

## **Legislative Council Panel on Constitutional Affairs**

### **Electoral Affairs Commission Report on the 2001 Legislative Council By-election**

#### **Purpose**

This serves to inform Members of the major issues raised by the Electoral Affairs Commission (EAC) in its Report on the 2001 Legislative Council (LegCo) By-election.

#### **Background**

2. The By-election was held on 16 September 2001 to return a Member by the Election Committee to fill a LegCo vacancy arising from the resignation of Mr Ng Ching-fai. Pursuant to Section 8(1) of the Electoral Affairs Commission Ordinance (Cap. 541), the EAC is required to make a report to the CE on matters relating to the By-election in respect of which the Commission has any function within three months of the conclusion of the election.

3. The EAC published the Report on 4 February 2002. Copies of the Report have been distributed to Members through the LegCo Secretariat.

#### **The Report**

4. The Report has reviewed the nomination, polling and counting arrangements and concluded that the By-election had been

smoothly conducted. The EAC and other enforcement authorities have received no complaint relating to the By-election within the deadline for lodging complaints.

### **Issues Raised in the Report**

5. The EAC has raised in the Report two issues which it will re-visit in future elections. They are, namely, shorter polling hours and counting votes at polling stations after the close of poll (paragraphs 6.1 and 6.2 of the Report respectively). These two issues are not new and have been raised in the EAC post-election report after the 2000 LegCo general elections.

6. As compared with previous elections, the polling hours of which were between 7:30 a.m. and 10:30 p.m., the poll for the By-election closed three hours earlier. It had resulted in savings of resources, had had apparently no adverse effect on the turnout rate, and had enabled an earlier announcement of election results.

7. Counting votes at polling stations after the close of poll would achieve the greatest time efficiency, as it would cut the delays caused by transportation of ballot boxes from individual polling stations to the central/regional counting stations.

8. The EAC will examine the merits of shortening polling hours and counting votes at polling stations, in the context of the 2003

District Council elections. The Commission will consult the public before making a decision.

**Advice Sought**

9. Members are advised to note the Report.

Constitutional Affairs Bureau

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