

Legislative Council Panel on Constitutional Affairs

ELECTORAL AFFAIRS COMMISSION REPORT ON THE 2000 LEGISLATIVE COUNCIL ELECTIONS

INTRODUCTION

This note informs Members of –

- (a) the major findings and recommendations in the Electoral Affairs Commission (EAC) Report on the 2000 Legislative Council Elections (the Report); and
- (b) the Administration's preliminary views on the major recommendations put forward by the EAC.

BACKGROUND

The Report

2. The general election to the second-term Legislative Council (LegCo), preceded by the Election Committee (EC) subsector elections on 9 July 2000, was held on 10 September 2000. Section 8 of the Electoral Affairs Commission Ordinance (Cap. 541) requires, inter alia, that the EAC shall make a report to the Chief Executive, within three

months after the election, on matters relating to that election in respect of which the EAC has any function, including a report on any complaint made to the EAC in connection with the election.

3. The EAC submitted its report to the Chief Executive in December 2000. The Report gives a detailed account of the electoral arrangements the EAC made for the conduct of the EC subsector elections and the general election. These include the registration of electors, the electoral regulations and guidelines as well as the polling and counting arrangements. The Report examines the effectiveness of these arrangements, relates how complaints were handled and sets out the EAC's recommendations.

Major Findings and Recommendations

4. The major findings and recommendations in the Report concern three main areas, namely-

- (a) electoral policies;
- (b) polling and other practical arrangements; and
- (c) electoral guidelines.

_____ A summary of the major recommendations is at Annex.

The Administration's Preliminary Views

(A) Electoral Policies

(a) Number of Subscribers

5. The Administration agrees with the EAC that measures should be taken to discourage candidates from submitting substantially more than the legally required number of subscribers. We will consider how we can prevent such a phenomenon and take into account overseas experience as appropriate, before deciding on the way forward.

(b) Withdrawal of Candidature after Close of Nomination

6. The existing electoral legislation disallows a candidate from withdrawing his candidature after the nomination period. There has been widespread discussion within the community in recent months as to whether candidates should be allowed to quit after the close of nomination. We will consider the pros and cons of allowing candidates to withdraw after the close of nomination under certain circumstances. We will examine the issue in a broader perspective, having regard to the implications on all public elections in Hong Kong.

(B) Polling and Other Practical Arrangements

(a) Polling Hours

7. We concur with the EAC that the merits of shortening the polling hours, which currently run from 7:30 a.m. until 10:30 p.m., should be

examined. Since voters will be directly affected by any change, it is important to take heed of their views. We will ensure that there will be adequate public consultation before taking any firm decision on whether the polling hours should be shortened.

(b) Vote Counting

8. We fully agree with the EAC that measures which may speed up the count should be considered for adoption in future elections. In terms of time efficiency, the proposed counting at individual polling stations after close of poll may be the most promising model, but its implementation will entail a host of logistical problems that need to be addressed carefully. The proposed use of optical mark readers, which had been used in the EC subsector elections and EC election, is worthy of further consideration. We will also consider further streamlining the existing counting procedures.

(c) Other Practical Arrangements

9. We concur with the EAC that the notification letters issued to potential functional constituency (FC) electors should, where technically feasible, indicate the FC(s) for which he is known to be eligible, in addition to the one which we propose to register him. We agree that consideration should be given to dispensing with subscribers' registered residential addresses on nomination forms. We also agree that publicity on the voting systems should be further strengthened and the merits of

allowing electors to refuse election mail from candidates be considered.

(C) Electoral Guidelines

10. We note the recommendation that consideration should be given to whether proposed EAC guidelines for future elections should include a separate chapter on steps that may be taken by high-ranking officials of the HKSAR Government in handling invitations to attend any public functions to whom candidates have also been invited. There were concerns that a few candidates might have made use of the presence of senior officials in public functions to promote themselves and to increase their media exposure.

Complaints

11. The EAC reported that about 1,630 complaints were handled by the EAC and other law enforcement agencies during the general election. The corresponding figure for the EC subsector elections is 66. Most of the complaints received were related to display of election advertisements, noise nuisance arising from the use of loudspeakers and telephone canvassing, and canvassing activities in no-canvassing zones/no-staying zones. The EAC set up a Complaints Committee (CC) to handle complaints within its jurisdiction. Of the 802 cases handled by CC, 99 cases have been found substantiated or partially substantiated, with 49 warnings and three public censures issued.

The Way Forward

12. We will study the recommendations contained in the Report carefully. In deciding on whether changes should be made, we will take into account the views expressed by Members as well as the community.

Advice Sought

13. Members are invited to give their views, if any, on the recommendations in the Report.

Electoral Affairs Commission
Report on the 2000 Legislative Council Elections

Summary of Major Recommendations

(A) Electoral Policies

1. Consideration should be given to imposing a maximum limit on the number of subscribers for a geographical constituency candidate list and a functional constituency/Election Committee candidate to prevent an exceedingly large number of subscribers.
2. The pros and cons of allowing candidates to withdraw their candidature under certain circumstances after close of nominations should be examined by Constitutional Affairs Bureau and its decision made known to the public in due course.

(B) Polling and other Practical Arrangements

1. Consideration should be given to whether the polling hours should be shortened.
2. The possibility of conducting the count of geographical constituency ballot papers at individual polling stations after close of poll should be re-examined.
3. Alternatively, consideration should be given to extending the use of optical mark reader machines to the counting of geographical

constituency and functional constituency votes under a centralized counting mode.

4. Consideration should be given to waiving the requirements of verifying ballot paper accounts and mixing the ballot papers from not less than two polling stations before the commencement of the actual counting of votes.
5. Consideration should be given, where technically feasible, to listing in the notification letters those functional constituencies for which a potential elector is known to be eligible in addition to the one which the Electoral Registration Officer proposes to register him.
6. Consideration should be given to amending the relevant subsidiary legislation to remove the requirement on the provision of registered residential address by subscribers on nomination forms.
7. Publicity on the voting systems should be stepped up so as to enable the general public to have a clearer picture of how the systems work.
8. The Government should consider the implications of allowing electors to refuse election mail from candidates, bearing in mind each elector will receive an introductory leaflet from the Registration and Electoral Office containing candidates' particulars and platforms.

(C) Electoral Guidelines

1. Consideration should be given to whether the proposed EAC guidelines for the future should include a separate chapter on steps that may be taken by high-ranking officials of the Government of the HKSAR in

handling invitations to attend any public functions to whom candidates have also been invited. This will avoid giving undue publicity to these candidates.

Constitutional Affairs Bureau
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