of the data on change of address kept by other government departments (e.g. the Water Supplies Department, the Transport Department and the Post Office) to update its address records. **Audit therefore considers that future publicity efforts should place more emphasis on attracting new electors.**

Audit recommendations

2.32 **To improve the cost-effectiveness of the publicity programmes for voter registration, Audit has recommended that the Secretary for Constitutional Affairs should, in consultation with the Chairman, Electoral Affairs Commission:**

- (a) **establish objective criteria to evaluate the cost-effectiveness of voter registration publicity activities organised by the government departments involved;**
- (b) **ensure that pre-campaign and post-campaign surveys are carried out for evaluating the effectiveness of voter registration publicity activities; and**
- (c) **in coordination with the government departments involved in publicity programmes, place more emphasis on attracting new electors in future voter registration campaigns.**

Response from the Administration

2.33 The Secretary for Constitutional Affairs generally agrees with the audit recommendations. He has said that:

- (a) the CAB will, in consultation with the EAC and the REO, consider and explore the feasibility of conducting pre-campaign and post-campaign surveys to evaluate the effectiveness of major voter registration campaigns in election years in future. The survey results can form a basis for evaluating the cost-effectiveness of campaign activities. Feedbacks gathered from other sources will also be used as references. However, the number of applications for voter registration and updating of particulars may not be directly proportional to the resources or efforts put into a voter registration campaign because there are other factors which may affect the registration and updating figures in any given year;

- (b) with the agreement of the Working Group, a pre-campaign survey and a post-campaign survey were conducted in mid-October 2003 and late November 2003 respectively to assess the effectiveness of the 2003 DC election voter turnout publicity campaign;
- (c) in recent years, the number of registered electors and the registration rate have been increasing generally. In 2003 when the DC election was held, there were 2,973,612 registered electors. In 2004 when the last LegCo election was held, the number of registered electors was 3,207,227. For the 2004 LegCo election, the voter turnout (i.e. 1,784,406 or 55.64%) was a historical high. The CAB will continue to consider actively various means to gauge the effectiveness of the voter registration campaigns in future, and introduce new publicity measures as appropriate; and
- (d) while it is the target to encourage more eligible persons to register as electors, it is also important to ensure that the particulars of electors contained in the voter register are as accurate as possible. In future voter registration campaigns, it is essential to continue to focus the publicity efforts on both the registration of new electors and the updating of electors' addresses. The CAB will continue to strive to improve the voter registration campaigns with a view to encouraging more eligible persons to register as electors.

Verification of residential addresses of registered electors

2.34 A registered elector is allocated to a GC/DC based on the location of his residential address. Under section 3 of the EAC (Registration of Electors) (LegCo GCs) (DC Constituencies) Regulation (Cap. 541A), an entry in a register must show the elector's name and his principal residential address. When an eligible person applies for registration as an elector, he needs to declare in the voter registration form that the residential address provided therein is his only or principal residence in Hong Kong. The REO requests a registered elector to notify the REO in writing of any change of residential address because such change may entail a consequential change of his constituency for voting.

Audit observations

Need to verify the residential addresses of registered electors

2.35 According to section 28(1)(b) of the LegCo Ordinance, a natural person is not eligible to be registered as an elector in the register of GCs unless, at the time of applying for registration, the person satisfies the Electoral Registration Officer (ERO — Note 17),

Note 17: *Under section 75(1) of the LegCo Ordinance, the Chief Electoral Officer was appointed by the Chief Executive as the ERO. The ERO is responsible for registering persons as electors at elections.*

among others, that the residential address notified in the person's application for registration is the person's only or principal residence in Hong Kong. Audit notes that the REO relies on a self-declaration mechanism to ensure that the residential addresses of applicants are correct. The REO does not require the applicant to provide any supporting evidence to prove that the residential address declared in the application form is his only or principal residence in Hong Kong. Without verifying the residential addresses of electors, there is insufficient evidence to ensure the accuracy of the GC final registers. In extreme cases, the fairness of an election may be impaired due to possible vote planting.

2.36 Audit requested the REO to conduct an analysis of the addresses of registered electors in the 2004 GC final register to ascertain the number of electors registered under the same address (Note 18). The results are shown in Appendix C. There were 367 cases with more than ten electors registered under the same address. Audit selected 85 out of 367 cases and passed them to the REO for further investigation in July 2006. The registered addresses of these 85 cases were not specific and unclear. The premises at these addresses were apparently not for residential purposes or not large enough to accommodate the number of registered electors.

2.37 In response to audit enquiries, the REO informed Audit in July 2006 that:

- (a) the self-declaration mechanism was a desirable method because:
 - (i) it would create the least amount of hindrance to the potential electors;
 - (ii) it was cost-effective as the REO did not need to secure substantial resources to verify and investigate each and every application for registration; and
 - (iii) from the practical point of view, verifying addresses of the applicants before registration was not viable during voter registration periods as the REO staff had to deal with the application forms within a very short period of time for meeting the statutory deadlines. The REO was also mindful of the resources deployed for the vetting process;

Note 18: *Audit does not have access to the elector records kept in the GC final registers. Section 22(3)(b) of the EAC (Registration of Electors) (LegCo GCs) (DC Constituencies) Regulation and section 42(3)(b) of the EAC (Registration) (Electors for LegCo FCs) (Voters for EC Subsectors) (Members of EC) Regulation (Cap. 541B) state that any person who uses or permits another person to use any information relating to a person obtained for the purpose of compiling a register, for a purpose other than a purpose related to an election, commits an offence. In March 2006, the Department of Justice advised that using personal data from the voter registers for the audit review would breach the said regulations.*

- (b) counter-balancing the self-declaration mechanism was the mutual policing and transparency arrangements adopted in publishing the final registers. The public were allowed to inspect the registers and request extracts for purposes related to an election. Any complaints from the public were referred to the appropriate law enforcement agencies for follow-up action and investigation; and
- (c) vote planting should be dealt with under section 16 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554 — Note 19) and should be under the jurisdiction of the Independent Commission Against Corruption. There was no statutory requirement on the REO to investigate vote planting.

2.38 In order to ensure the accuracy of the GC final registers, the REO needs to verify that the addresses recorded in the final registers are the principal residential addresses of registered electors. While Audit appreciates that it may not be feasible for the REO to check each and every registered address of electors, it can be done on a selective basis by selecting doubtful cases. **Audit considers that the REO needs to explore the feasibility of requiring applicants or registered electors in doubtful cases to provide supporting evidence for verifying their residential addresses. To ensure fair elections, the REO needs to give warning messages to remind electors of the importance of providing correct residential addresses and the legal implications of not doing so.**

Audit recommendations

2.39 **Audit has recommended that the Chief Electoral Officer should, in consultation with the Chairman, Electoral Affairs Commission and the Secretary for Constitutional Affairs:**

- (a) **explore the feasibility of requiring applicants or registered electors in doubtful cases to provide supporting evidence for verifying their residential addresses;**
- (b) **consider implementing a checking system to verify the residential addresses of registered electors recorded in the GC final registers on a sampling basis;**

Note 19: *Section 16 of the Elections (Corrupt and Illegal Conduct) Ordinance provides that, among other things, a person engages in corrupt conduct at an election if he votes at the election after having given to an electoral officer information that he knows to be materially false or misleading. The person who engages in corrupt conduct at an election commits an offence and is: (a) if tried summarily, liable on conviction to a fine of \$200,000 and to imprisonment for 3 years; or (b) if tried on indictment, liable on conviction to a fine of \$500,000 and to imprisonment for 7 years.*

- (c) **consider giving warning messages to remind electors of the importance of providing correct residential addresses, and the legal implications of failing to do so;**
- (d) **review and analyse the outcome of the investigation into the 85 cases selected by Audit (see para. 2.36), and take appropriate follow-up action in warranted cases; and**
- (e) **refer suspected vote planting cases to the Independent Commission Against Corruption for investigation.**

Response from the Administration

2.40 The **Chief Electoral Officer** generally agrees with the audit recommendations. He has said that:

- (a) as an established practice, the REO will clarify with the applicants by phone or in writing if the addresses in their application forms are incomplete or doubtful;
- (b) to step up the effort in ensuring the accuracy of residential addresses of registered electors in the GC final register, the REO has a standing arrangement with the Immigration Department to match addresses of registered electors with addresses of applicants for the smart identity cards. Since the commencement of the smart identity card replacement exercise in mid-2003, the REO has updated over 1.17 million elector records referred from the Immigration Department. Such matching is done with the consent of the individuals concerned;
- (c) the implementation of a checking system to verify the residential addresses of registered electors on a sampling basis will have resource implications. The REO will seek expert advice from the Census and Statistics Department on how a representative sampling size might be drawn up and assess the resource implications before deciding on the appropriate way to take forward the audit recommendation;
- (d) a warning note has already been placed on the front page of the voter registration form to remind applicants that a person who knowingly or recklessly makes any false or incorrect statement or gives information which is materially false or misleading commits an offence under the law;

- (e) it has been the practice for the REO, when sending poll cards to registered electors before an election, to include a leaflet published by the Independent Commission Against Corruption to remind the electors of the importance of abiding by the rules and supporting clean elections, including the message that an elector must not vote at an election after having knowingly given false or misleading information (e.g. false residential address) to an electoral officer;
- (f) the REO will consider what further measures may be introduced to remind electors of the importance of providing correct residential addresses, and the offences they may commit if they fail to do so;
- (g) the REO has investigated into the 85 cases. The results are as follows:
 - (i) 38 addresses were privately operated aged homes;
 - (ii) 3 addresses were large developments which could accommodate a large number of electors;
 - (iii) 18 addresses were villages which were not provided with door-to-door postal delivery and required common postal addresses;
 - (iv) 1 address was for the floating population requiring a land address for receiving poll cards and related materials;
 - (v) 14 addresses were rehabilitation centres or hostels for the handicapped or non-ethnic Chinese;
 - (vi) 8 addresses might have accommodated a large number of family members;
 - (vii) 1 address was a mosque where there were dwelling units inside; and
 - (viii) 2 addresses were residences with different families.

Based on the information collected through checkings with the 2006 final register, making telephone enquiries, paying household visits and sending enquiry letters, the REO does not detect any suspected illegal conduct by these electors. Although some of them may have moved homes after registration, some others have not yet responded to the enquiry letters. The REO will continue to take follow-up action on these cases as part of the normal procedure for making enquiries with the electors concerned to update their addresses or considering initiating action to deregister them, if necessary; and

- (h) the staff of the REO have been vigilant in detecting any irregularities which appear in voter registration forms. The REO will report any suspected cases to the Independent Commission Against Corruption for investigation.

Voter deregistration

2.41 The name and particulars of a registered elector will be struck out from the final register of electors if he is no longer eligible to be an elector or disqualified from being registered as an elector. For the years from 1999 to 2005, the number of deregistrations from the GC final registers was 457,933 (i.e. an average of 65,419 a year).

2.42 Before a registered elector is deregistered from the GC final register, his name and residential address must be included in an omissions list. Every year, an omissions list and a provisional register for GCs are published. Members of the public may lodge with the ERO objections to the entries in the provisional register. A dissatisfied person whose name has been included in the omissions list may lodge a claim in respect of the entry or any omission concerning himself. Cases of objection and claim are referred to the Revising Officers (Note 20) for deciding on the inclusion, exclusion or correction of the entry in the final register. According to section 20 of the EAC (Registration of Electors) (LegCo GCs) (DC Constituencies) Regulation, the ERO should make available the final register in force for public inspection. At present, the public can search for information in the register (Note 21) at the REO and at the 18 District Offices.

Deregistration due to ineligibility

2.43 Section 32(4) of the LegCo Ordinance states that the ERO must strike out the name and particulars of a registered elector from the final register of electors if the person is no longer eligible to be an elector. According to the Guidelines on Election-related Activities in respect of the LegCo Elections issued in July 2004, a registered elector in the existing GC final register may be rolled over to the next provisional register for GCs. He does not need to make any application for registration, unless he is no longer eligible to be an elector because:

- (a) he is dead;
- (b) he has ceased to be eligible to be a permanent resident of Hong Kong;
- (c) he no longer ordinarily resides in Hong Kong; or

Note 20: *The Revising Officers, who are normally magistrates of the Judiciary, are appointed by the Chief Justice under section 77 of the LegCo Ordinance.*

Note 21: *A person who wishes to inspect a final register must submit a request for an inspection or an extract stating the purpose for acquiring the extract and the parts of the register. A request is only accepted if the stated purpose is related to an election.*

- (d) he has changed his only or principal residence and his new address is not known to the ERO.

2.44 The REO becomes aware of registered electors who have lost their eligibility through obtaining information from:

- (a) monthly notifications from the Immigration Department on deceased electors;
- (b) the annual matching exercise with Immigration Department records for identifying those electors who have ceased to be permanent residents of Hong Kong;
- (c) undelivered poll cards returned to the REO; and
- (d) reports of instances of addresses no longer in existence (such as demolished buildings) from the Rating and Valuation Department.

2.45 Additional verification work is performed on those registered electors in respect of undelivered poll cards and addresses no longer in existence. The REO obtains information from the Housing Department for identifying electors who are public housing tenants or owners, and owners of the Home Ownership Scheme flats, and information from the Post Office for identifying those electors who are not provided with door-to-door mail delivery service. Except for those doubtful registered electors who are not provided with door-to-door mail delivery service, the REO sends registered mails to:

- (a) registered electors who are public housing tenants or owners, and owners of the Home Ownership Scheme flats requesting them to provide their current residential addresses; and
- (b) all other registered electors to verify that they still reside in their registered addresses.

Audit observations

Inadequate checking for ineligible electors

2.46 Audit could not find evidence indicating that the REO had verified the status of registered electors to ensure that they ordinarily resided in Hong Kong. In response to audit enquiries, the REO has said that:

- (a) there is no statutory definition of the term “ordinarily resident”. According to legal advice, whether a person ordinarily resides in Hong Kong or not is a matter of facts and degree. Each case has to be considered on its own merits having regard to all relevant facts of the case;
- (b) according to the Guidelines for the 2004 LegCo Election, the application of the legal concept of “ordinarily resident” is that a person is considered to have ordinarily resided in Hong Kong when he has habitually and normally lived there for a settled purpose, apart from temporary and occasional absences such as holidays and absence abroad for studying purposes. Each case has to be examined upon its own facts. Matters like the length of the person’s absence, the reason for his absence, the location of his home and that of his spouse, children and parents and his maintenance of connections with Hong Kong are all relevant factors;
- (c) it would not be practicable or cost-effective for the REO to check the position of each of the 3.2 million registered GC electors as to whether he satisfies the “ordinarily resident” requirement under section 28(1)(a) of the LegCo Ordinance; and
- (d) there is a “self-declaration” mechanism in the voter registration process. In the Guidance Notes of the voter registration form, it has clearly stated, among other things, that a person is eligible for registration if he ordinarily resides in Hong Kong. An applicant is required to declare that he is eligible to be registered as an elector. The voter registration form also contains a warning that “a person who knowingly or recklessly makes any false declaration or incorrect statement or gives information which is materially false or misleading commits an offence under the law”. The REO will refer complaints or suspected cases of making false declaration to the relevant law enforcement bodies for follow-up action.

2.47 Audit noted that:

- (a) the REO had not taken any follow-up actions on doubtful registered electors who were not provided with door-to-door mail delivery service; and
- (b) obtaining information only from the Housing Department and the Post Office was inadequate for the purpose of locating those registered electors who had moved, without notifying the ERO of their new addresses. In the 2000 voter registration campaign in which a full-scale household visit was carried out, some 310,000 registered electors were found not residing in the addresses recorded in the GC final register.

Audit considers that the REO needs to introduce additional measures to detect ineligible electors and make use of the data kept by other government departments to update the addresses of registered electors.

Deregistration due to disqualifications

2.48 According to section 31 of the LegCo Ordinance, a natural person is disqualified from being registered as an elector for a constituency if he:

- (a) has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either served the sentence or any substitute sentence or received a free pardon;
- (b) on the date of application for registration, is serving a sentence of imprisonment;
- (c) is or has been convicted of:
 - (i) having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance;
 - (ii) an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iii) any offence prescribed by regulations in force under the EAC Ordinance (e.g. the provision of false information to the ERO),

where the election is to be held or is held within three years after the date of conviction;

- (d) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (e) is a member of any armed forces of the Central People's Government or any other country or territory.

No checking for disqualified electors

2.49 There was no evidence indicating that the REO had carried out any checking on whether registered electors should be disqualified from being registered as an elector. **Audit considers that, in the absence of such checking, the REO cannot ensure that the registered electors in the final registers are not subject to disqualification from registration under section 31 of the LegCo Ordinance.**

Audit recommendations

2.50 In order to ensure the accuracy of the final registers of electors, Audit has *recommended* that the Chief Electoral Officer should, in consultation with the Chairman, Electoral Affairs Commission and the Secretary for Constitutional Affairs:

- (a) consider taking follow-up actions (such as making telephone calls to the electors) on those registered electors who are not provided with door-to-door mail delivery service;
- (b) consider implementing on an on-going basis a system which would update the registered addresses of electors, by means of transfer to the REO of data on their notifications of change of addresses furnished to other government departments (e.g. the Water Supplies Department, the Transport Department and the Post Office), subject to the prior consent of these registered electors; and
- (c) consider implementing a checking system in coordination with relevant government departments (e.g. the Correctional Services Department) to ensure that the registered electors in the final registers are not subject to any disqualification from registration under section 31 of the LegCo Ordinance.

Response from the Administration

2.51 The Chief Electoral Officer generally agrees with the audit recommendations. He has said that:

- (a) registered electors who are not provided with door-to-door mail delivery service usually reside in rural areas/villages and they use communal letter boxes to receive their mails. The REO will continue to explore means to update addresses of the registered electors who are not provided with door-to-door mail delivery service, including making telephone calls, conducting data matching with other government departments, and appealing to them to provide updated addresses to the REO during the voter registration campaigns;
- (b) the REO has a standing arrangement to match the elector records with the information kept by the Immigration Department and the Housing Department for address updating purpose. The REO has previously approached a number of other departments, including the Inland Revenue Department, the Rating and Valuation Department, the Post Office, the Social Welfare Department and the Transport Department, to explore the feasibility of data matching for similar purpose. They have expressed various concerns to the proposal of the REO, including:

- (i) the transfer of personal data might contravene the Personal Data (Privacy) Ordinance (Cap. 486) or other legal provisions;
- (ii) the computer systems of individual departments would have to be enhanced and this would entail additional resources and manpower;
- (iii) the addresses of the clients kept by some of the departments are correspondence addresses which are not necessarily the electors' principal residential addresses; and
- (iv) no records are kept for address changes and dates of updating.

Notwithstanding the above, the REO will continue to explore with the relevant departments the possibility of data matching to support the updating of the residential addresses of registered electors; and

- (c) the feasibility of checking the elector records against records kept by the Independent Commission Against Corruption and the Hong Kong Police Force to determine whether persons who were disqualified from registration as electors had been raised with these two departments a few years ago. At that time, the parties concerned considered that the checking mechanism was impracticable and logistically extremely difficult. Concerns were also raised about confidentiality of the information held by the law enforcement agencies. As a result, the proposal was not pursued. Notwithstanding the above, the REO will continue to explore with the relevant departments the proposed checking system.

2.52 The **Director of Immigration** has said that the Immigration Department will continue to provide the REO with the monthly notifications on deceased electors and the records for identifying those electors who have ceased to be permanent residents of Hong Kong through the annual matching exercise.

PART 3: ELECTION ARRANGEMENTS AND EXPENDITURE

3.1 This PART examines the election arrangements and expenditure of the REO, and suggests measures for improvement.

Election-related materials sent to electors by post

3.2 Before an election, both the candidates and the REO send various election-related materials to electors by post. The candidates may send election-related publicity materials in one letter, free of postage, to each of their electors of the constituency concerned. Section 43 of the LegCo Ordinance and section 37 of the DCs Ordinance stipulate that:

- (a) one letter, addressed to each elector for the GC for which a list of candidates is validly nominated, may be sent free of postage by or on behalf of the list of candidates;
- (b) one letter, addressed to each person who is an elector for the FC (for LegCo elections) for which a candidate is validly nominated, may be sent free of postage by or on behalf of the candidate;
- (c) the letter must relate to the election concerned and must comply with all requirements and limitations (if any) prescribed by regulations in force under the EAC Ordinance (Note 22); and
- (d) the cost to the Postmaster General of enabling candidates to exercise their entitlements is a charge on the general revenue.

3.3 According to section 31 of the EAC (Electoral Procedure) (LegCo) Regulation (Cap. 541D) and section 34 of the EAC (Electoral Procedure) (DCs) Regulation (Cap. 541F), the Chief Electoral Officer must send a poll card to each elector at least 10 days before the polling day in order to advise the elector of the polling date, polling hours, address of the polling station assigned to him, and the elector's GC and/or FC, if applicable. It has been an established practice of the REO to send the following election-related materials together with the poll card to each elector:

Note 22: *As prescribed by section 101A of the EAC (Electoral Procedure) (LegCo) Regulation (Cap. 541D) and section 102 of the EAC (Electoral Procedure) (DCs) Regulation (Cap. 541F), a letter that may be sent free of postage by a candidate must: (a) be posted in Hong Kong; (b) contain materials relating only to the candidature of the candidate or candidates on the list, or of the candidate, at the election concerned; (c) not exceed 50 grams in weight; and (d) be not larger than 175 mm × 245 mm and not smaller than 90 mm × 140 mm in size.*

- (a) a location map of the polling station concerned;
- (b) a guide on voting (i.e. information on the steps an elector should follow when casting his vote);
- (c) candidates' introductory leaflets (i.e. the relevant candidates' personal information and their political platform as provided by the candidates); and
- (d) a leaflet of the Independent Commission Against Corruption concerning the need to uphold a clean and fair election and remind electors of the provisions of the Elections (Corrupt and Illegal Conduct) Ordinance.

Audit observations

Resources spent on mailing election-related materials

3.4 The resources spent on mailing election-related materials to electors for the 2004 LegCo election are shown in Table 5.

Table 5

Resources spent on mailing election-related materials for the 2004 LegCo election

	Mailings by the REO	Mailings by candidates	Total
Number of letters	3,469,721	20,998,443	24,468,164
Total weight of letters	264 tonnes (Note 1)	336 tonnes (Note 2)	600 tonnes
Printing costs	\$5.8 million	Not applicable (Note 3)	\$5.8 million
Postage	\$8.4 million	\$26.8 million	\$35.2 million

Source: REO records

Note 1: The average weight of one set of election-related materials mailed by the REO in 2004 was 76 grams. One tonne is equal to 1 million grams. Therefore, the total weight of 3,469,721 letters is estimated at 264 ($3,469,721 \times 76 \div 1,000,000$) tonnes.

Note 2: The average weight of one letter of election-related publicity materials mailed by candidates in 2004 was 16 grams. Therefore, the total weight of 20,998,443 letters is estimated at 336 ($20,998,443 \times 16 \div 1,000,000$) tonnes.

Note 3: The candidates paid the printing costs.

Proposals to reduce paper consumption on election-related publicity materials

3.5 In March 2005, in response to suggestions from a concern group that election-related publicity materials should be distributed to electors electronically as far as possible to minimise the impact on the environment, the REO sought advice from the LegCo Panel on Constitutional Affairs on the ways to reduce paper consumption in distributing election-related publicity materials. The following three options were proposed for discussions:

- (a) ***Option A.*** Electors would be given a choice on whether to receive the candidates' introductory leaflets produced by the REO by post. Electors could also view the leaflets on the REO's website;
- (b) ***Option B.*** The REO would cease producing candidates' introductory leaflets in paper form. The leaflets would be posted on the REO's website only. This option should bring paper consumption to the minimum; and
- (c) ***Option C.*** The REO would not produce candidates' introductory leaflets both in paper and electronic forms.

For all the three options, the REO would continue to send poll cards, location maps of polling stations and the guide on voting in paper form by post.

3.6 The Panel Members were informed that in overseas countries (such as Australia, Belgium, Canada, Germany, Malaysia, New Zealand and Singapore), election-related documents published by governments were sent to electors by post. The research by the REO did not reveal the collection of e-mail addresses by any government for the purpose of sending election-related documents. Regarding the types of election-related documents sent by governments, the practice varied. In countries such as Belgium, Germany, Malaysia, Singapore and the United Kingdom, electors only received a poll card from the electoral authorities.

3.7 At the Panel meeting, Members suggested the following means to reduce paper consumption:

- (a) ***Sending one set of election-related publicity materials to each household.*** One Member considered that paper consumption could be further reduced by sending one set of election-related publicity materials to each household. The Member also admitted that some candidates had attempted to implement this practice in the past elections. The Chief Electoral Officer considered that this proposal might cause confusion and inconvenience to electors. For instance, there might also be electors of FCs in the same household. In addition, sending the documents on a household basis could not ensure equal access of all electors to the information; and

- (b) *Sending election-related publicity materials to electors by e-mail.* One Member considered that it would be useful if the REO could inform all registered electors that those who opted to receive election-related publicity materials by e-mail could register their e-mail addresses with the REO six months before the election. The REO could then provide candidates with a list of these electors together with their e-mail addresses so that candidates would not send election-related publicity materials to them by post. The Chief Electoral Officer considered that the task of registering e-mail addresses of 3.4 million registered electors was immense and it was not uncommon that e-mail users frequently changed their e-mail addresses. The biggest challenge to the REO was the work of updating the e-mail addresses. It was necessary to assess the amount of work and resources required in order to maintain an accurate list of e-mail addresses of electors.

3.8 After discussions, a majority of the Panel Members supported Option B (see para. 3.5(b)). The Deputy Secretary for Constitutional Affairs said that the EAC would gather views on the options as there was no urgency to implement any of the options immediately.

Trial arrangements to reduce paper consumption during elections

3.9 Audit noted that the REO had introduced trial arrangements to reduce paper consumption during elections. During the King Tin Constituency (Kwun Tong DC) by-election held in October 2005, the REO implemented the following trial arrangements by:

- (a) sending an abridged version of the candidates' introductory leaflets together with the poll card and other election-related materials by post to each elector;
- (b) uploading a soft copy of the full version of the leaflets, including the candidates' election platform, to the REO's website for public browsing and depositing a small quantity of the leaflets in paper form at the Kwun Tong District Office for collection by electors who were not conversant with the use of computer; and
- (c) collecting e-mail addresses of registered electors for use by candidates in sending electronic publicity materials.

3.10 As a result of these trial arrangements, the REO was able to reduce paper consumption by over 7,000 sheets of A4 paper in respect of 7,839 registered electors. Under the trial arrangements, 70 out of 400 hard copies of the full version of the candidates' introductory leaflet were distributed at the District Office, and 548 e-mail addresses, voluntarily provided by the registered electors, were distributed to the candidates. Besides sending the election-related publicity materials by e-mail to the electors, the candidates also sent hard copies of such materials by post using the free mailing service. Therefore, no reduction in paper consumption was achieved by the candidates in this by-election.

- 3.11 In October 2005, the EAC endorsed the way forward and decided:
- (a) to continue with the trial arrangements before deciding on the long-term approach as the effect of a full-scale election has yet to be seen;
 - (b) to keep on with the collection of e-mail addresses from registered electors; and
 - (c) to consult the public before the trial arrangements are formally adopted for use in all public elections.

Sending of election-related materials to all electors on a household basis

3.12 As paper consumption could be further reduced by sending one set of election-related materials to each household of electors (see para. 3.7(a)), Audit considers that sending such materials to all electors on a household basis by the REO may be an option worthy of further study, subject to the consent of individual registered electors. Standard option form could be designed to let registered electors choose whether to receive election-related materials individually or on a household basis. The concern of the REO that this arrangement may cause confusion and inconvenience to electors could be mitigated by providing clear and explicit information in the REO covering letter to electors.

3.13 In view of the suggestion to reduce paper consumption during elections made by LegCo Panel Members, Audit considers that the REO needs to review the existing practice of sending candidates' introductory leaflets to each elector, as election-related publicity materials are already sent to electors by candidates, and explore the feasibility of sending election-related materials on a household basis in future elections. This is also in line with the government policy of enhancing green management practice.

Audit recommendations

3.14 To help further reduce paper consumption during elections, Audit has *recommended* that the Chief Electoral Officer should, in consultation with the Chairman, Electoral Affairs Commission and the Secretary for Constitutional Affairs:

- (a) review the existing practice of sending candidates' introductory leaflets to each elector by the REO, as election-related publicity materials are already mailed to electors by candidates;

- (b) **explore ways to further reduce the consumption of paper when sending election-related materials to the registered electors (e.g. redesigning the various documents);**
- (c) **explore the feasibility of sending election-related materials to electors by the REO on a household basis in future elections, subject to the consent of individual registered electors;**
- (d) **suggest to candidates the option of sending election-related publicity materials to electors on a household basis; and**
- (e) **encourage candidates to send their election-related publicity materials electronically to the electors who have opted to receive election-related publicity materials by e-mail.**

Response from the Administration

3.15 The **Chief Electoral Officer** generally agrees with the overall audit recommendation that the REO should, in consultation with the EAC and the CAB, step up efforts to reduce paper consumption during elections. He has said that:

- (a) the REO fully supports the government policy of enhancing green management practice. Over the years, the REO has adopted a number of green measures to economise paper consumption during elections;
- (b) the REO will review the following measures and recommend long-term arrangements for consideration by the EAC:
 - (i) the REO is assessing the feasibility of redesigning candidates' introductory leaflets in a layout whereby each candidate will be given the space of one-quarter of an A4-size paper for setting out their personal particulars and election platform as compared with half of an A4-size paper in the 2003 DC election. Under this approach, for DC constituencies with more than two candidates, the amount of paper required for printing the candidates' introductory leaflets will be reduced by 50%; and
 - (ii) when conducting DC by-elections since October 2005, the REO has encouraged the electors concerned to voluntarily provide the REO with their e-mail addresses. The e-mail addresses collected have been provided to candidates in electronic forms to facilitate their communication with electors in the course of conducting by-elections. The REO will continue to explore the feasibility of redesigning other electoral documents to further reduce the consumption of paper;

- (c) while it is at candidates' own discretion to decide whether to send any election advertisements to electors, candidates' introductory leaflets published by the REO serve to provide electors with basic information about candidates (e.g. the names of candidates, their age and e-mail addresses). If the public and political parties have any views on whether the existing arrangements regarding the introductory leaflets published by the REO should be changed in the long run, the REO would be prepared to consider such views;
- (d) in principle, there would be savings if election-related materials are sent on a household basis. It is also important to ensure electors' equal and timely access to the information contained in election-related documents. The REO has in the past assessed the feasibility of this proposal and reckoned that the proposal is not without its difficulties, including:
 - (i) it is not uncommon in Hong Kong that different families are accommodated within the same household. The shared-use of the materials among different families would cause inconvenience to the electors and indeed may not be practicable;
 - (ii) even in the case of a single family in a household, different family members may have been registered in different FCs depending on their eligibility. This complicates the process of ensuring that the correct types of election-related materials are sent to the household. This process of sending the sheer volume of materials has to be completed according to a very tight statutory timeframe;
 - (iii) a significant amount of resources will be required for approaching the existing 3.2 million registered electors for GCs to obtain their consent in receiving election-related materials on a household basis, and for setting up such a record system on a computerised basis. As the personal preference and circumstances of individual electors will inevitably change as time passes by, it will be necessary to set up another system at a cost to update and maintain the accuracy of the records on an ongoing basis. The system would be very complicated given that different members of a household may have different views; and
 - (iv) it would be difficult to ensure the equal and timely access of all electors in the household to the information set out in the single set of election-related materials sent to the household. This may have undesirable effect on the fairness of the election.

Nevertheless, the REO will explore the feasibility of sending election-related materials to electors on a household basis in future elections, subject to the consent of individual registered electors;

- (e) the REO will suggest to candidates that they may consider sending election-related publicity materials to electors on a household basis; and
- (f) the REO will encourage candidates to send their election-related publicity materials to electors who have opted to receive election-related publicity materials by e-mail. Since October 2005, when conducting DC by-elections, the REO has provided the candidates concerned with CD-ROMs containing information of electors who have elected to receive election-related publicity materials by e-mail. However, despite the REO's appeal, the number of electors (i.e. in constituencies where by-elections were held) who agreed to provide their e-mail addresses to the REO was relatively low (ranging from 3.5% to 7% only). The REO will continue to appeal to registered electors to provide the REO with their e-mail addresses.

Recruitment of polling and counting staff

3.16 For each election, the REO invites applications from serving civil servants to perform polling and counting duties through a circular memorandum. The circular memorandum provides information on the election arrangements and staffing requirements, including:

- (a) the posts available for applications by civil servants;
- (b) the ranks and duties of various posts;
- (c) the polling hours and the time for staff to report for duty; and
- (d) the rates of honoraria and the allowances (Note 23).

Note 23: *In addition to the honoraria, standard civil service subsistence allowance is payable to the polling and counting staff who have worked continuously for over 12 hours. Presiding officers are reimbursed with travelling expenses for official journeys (e.g. transportation of ballot boxes and ballot papers). Polling staff required to stay overnight at remote polling stations also receive a special allowance of \$120 each.*

Honoraria payable to polling and counting staff

3.17 The rates of honoraria for polling and counting staff were determined by the Boundary and Election Commission (BEC — Note 24) based on the pay of civil servants. Since 1997, it has been the established policy of the EAC to adjust the rates of honoraria for each election in line with the civil service pay adjustment, taking into account the changes in the responsibilities of polling and counting staff, and the estimated number of working hours.

3.18 In the 2003 DC election, the REO introduced the polling-cum-counting arrangement. This arrangement required the polling staff, in addition to performing their polling duties from 7:30 a.m. to 10:30 p.m. (i.e. 15 hours), to perform vote counting duties. The REO estimated that the additional time required for the counting duties would be about three hours. In view of the prolonged working hours for the polling-cum-counting staff (Note 25), the REO increased the rates of honoraria by 20% ($3 \div 15 \times 100\%$).

3.19 For the 2004 LegCo election, the same polling-cum-counting arrangement was adopted. In seeking the EAC Members' endorsement on the proposed rates of honoraria payable to polling-cum-counting and counting staff, the REO reported that the rates of honoraria adopted for the 2003 DC election should continue to be adopted for the 2004 LegCo election, with a downward adjustment of 5.9% resulting from the reduction of civil service pay and the savings in departmental operating expenditure in 2004. The proposed rates were endorsed by the EAC.

3.20 According to the circular memorandum issued in April 2004 on the recruitment of polling and counting staff for the 2004 LegCo election, the polling-cum-counting staff were required to report for duty at polling stations for preparatory work at least 45 minutes before the commencement of poll at 7:30 a.m. on 12 September 2004. After the close of poll at 10:30 p.m., the polling-cum-counting staff had to convert the polling station into a counting station. The counting of votes commenced at the polling stations as soon as practicable and continued until all the votes were counted/recounted and the results were known.

Note 24: *The BEC was a statutory and independent body established under the BEC Ordinance (Cap. 432). Before August 1997, the BEC was responsible for making recommendations on the delineation of GCs, the demarcation of boundaries, and the conduct and supervision of elections. The functions of the BEC were taken over by the EAC in August 1997.*

Note 25: *The polling-cum-counting staff include Presiding Officers, Deputy Presiding Officers, Assistant Presiding Officers, Polling Officers and Polling Assistants.*

Additional honoraria payable to polling and counting staff

3.21 The 2004 LegCo election was held on 12 September 2004. The polling hours were from 7:30 a.m. to 10:30 p.m. (i.e. 15 hours). Owing to a delay in finalising the voter turnout (Note 26), the polling-cum-counting staff were first told that the estimated time of their release would be around 4:30 a.m. on 13 September 2004. In the end, however, the polling-cum-counting staff had to stay in situ for another six hours (i.e. until 10:30 a.m. on 13 September 2004) before they were given the permission to close down and leave the counting stations. According to the EAC paper submitted by the REO in September 2004 for EAC Members' endorsement on the granting of additional honoraria, there was strong resentment from the presiding officers. It was reckoned that on the polling day, the polling-cum-counting staff had spent additional time and effort beyond that originally expected. After obtaining the EAC Members' endorsement, the REO paid additional honoraria of \$500 to each of the 14,000 polling-cum-counting staff, and \$250 to each of the 40 counting staff (Note 27). The total amount of additional honoraria paid was \$7 million.

Audit observations*Working hours of polling and counting staff not specified*

3.22 Audit noted that the estimated working hours and the expected time for releasing the polling-cum-counting staff after work had not been specified in the circular memorandum on the recruitment of polling and counting staff (see para. 3.20). Without specifying these conditions, the applicants could not properly plan in advance and there might be disputes as to whether and when additional honoraria should be payable for the prolonged working hours. **Audit considers that the REO needs to specify in the circular memorandum the estimated working hours of the polling and counting staff and the expected time for releasing them.**

Note 26: *There was wide media coverage about the election results and complaints relating to the polling and counting arrangements. In view of the public concern, the Chief Executive in November 2004 appointed a non-statutory Independent Committee of Experts to review the management, planning and conduct of elections, and make recommendations on improvement measures. The Committee submitted its report in May 2005. The Administration has accepted the conclusions and recommendations of the Committee.*

Note 27: *A decision was made sometime before 9:00 a.m. on 13 September 2004 to conduct a recount of the votes cast for the Hong Kong Island GC. The 40 counting staff were deployed to conduct the recount in the morning of 13 September 2004. An additional honorarium of \$250 per head was paid for the additional working hours.*

Conditions of payment of additional honoraria not specified

3.23 Audit noted that for the 2004 LegCo election, the circular memorandum on recruitment of polling-cum-counting staff had not specified the conditions and circumstances under which the staff should be given additional honoraria. **Audit considers that for future recruitment of polling and counting staff, the REO needs to specify in the circular memorandum the conditions and circumstances necessitating the payment of additional honoraria.**

Determination of additional honoraria

3.24 For the 2004 LegCo election, an additional honorarium of \$500 per head was paid to all the polling-cum-counting staff of different ranks, and an additional honorarium of \$250 per head was paid to the 40 counting staff (see para. 3.21). **Audit considers that this arrangement of applying two flat rates of additional honoraria was unsatisfactory. The REO needs to derive a fair basis for determining the additional honoraria payable to polling and counting staff to cater for similar incidents in the future.**

Audit recommendations

3.25 **Audit has recommended that the Chief Electoral Officer should:**

- (a) **in consultation with the Chairman, Electoral Affairs Commission, derive a fair basis for determining additional honoraria payable to polling and counting staff of different ranks; and**
- (b) **consider specifying in the circular memorandum on future recruitment of polling and counting staff:**
 - (i) **the estimated working hours and the expected time for releasing them after work; and**
 - (ii) **the conditions and circumstances necessitating the payment of additional honoraria.**

Response from the Administration

3.26 The **Chief Electoral Officer** agrees with the audit recommendations. He has said that the payment of additional honoraria in the 2004 LegCo election was a one-off arrangement in the light of very special and unforeseen circumstances. Learning from the experience in the 2004 LegCo election, the REO will:

- (a) in consultation with the EAC, derive where appropriate a fair basis for determining additional honoraria payable to polling and counting staff of different ranks, and also state the rates of additional honoraria in the circular memorandum; and
- (b) where appropriate, specify in the circular memorandum on recruitment of polling and counting staff for future elections the estimated working hours, the expected time for releasing the staff, and the conditions and circumstances under which additional honoraria to the staff may be payable.

PART 4: PERFORMANCE MEASUREMENT AND RESOURCES MANAGEMENT

4.1 This PART examines the performance measurement and resources management in the REO, and suggests measures for improvement.

Performance measurement

Guidelines on performance measures

4.2 The Financial Services and the Treasury Bureau (FSTB) has devised guidelines on the reporting of performance information in the CORs. According to FSTB Circular Memorandum No. 14/2005 dated 10 October 2005, for individual programmes, Controlling Officers should focus more on targets when developing their performance measures and ensure that all targets and indicators are clearly stated. Targets should preferably measure outcomes instead of output or input.

4.3 The Guidelines on performance targets and indicators specify that Controlling Officers should:

- (a) indicate the extent to which the department's operational objectives are being achieved. In general, outcome measures/indicators are preferred;
- (b) provide unit cost or productivity indicators to indicate the extent to which the department is achieving, for example, a greater level of output with a less than corresponding increase in the levels of inputs. Ratios of output to provision and output to post are likely to be most informative; and
- (c) indicate the levels of service achieved, turnaround times and backlog of work. Performance pledge commitments should be reflected.

To provide stakeholders with a full perspective of the performance results, Controlling Officers are encouraged to show cumulative progress where appropriate. They are also advised to add a short narrative to the key performance indicators to draw attention to any particularly noticeable positive or negative trends.

Performance measures of the REO

4.4 According to the 2006-07 COR, the REO has two types of performance measures (i.e. performance targets and performance indicators) for the programme on electoral services. The performance targets extracted from the 2006-07 COR, shown in Appendix D, include:

- (a) number of annual exercises conducted;
- (b) number of elections organised;
- (c) performance pledges of the REO on issuing notification to electors, responding to telephone enquiries and processing complaints on elections; and
- (d) target completion dates of various activities.

The two performance indicators of the REO are shown in Table 6.

Table 6

Performance indicators shown in 2006-07 COR

Performance indicator	2004 (Actual)	2005 (Actual)	2006 (Estimate)
Number of new electors registered	392,608	30,901	35,000
Number of elector records updated	613,566	472,991	440,000

Source: 2006-07 COR

Remarks: According to the CORs, the estimated numbers of new electors registered were 180,000 in 2004 and 15,000 in 2005. The estimated numbers of elector records updated were 300,000 in 2004 and 302,000 in 2005.

Audit observations

Need to develop more meaningful performance measures

4.5 Apart from the performance pledges which reflect the commitment of the REO in performing some of its duties, the performance targets of the REO include mainly work targets of activities in 2006-07. Audit notes that:

- (a) the performance targets are mainly related to the output of the REO in the year. They are not outcome targets measured against output or input to indicate the extent of achievement of the operational objective of the REO; and
- (b) the performance indicators cannot measure the economy, efficiency and cost-effectiveness of the resources deployed as no unit cost or productivity indicator is provided.

4.6 **Audit considers that the REO needs to develop more meaningful performance measures to indicate the extent of achievement of its operational objective and indicators to measure its performance in terms of economy, efficiency and effectiveness of the resources deployed. For monitoring the performance of electoral services, specific performance targets should be set against performance indicators.** According to the Guidelines issued by the Secretary for Financial Services and the Treasury (see paras. 4.2 and 4.3), Audit considers that the following performance measures may be used to measure the performance of the REO:

- (a) ***Outcome measures/indicators.*** These include the registration rates of electors for all age groups, the satisfaction levels of electors and candidates with election arrangements, and the pre-campaign and post-campaign surveys of voter registration publicity activities;
- (b) ***Unit cost or productivity indicators.*** These include the cost of registration per elector, the cost of election per voter and the number of elector records updated per staff per day; and
- (c) ***Level of service achieved.*** These include performance pledge commitments (e.g. the number of days required to complete a registration and the time required for the handling of complaints).

***Need to report the progress of activities
and draw attention to noticeable trends***

4.7 Audit noted that in the 2006-07 COR, the REO reported the major tasks completed in 2004 and 2005 without providing stakeholders with a full perspective of the performance results. **Audit considers that the REO needs to provide in its COR a full perspective of the performance results showing the progress of its activities (e.g. the cumulative number of registered electors by GCs and FCs). In addition, the REO needs to add a short narrative to the performance indicators to draw attention to any particularly noticeable positive or negative trends.** For example, a short narrative could have been given in the 2006-07 COR to inform stakeholders of the achievement in 2005 of the 106% increase in the number of new electors registered from the estimated figure of 15,000 to 30,901.

Audit recommendations

4.8 **To better monitor the performance of the REO and enhance its performance reporting in accordance with the Guidelines issued in the Secretary for Financial Services and the Treasury's circular memorandum of October 2005, Audit has recommended that the Chief Electoral Officer should:**

- (a) **consider developing more meaningful performance measures (such as outcome performance targets and performance indicators to measure the economy, efficiency and effectiveness of the resources deployed) to fully measure the performance of the REO;**
- (b) **show the progress of activities in the COR, so as to provide stakeholders with a full perspective of the performance results; and**
- (c) **provide explanatory notes on the causes of significant variances with the performance measures and actions to be taken to address any variance in the future CORs.**

Response from the Administration

4.9 The **Chief Electoral Officer** generally agrees with the audit recommendations. He has said that:

- (a) in accordance with the electoral law, Chief Executive and EC subsector elections are held once every five years, whereas LegCo, DC and Village Representative elections are held once every four years. The scales of these elections differ from one to another. To tie in with the election cycles, additional resources on an ad hoc basis will be provided to the REO in the years when large-scale elections are scheduled to be held. By-elections are held as and when required and their scales vary. Thus, the nature of work, the workload and the resources of the REO vary greatly from year to year. It would not be easy to develop a set of performance indicators which could be meaningfully applied to the REO from year to year, and serve as a basis for across-the-year comparison;
- (b) in measuring the performance of the REO, it has to be borne in mind that the outcome of certain activities is not entirely within the control of the REO. For example, it may not be feasible to set a target voter registration rate for any given year since the rate will be affected by a number of factors which are beyond the control of the REO (e.g. the number of registered electors deregistered for various statutory reasons); and
- (c) notwithstanding the above, the REO will, on the basis of the prevailing guidelines generally applicable to Controlling Officers for the preparation of the COR:
 - (i) consider developing more meaningful performance measures to measure the performance of the REO;
 - (ii) where appropriate, show the progress of activities in the COR to provide stakeholders with a full perspective of the performance results; and

- (iii) provide explanatory notes on the causes of significant variances with the performance measures and actions to be taken to address any variance in future CORs.

Procurement of services

4.10 For the years from 1999 to 2004, the REO procured the following services from private service providers:

- (a) ***Data processing of voter registration applications.*** In view of the significant number of voter registration application forms received during the voter registration campaigns in 2000, 2001, 2003 and 2004, the REO outsourced a portion of the data processing work to a service provider. The duration of each of the four service contracts, with contract sums ranging from \$0.18 million to \$1.2 million, was less than four months. The contract value was derived from the unit cost of processing each application form and the number of forms processed, subject to a maximum value of \$1.3 million; and
- (b) ***Transportation of polling furniture and equipment.*** In the elections held in 1999, 2000, 2003 and 2004, the REO hired service providers to deliver, within a limited and tight time span from the storehouse in Tuen Mun to about 500 highly-scattered polling stations throughout Hong Kong, the polling furniture and equipment as well as the election-related materials before each election and return them to the storehouse after the elections. The contract value was derived from the unit cost chargeable per polling station and the number of stations. The total value of contracts for each election ranged from \$1.22 million to \$1.28 million.

According to Stores and Procurement Regulation (SPR) 280(c), written quotations from not less than five contractors must be obtained for procuring services with a value exceeding \$50,000 but not exceeding \$1.3 million in respect of consultancy and other services. SPR 280(i) states that in cases where less than five written quotations are received, officers at the specified levels should approve the acceptance of the offer.

Audit observations

Need to secure a competitive price

4.11 Audit had the following observations in the procurement procedures:

Data processing of voter registration applications

- (a) as shown in Appendix E, less than five written quotations were received for the four service contracts for the years 2000, 2001, 2003 and 2004. The Chief Electoral Officer approved the acceptance of the offer in accordance with SPR 280(i);
- (b) instead of inviting more service providers, only six to seven providers were invited in the quotation exercises notwithstanding that some of them had not responded to previous invitations for quotations;
- (c) four contracts were awarded to the same service provider;

Transportation of polling furniture and equipment

- (d) as shown in Appendix F, less than five written quotations were received in 2004. The Chief Electoral Officer approved the acceptance of the offers in accordance with SPR 280(i);
- (e) instead of inviting more service providers, the same service providers were invited in the 2004 quotation exercise notwithstanding that some of them had not responded to previous invitations for quotations; and
- (f) two of the four service providers in the 2004 quotation exercise were not recommended due to their poor performance records in the past. The contracts were awarded to the remaining two qualified service providers.

4.12 In view of the limited number of service providers invited for quotations, it is doubtful whether the REO could obtain a competitive price for the services. Audit research reveals that in addition to the service providers invited by the REO, there are other service providers available in the market for providing similar data processing and transportation services. The REO should seek advice from the Office of the Government Chief Information Officer on data processing services, and the Government Logistics Department on transportation services, if necessary. **Audit considers that the REO needs to identify more service providers to submit written quotations so as to ensure competition in the procurement of services.**

Audit recommendations

4.13 **To ensure competition in the procurement of services, Audit has recommended that the Chief Electoral Officer should:**

- (a) **in consultation with relevant government departments (e.g. the Office of the Government Chief Information Officer and the Government Logistics Department), identify more suitable service providers in the market and invite them to submit written quotations in each procurement exercise;**
- (b) **update the lists of service providers by including more service providers in the market; and**
- (c) **obtain, as far as possible, not less than five written quotations for the procurement of services with a value exceeding \$50,000 but not exceeding \$1.3 million.**

Response from the Administration

4.14 The **Chief Electoral Officer** has said that the REO will, as recommended by Audit:

- (a) widen the net of service providers. The REO will identify, in consultation with the Office of the Government Chief Information Officer and the Government Logistics Department, more service providers in the market and invite them to submit written quotations in future procurement exercises;
- (b) update the lists of service providers by including more service providers in the market; and
- (c) continue to comply with the relevant SPRs in procuring services. The REO will obtain, as far as possible, not less than five written quotations for the procurement of services with a value exceeding \$50,000 but not exceeding \$1.3 million.

4.15 The **Secretary for Financial Services and the Treasury** has said that:

- (a) he supports the audit recommendation that the Chief Electoral Officer should identify and invite more service providers in the market to submit written quotations in each procurement exercise as this would increase competition. He considers that departments should have the flexibility in determining the appropriate number of service providers to be approached for quotations; and
- (b) he also supports the audit recommendation that the Chief Electoral Officer should update the lists of service providers by including more service providers in the market.

Provision of office accommodation for the Electoral Affairs Commission and the Registration and Electoral Office

4.16 The office accommodation of the EAC and the REO is mainly located in leased commercial premises. In 2005-06, about 76% of the office accommodation of the REO and the EAC was leased at an annual rent of \$8.66 million. Details are shown in Appendix G.

4.17 In August 2004, the Government Property Agency (GPA — Note 28) proposed to relocate the EAC and the REO to government buildings, but without success. In September 2004, in proposing the relocation of the EAC and the REO to the proposed West Kowloon Government Offices (WKGO), the GPA said that:

- (a) while the EAC was independent in handling the election issues, the expenditure and secretariat support were provided by the Government;
- (b) the location of courts did not affect the image and independent operation of the courts as there were courts at the Wanchai Tower, a government building;
- (c) the Insider Dealing Tribunal was accommodated in the Immigration Tower; and
- (d) the estimated gross savings of deleasing the offices of the EAC and the REO at the Harbour Centre and the Guardian House would be about \$700,000 per month.

4.18 In October 2005, the Chief Electoral Officer, in his reply to the GPA, indicated that:

- (a) the EAC was an independent, apolitical and impartial non-government statutory body;
- (b) the independent non-government image of the EAC and convenience to the public should be the prime concerns in considering the suitable office location for the EAC and the REO;
- (c) it was of paramount importance to uphold the independent image of the EAC in the eyes of the public to ensure the stability of the electoral system and the integrity of the electoral process;

Note 28: *All rents for leased accommodation are charged to a central vote administered by the GPA. One of the objectives of the GPA is to ensure that all government accommodation is fully utilised with maximum efficiency and value for money.*

- (d) the EAC Members and the senior officers of the REO had frequent meetings with overseas delegates, Members of DCs and LegCo, political groups and representatives of local organisations and the media to discuss electoral matters throughout the year;
- (e) members of the public had the right to inspect registers of electors at all times; and
- (f) most of the independent statutory bodies appointed by the Chief Executive had all the time been accommodated in non-government buildings since their establishment to signify their independence from the Government.

4.19 In November 2005, the GPA informed the Chief Electoral Officer that:

- (a) there was no evidence that the independent image of the courts at the Wanchai Tower and the Insider Dealing Tribunal at the Immigration Tower was affected simply because they were accommodated in government buildings; and
- (b) to be in line with the policy of meeting government accommodation requirements in owned premises, bureaux and departments should, as far as possible, use government-owned accommodation in meeting their office requirements.

4.20 The CAB was in full support that the REO should remain in leased accommodation. In November 2005, the CAB maintained the view that it was inappropriate for the EAC and the REO to be relocated to the proposed WKGO because the Chairman, Electoral Affairs Commission must be a Judge of the High Court (Note 29). At the same time, the REO, in consultation with the CAB, proposed to the GPA the alternative of relocating the EAC and the REO to government office accommodation in the Wanchai Tower. The REO suggested that if there was insufficient office space to accommodate the EAC and the REO in the Wanchai Tower, the EAC and its secretariat could be relocated to the Wanchai Tower, while the offices of the remaining operational staff of the REO could be relocated to a government building nearby (such as the Revenue Tower or the Immigration Tower). Another alternative was to relocate the EAC and the REO to a government building near Admiralty (e.g. the Immigration Tower or the Revenue Tower).

Note 29: *To facilitate the Chairman, Electoral Affairs Commission in performing his judicial duties at the High Court in Admiralty, the CAB considered that the Office of the EAC had to be close to Admiralty.*

Audit observations

Need to relocate the EAC and the REO to government office accommodation

4.21 Audit appreciates that it is important to preserve the independent image of the EAC. However, as pointed out by the GPA, even some courts of the Judiciary are now accommodated in government buildings. In Audit's view, it is in the Government's financial interest to relocate the EAC and the REO from leased accommodation to government premises to make full use of available government office accommodation. **Audit considers that there is a need for the REO to liaise closely with the GPA with a view to identifying suitable government office accommodation for the EAC and the REO.**

Office accommodation of the Registration and Electoral Office

4.22 The office accommodation of the REO is shown in Appendix G. The office accommodation of the REO includes permanent offices, temporary offices and stores. Permanent offices are mainly used by members of the EAC, civil service staff and NCSC staff of the Committee and Research Division, the Administration Division, the Operations Division and the Media Relations Unit. Temporary offices are mainly used by civil service staff and NCSC staff of the Operations Division and the Elections Division. Stores are mainly used for storing polling furniture and equipment. While permanent offices are provided in accordance with the Schedule of Accommodation issued by the GPA from time to time, temporary offices are provided to cope with the maximum workload in case of territory-wide elections.

Need to relocate the scattered office accommodation

4.23 The office accommodation of permanent offices and temporary offices of the REO is scattered in various locations. There are two different locations for both permanent offices and temporary offices. Apart from the inconvenience caused by diversified locations and the adverse effect on the operational efficiency of staff, the scattered office accommodation poses practical difficulties in staff supervision. **Audit considers that there is a need for the REO to consider the feasibility of relocating its scattered permanent office accommodation to one location, and its temporary offices to another.**

Need to enhance the usage of the temporary office accommodation

4.24 The total area of the REO temporary office accommodation is 2,669 square metres. About one-third of the temporary office accommodation, occupied by the Operations Division, is located at a commercial building (i.e. 13/F Guardian House). The rent for this accommodation was \$1.9 million in 2005-06. About two-thirds of the temporary office accommodation, occupied by the Elections Division, is located at a government-owned building (i.e. 7/F Cornwall House). As elections were not held every year, the usage of the temporary office accommodation of the REO fluctuated with the election cycles. In response to an enquiry on the usage of its temporary office accommodation by the GPA (Note 30), in July 2004, the REO explained that the temporary office accommodation:

- (a) was used for meeting the short-term expansion with additional staff and electoral materials for territory-wide elections; and
- (b) would be given up upon the completion of work relating to the conduct of elections.

4.25 Audit analysed the duration of REO temporary staff working at 13/F Guardian House during the period from January 2002 to May 2006, and at 7/F Cornwall House during the period from June 2003 to May 2006. The results are shown in Table 7 and Table 8. Audit found that the temporary office accommodation at these premises was not fully utilised.

Note 30: *The GPA requires all bureaux and departments to review annually their accommodation to ensure cost-effective use of premises allocated to them. By way of an annual return, bureaux and departments are requested to inform the GPA of any surplus accommodation, in excess of 50 square metres, which may be surrendered.*

Table 7

**Duration of REO temporary staff working at 13/F Guardian House
(January 2002 — May 2006)**

Period	Less than 11 temporary staff	11 to 81 temporary staff	Over 81 temporary staff	Total
	(Month)	(Month)	(Month)	(Month)
Jan 2002 – Jul 2002	7	–	–	7
Aug 2002 – Jun 2003	–	11	–	11
Jul 2003	–	–	1	1
Aug 2003 – Sep 2003	–	2	–	2
Oct 2003 – Nov 2003	2	–	–	2
Dec 2003 – Feb 2004	–	3	–	3
Mar 2004 – Jul 2004	–	–	5	5
Aug 2004 – Nov 2004	–	4	–	4
Dec 2004 – Mar 2005	4	–	–	4
Apr 2005 – May 2005	–	2	–	2
Jun 2005 – Mar 2006	10	–	–	10
Apr 2006 – May 2006	–	–	2	2
Total	23	22	8	53
Percentage	43%	42%	15%	100%

Source: Audit analysis of REO records

According to Table 7, at 13/F Guardian House, less than 11 temporary staff were employed for 23 months, 11 to 81 (i.e. one-third of the highest number of 244) temporary staff were employed for 22 months and over 81 temporary staff were employed for 8 months. Details are shown in Appendix H.

Table 8

**Duration of REO temporary staff working at 7/F Cornwall House
(June 2003 — May 2006)**

Period	Less than 11 temporary staff	11 to 124 temporary staff	Over 124 temporary staff	Total
	(Month)	(Month)	(Month)	(Month)
Jun 2003 – Jul 2003	–	2	–	2
Aug 2003 – Dec 2004	–	–	17	17
Jan 2005 – Jul 2005	–	7	–	7
Aug 2005 – Mar 2006	8	–	–	8
Apr 2006 – May 2006	–	2	–	2
Total	8	11	17	36
Percentage	22%	31%	47%	100%

Source: Audit analysis of REO records

Remarks: The REO moved to 7/F Cornwall House in June 2003.

According to Table 8, at 7/F Cornwall House, less than 11 temporary staff were employed for 8 months, 11 to 124 (i.e. one-third of the highest number of 373) temporary staff were employed for 11 months and over 124 temporary staff were employed for 17 months. Details are shown in Appendix I.

4.26 Audit noted that:

13/F Guardian House

- (a) 244 temporary staff (i.e. the highest record) were employed in May 2004;
- (b) not more than 81 temporary staff were employed for 45 (85%) out of 53 months for the period from January 2002 to May 2006;

- (c) the temporary office accommodation was not released for other uses and the rent paid in 2005-06 was \$1.9 million;

7/F Cornwall House

- (d) 373 temporary staff (i.e. the highest record) were employed in September 2004;
- (e) not more than 124 temporary staff were employed for 19 (53%) out of 36 months for the period from June 2003 to May 2006; and
- (f) the temporary office accommodation was returned to the GPA for other uses during the six-month period from August 2005 to January 2006 (Note 31).

The temporary office accommodation at Guardian House was not fully utilised for 45 (85%) out of 53 months during the period from January 2002 to May 2006. The temporary office accommodation at Cornwall House was not fully utilised for 13 (43%) out of 30 months during the period from June 2003 to May 2006 (i.e. excluding the return of the temporary office accommodation to the GPA for the six-month period from August 2005 to January 2006). **In Audit's view, the REO needs to review and monitor its requirement for temporary office accommodation. The REO, in consultation with the GPA, needs to make full use of its temporary office accommodation, particularly upon the completion of an election.**

Audit recommendations

4.27 **Audit has recommended that the Chief Electoral Officer should, in consultation with the Chairman, Electoral Affairs Commission and the Secretary for Constitutional Affairs:**

Need to relocate the EAC and the REO to government office accommodation

- (a) **and in conjunction with the Government Property Administrator, consider identifying suitable government office accommodation for relocating the EAC and the REO;**

Note 31: *In October 2004, the REO informed the GPA that the temporary office accommodation at 7/F Cornwall House could be returned to the GPA for the period from 1 April 2005 to 15 January 2006. Audit noted that the accommodation was handed over to a government department on 29 July 2005.*

Need to relocate the scattered office accommodation

- (b) consider the feasibility of relocating the scattered office accommodation to one location for permanent offices and another location for temporary offices;

Need to enhance the usage of the temporary office accommodation

- (c) review the requirement for the temporary office accommodation in the coming years, taking into account the election cycles;
- (d) provide the GPA with timely forecast of excess temporary office accommodation so that the GPA can plan for their alternative use; and
- (e) consider using government office accommodation for all the temporary offices of the REO.

Response from the Administration

4.28 The **Chief Electoral Officer** agrees with the audit recommendations. He has said that:

- (a) the REO will continue to explore with the GPA the various options of relocating the EAC and the REO;
- (b) for operational reasons, it would be ideal to centralise permanent offices in one location and temporary offices in another location. However, it should be noted that the size of the temporary office accommodation required for each election is different because the electorate size and the mode of conduct of each election are different. The office space requirement also differs during various stages of an election. Hence, it may be difficult to have one location for the temporary office accommodation. However, the REO will, in consultation with the EAC and the CAB, explore with the GPA the possibility of relocating the scattered temporary office accommodation to one location;
- (c) the nature of work, the workload and the resources of the REO vary greatly between election years and non-election years. To tie in with the election cycles and major voter registration drives, additional staff resources on an ad hoc basis are required by the REO. This necessitates the provision of temporary office accommodation for the extra staff. When elections and major voter registration drives are completed and the level of staffing reduces, the normal practice is to surrender any excess temporary office accommodation to the GPA for reallocation;

- (d) as the election cycle in 2004 had been completed and the level of staffing reduced, the occupancy rate of 13/F Guardian House was relatively low in 2005 and early 2006;
- (e) the REO will strive to work out realistic requirement for the temporary office accommodation in future, and inform the GPA for appropriate action. The REO will inform the GPA the forecast of any excess temporary office accommodation as early as possible so that the GPA can plan for their alternative use; and
- (f) the REO does not have any preference on whether leased accommodation or government accommodation is to be used as temporary offices for conducting election-related activities. The REO has never requested that leased accommodation be used as temporary offices. Over the years, the REO has been relying on the GPA for the provision of suitable accommodation to meet its operational requirements. The REO will relay to the GPA the audit recommendation of using government office accommodation when the REO requires temporary offices in future for conducting election-related activities.

4.29 The **Government Property Administrator** welcomes and supports the audit recommendations. He has said that:

- (a) the GPA stands ready to assist in identifying suitable accommodation. The existing leased premises of the EAC and the REO can be relocated to government-owned accommodation;
- (b) it is feasible to relocate the scattered office accommodation to one location for permanent offices and another location for temporary offices; and
- (c) government-owned accommodation is likely to be available to re-provision the temporary offices of the REO for conducting election-related activities.

Appendix A
(para. 2.13 refers)

**Registration rates of eligible electors by age group
(1999 — 2005)**

Age group	Registration rate							Yearly average
	1999	2000	2001	2002	2003	2004	2005	
18-20	35 %	46 %	33 %	19 %	25 %	39 %	33 %	33 %
21-25	54 %	54 %	57 %	52 %	56 %	61 %	56 %	56 %
26-30	59 %	62 %	63 %	61 %	64 %	69 %	69 %	64 %
31-35	63 %	66 %	63 %	61 %	61 %	68 %	68 %	64 %
36-40	74 %	76 %	73 %	69 %	64 %	69 %	69 %	71 %
41-45	77 %	80 %	78 %	76 %	73 %	77 %	76 %	77 %
46-50	74 %	76 %	75 %	78 %	77 %	81 %	80 %	77 %
51-55	72 %	71 %	74 %	74 %	75 %	77 %	78 %	74 %
56-60	67 %	69 %	67 %	74 %	79 %	80 %	79 %	74 %
61-65	64 %	66 %	68 %	67 %	68 %	73 %	76 %	69 %
66-70	65 %	67 %	67 %	67 %	68 %	70 %	71 %	68 %
71 and above	63 %	62 %	62 %	65 %	65 %	69 %	69 %	65 %
Overall	65 %	68 %	66 %	65 %	66 %	71 %	70 %	67 %

Source: REO records

Remarks: The registration rates of eligible electors by age group in 1998 could not be provided by the REO.

Appendix B
(para. 2.27 refers)

**Expenditure for the voter registration campaigns
(1999 — 2005)**

Year	DC election	LegCo election	General (non-election year)	Total
	(\$ million)	(\$ million)	(\$ million)	(\$ million)
1999	10.0	—	—	10.0
2000	—	40.6	—	40.6
2001	—	—	4.2	4.2
2002 (Note)	—	—	—	—
2003	7.6	—	—	7.6
2004	—	13.1	—	13.1
2005	—	—	0.6	0.6
Total	<u>17.6</u>	<u>53.7</u>	<u>4.8</u>	<u>76.1</u>

Source: REO records

Note: There was no voter registration campaign in 2002.

**Number of electors registered under the same
address in the 2004 Geographical Constituency final register**

Number of electors registered under the same address	Number of cases
4 or below	1,821,602
5 to 10	28,625
11 to 20	203
21 to 30	77
31 to 40	32
41 to 50	23
51 to 60	10
61 to 70	9
71 to 80	4
81 to 90	1
91 to 100	3
101 to 162	5
	367
Total	1,850,594

Source: REO records

Appendix D
(para. 4.4 refers)

Performance targets of the Registration and Electoral Office in 2006-07

	2004 (Actual)	2005 (Actual)	2006 (Plan)
To conduct annual exercise for:			
• voter registration	1	1	1
• updating records of the registered electors	1	1	1
To organise election(s) for:			
• Chief Executive	–	1	–
• EC subsector	–	1 §	1
• LegCo	1	–	as and when necessary §
• DCs	1 §	4 §	as and when necessary §
To issue notification of election arrangements to electors ten days before the poll	100 %	100 %	100 %
To respond to telephone enquiries on election arrangements on polling days within two minutes	100 %	100 %	100 %
To process complaints on elections within 14 days	100 %	100 %	100 %
To submit recommendations to the Chief Executive on the demarcation of constituencies for 2007 DC election	–	–	on or before 22 November
To submit to the Chief Executive a report on matters relating to:			
• the Village Representative by-elections	–	–	on or before 8 April
• a by-election of the Kwun Tong DC King Tin Constituency	–	–	on or before 21 January

Legend: § by-election

Source: 2006-07 COR

Appendix E
(para. 4.11(a) refers)

**Award of contracts for data
processing of voter registration applications
(2000 — 2004)**

Service provider	Invitation for quotations				Submission of quotations				Award of contract			
	2000	2001	2003	2004	2000	2001	2003	2004	2000	2001	2003	2004
A	1	1	1	1	1	1	1	1	1	1	1	1
B	1	1	1	1	–	–	1	–	–	–	–	–
C	1	1	–	–	–	–	–	–	–	–	–	–
D	1	1	–	–	–	–	–	–	–	–	–	–
E	1	1	–	–	1	–	–	–	–	–	–	–
F	1	1	–	–	–	–	–	–	–	–	–	–
G	–	–	1	1	–	–	–	–	–	–	–	–
H	–	–	1	1	–	–	1	–	–	–	–	–
I	–	–	1	1	–	–	–	–	–	–	–	–
J	–	–	1	–	–	–	–	–	–	–	–	–
K	–	–	1	–	–	–	–	–	–	–	–	–
L	–	–	–	1	–	–	–	–	–	–	–	–
Total	6	6	7	6	2	1	3	1	1	1	1	1

Source: REO records

Remarks: The contract values were \$0.69 million in 2000, \$0.18 million in 2001, \$0.78 million in 2003 and \$1.20 million in 2004.

Appendix F
(para. 4.11(d) refers)

**Award of contracts for
transportation of polling furniture and equipment
(1999 — 2004)**

Service provider	Invitation for quotations				Submission of quotations				Award of contract			
	1999	2000	2003	2004	1999	2000	2003	2004	1999	2000	2003	2004
M	1	1	1	1	1	1	1	1	1	1	1	1
N	1	1	1	1	1	1	1	1	–	1	1	1
O	1	1	1	1	1	1	1	1	–	–	–	–
P	1	1	1	1	1	1	1	1	–	–	–	–
Q	1	1	1	1	1	1	1	–	–	–	–	–
R	1	1	1	1	–	–	–	–	–	–	–	–
S	1	1	1	1	–	–	–	–	–	–	–	–
Others	10	6	2	–	1	3	1	–	–	–	–	–
Total	17	13	9	7	6	8	6	4	1	2	2	2

Source: REO records

Remarks: The contract values were \$1.28 million in 1999, \$1.23 million in 2000, \$1.26 million in 2003 and \$1.22 million in 2004.

Office accommodation of the Registration and Electoral Office

	Area (Square metres)	Rent paid in 2005-06 (\$ million)
Permanent offices		
10/F Harbour Centre, Wanchai (Note)	756	3.32
10/F Guardian House, Wanchai	896	1.73
19/F Guardian House, Wanchai	501	1.02
	<hr/> 2,153	<hr/> 6.07
Temporary offices		
13/F Guardian House, Wanchai	896	1.90
7/F Cornwall House, Quarry Bay (Government-owned)	1,773	–
	<hr/> 2,669	<hr/> 1.90
Stores		
5/F, 6/F, 15/F, 20/F and 21/F Hoi Tai Factory Estate, Tuen Mun	3,267	0.69
3/F ex-Fire Services Department Headquarters Building, 323 Java Road, North Point (Government-owned)	200	–
	<hr/> 3,467	<hr/> 0.69
Total	<hr/> 8,289	<hr/> 8.66

Source: REO records

Note: The office of the EAC is currently located at 10/F Harbour Centre.

**Registration and Electoral Office
temporary staff working at 13/F Guardian House
(January 2002 — May 2006)**

Number of temporary staff					
Below 11		11 to 81		Over 81	
Jan 2002 to Jul 2002		Aug 2002 to Jun 2003		Jul 2003	
Jan 2002	3	Aug 2002	58	Jul 2003	83
Feb 2002	5	Sep 2002	50		
Mar 2002	5	Oct 2002	47	Mar 2004 to Jul 2004	
Apr 2002	7	Nov 2002	47	Mar 2004	139
May 2002	6	Dec 2002	42	Apr 2004	209
Jun 2002	6	Jan 2003	41	May 2004	244
Jul 2002	9	Feb 2003	43	Jun 2004	243
		Mar 2003	42	Jul 2004	154
		Apr 2003	48		
Oct 2003 to Nov 2003		May 2003	79	Apr 2006 to May 2006	
Oct 2003	9	Jun 2003	80	Apr 2006	109
Nov 2003	9			May 2006	151
		Aug 2003 to Sep 2003			
Dec 2004 to Mar 2005		Aug 2003	77		
Dec 2004	10	Sep 2003	64		
Jan 2005	2				
Feb 2005	1	Dec 2003 to Feb 2004			
Mar 2005	1	Dec 2003	17		
		Jan 2004	16		
Jun 2005 to Mar 2006		Feb 2004	25		
Jun 2005	9				
Jul 2005	9	Aug 2004 to Nov 2004			
Aug 2005	2	Aug 2004	62		
Sep 2005	1	Sep 2004	20		
Oct 2005	1	Oct 2004	16		
Nov 2005	1	Nov 2004	11		
Dec 2005	1				
Jan 2006	1	Apr 2005 to May 2005			
Feb 2006	1	Apr 2005	19		
Mar 2006	1	May 2005	20		

Source: Audit analysis of REO records

Appendix I
(para. 4.25 refers)

**Registration and Electoral Office
temporary staff working at 7/F Cornwall House
(June 2003 — May 2006)**

Number of temporary staff

Below 11		11 to 124		Over 124	
Aug 2005 to Mar 2006 (Note)		Jun 2003 to Jul 2003		Aug 2003 to Dec 2004	
Aug 2005	–	Jun 2003	53	Aug 2003	180
Sept 2005	–	Jul 2003	108	Sep 2003	187
Oct 2005	–			Oct 2003	236
Nov 2005	–			Nov 2003	221
Dec 2005	–	Jan 2005 to Jul 2005		Dec 2003	184
Jan 2006	–	Jan 2005	93	Jan 2004	168
Feb 2006	3	Feb 2005	50	Feb 2004	181
Mar 2006	7	Mar 2005	42	Mar 2004	174
		Apr 2005	114	Apr 2004	212
		May 2005	115	May 2004	196
		Jun 2005	89	Jun 2004	225
		Jul 2005	81	Jul 2004	278
				Aug 2004	346
				Sep 2004	373
		Apr 2006 to May 2006		Oct 2004	284
		Apr 2006	29	Nov 2004	167
		May 2006	57	Dec 2004	142

Source: Audit analysis of REO records

Note: The temporary office at 7/F Cornwall House was returned to the GPA during the six-month period from August 2005 to January 2006 (see paragraph 4.26(f)). According to the REO, two to three temporary staff were accommodated in the permanent offices during this period.

Acronyms and abbreviations

Audit	Audit Commission
BEC	Boundary and Election Commission
CAB	Constitutional Affairs Bureau
COR	Controlling Officer's Report
DC	District Council
EAC	Electoral Affairs Commission
EC	Election Committee
ERO	Electoral Registration Officer
FC	Functional constituency
FSTB	Financial Services and the Treasury Bureau
GC	Geographical constituency
GPA	Government Property Agency
HKSAR	Hong Kong Special Administrative Region
LegCo	Legislative Council
NCSC	Non-civil service contract
PRC	People's Republic of China
REO	Registration and Electoral Office
ROP	Registration of Persons
SPR	Stores and Procurement Regulation
VRA	Voter Registration Assistant
WKGO	West Kowloon Government Offices