

**立法會**  
**Legislative Council**

LC Paper No. CB(2)3094/02-03(02)

Ref : CB2/PL/CA

**Panel on Constitutional Affairs**

**Background paper prepared by Legislative Council Secretariat**

**Polling hours for 2003 District Councils election**

**Purpose**

This paper provides a summary of past discussions on the issue of polling hours for the 2003 District Councils (DCs) election to facilitate discussion of the Panel at its coming meeting on 29 September 2003.

**Polling hours for Legislative Council (LegCo) elections**

2. The issue of polling hours was brought up in the context of the review of the electoral arrangements for the 2000 LegCo elections. Pursuant to section 8(1) of the Electoral Affairs Commission Ordinance, the Electoral Affairs Commission (EAC) submitted its report on the 2000 LegCo elections to the Chief Executive on 8 December 2000 (the Report). The Report described the electoral arrangements made for the conduct of the Election Committee subsector elections on 9 July 2000 and the general election on 10 September 2000, examined the effectiveness of these arrangements, detailed how complaints were handled, and set out its recommendations after having reviewed the procedures and the actual situation.

3. One of the recommendations of the Report was that consideration should be given to whether the polling hours from 7:30 am to 10:30 pm should be shortened as 15 hours was considered unnecessarily long. The relevant extract from the Report is in **Appendix I**.

4. The Panel was briefed on the EAC's Report and its recommendations at the meeting on 19 February 2001. A member expressed support for shortening the polling hours, while another member expressed disagreement as the member considered that shortening the polling hours would affect the voter turnout rate. The Administration had undertaken to consult the public before reaching any decision on the matter. An extract from the minutes of the meeting is in **Appendix II**.

## **Polling hours for 2003 DCs election**

### Consultation with the Panel

#### *Meeting on 20 January 2003*

5. The Administration briefed the Panel on its proposals in respect of election expense limit and the vote counting arrangements for the 2003 DCs election at the meeting on 20 January 2003. In commenting on the proposed vote counting arrangements, Hon IP Kwok-him said that there was feedback from his constituents that the existing polling time from 7:30 am to 10:30 pm was too long and could be shortened. The Administration explained that EAC had yet to make any decision in this regard and would listen to views expressed on the matter.

#### *Meeting on 24 April 2003*

6. At the meeting on 24 April 2003, the Panel was briefed on EAC's proposals on electoral arrangements for the 2003 DCs election, including the proposal to shorten the polling time by three hours. The Panel was advised that in the context of discussions of electoral arrangements for both LegCo and DCs elections in the past, some members of the Panel had expressed concern that the polling hours were unduly long and indicated support for shortening the polling hours. Having regard to such views and the fact that the election would be held on a Sunday when most electors did not need to go to work, EAC proposed to shorten the polling time for the 2003 DCs election by three hours by advancing the closing time of the poll from 10:30 pm to 7:30 pm. The polling time would be 12 hours, from 7:30 am to 7:30 pm. An extract of paragraphs 13 to 19 from the Administration's paper provided to the Panel is in **Appendix III**.

7. While some members supported the proposal, some members expressed concern that many electors might not be able to turn up in time to vote before the poll closed at 7:30 pm and the proposal would reduce the voter turnout rate. They considered that if the polling hours were to be reduced to 12 hours, the closing time of the poll should end as late as possible. A member also suggested that the shortened polling time should be decided having regard to the voting habit of electors. The Chief Electoral Officer had agreed to reflect members' views to EAC for consideration. An extract of the minutes from the meeting is in **Appendix IV**.

### EAC Guidelines on Election-related Activities in respect of DCs election

8. The Proposed Guidelines on Election-related Activities in respect of DCs election were issued by EAC for public consultation from 28 April to 27 May 2003. The proposed shortened polling hours (i.e. 7:30 am to 7:30 pm) were included as "Key Information" on the first page of the Proposed Guidelines (**Appendix V**).

9. The Guidelines finalised by EAC have been issued to all Members vide LC Paper No. CB(2)3097/02-03 on 23 September 2003. The Guidelines will come into operation on 29 September 2003 and apply to all ordinary elections and by-elections of DCs to be held after that day. The polling hours for the 2003 DCs election are from 7:30 am to 7:30 pm (**Appendix VI** refers). A copy of the press release issued by EAC on the new Guidelines is in **Appendix VII**.

Procedure to give effect to shortened polling hours

10. The Administration has advised the Panel that it is not necessary to amend any existing legislation to give effect to shortened polling hours.

11. Section 30 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation specifies that the Chief Electoral Officer shall specify polling hours in the Gazette at least 10 days before polling day. An extract of section 30 is in **Appendix VIII**.

**Special meeting of Panel on 29 September 2003**

12. At the request of Dr Hon YEUNG Sum, the Panel will hold a special meeting on 29 September 2003 to discuss the polling hours for the 2003 DCs election. On the instruction of Hon Andrew WONG, the Chairman, the Administration and EAC have been requested to provide the following information -

- (a) how the parties concerned and the public were consulted on the proposal of shortening the polling hours for the 2003 DCs election and the feedback obtained from the consultation exercise;
- (b) the voter turnout rate (in number and percentage of registered electorate) of the 18 DCs by polling hours in the 1999 DCs election;
- (c) the voter turnout rate (in number and percentage of registered electorate) of the 2000 LegCo Geographical Constituency (GC) elections by polling hours and by reference to the delineation of the 18 DCs, e.g. in respect of the Hong Kong Island GC, the voter turnout rate should be broken down to Central & Western DC and Eastern DC;
- (d) the savings expected to be achieved as a result of shortening the polling hours by three hours;
- (e) the rationale for shortening the polling time to 12 hours, and proposing the polling hours to be from 7:30 am to 7:30 pm; and

- (f) analysis conducted by the Administration and EAC on the working hours of employees of different businesses/trades who have to work on Sundays before arriving at the proposal that the polling hours should be from 7:30 am to 7:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
26 September 2003

**Extract from Report of Electoral Affairs Commission on  
2000 LegCo elections**

Section 3 : Review & Recommendations – Matters relating to Operation  
on the Polling Day

(A) Polling Hours

12.34 There have been suggestions that the polling hours should be shortened; 15 hours is unnecessarily long. This suggestion has probably been made on the assumption/belief that when elections are held on a Sunday, the majority of the electorate will be free to vote, whereas if an election is held on a weekday, most electors will have to cast their votes before or after their working hours. It is also argued that longer polling hours does not necessarily entail a higher turnout rate of electors.

12.35 **Recommendation:** Consideration should be given as to whether the polling hours should be shortened. The Commission would consult the public on this before a decision is made.

**Extract from minutes of meeting of Constitutional Affairs Panel  
held on 19 February 2001**

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**V. Review of electoral system for LegCo election**

(LC Paper Nos. CB(2)126/00-01(06), CB(2)755/00-01, CB(2)755/00-01(01) and CB(2)877/00-01(04))

37. DSCA(2) referred members to the discussion paper on the Electoral Affairs Commission (EAC) Report on the 2000 LegCo election which set out the major findings and recommendations and the Administration's preliminary views on the major recommendations put forward by the EAC (LC Paper No. CB(2)755/00-01& 755/00-01(01)). Principal Assistant Secretary for Home Affairs (4) (PAS/HA) introduced the paper (LegCo Paper No. CB(2)877/00-01(04)) which provided the main findings of an opinion survey conducted by the Administration on voting behaviour in the 2000 LegCo election.

Review of 2000 LegCo election

*Polling hours*

38. Ms Emily LAU was in support of shortening the polling hours. Mr CHEUNG Man-kwong disagreed and said that according to the EAC's Report, about 10% of the voters cast their votes during the last two hours. He pointed out that if the Administration decided to close the polling stations earlier, the voter turnout rate would drop quite substantially.

39. Ms Audrey EU agreed with the view of Mr CHEUNG on the ground that voters had already accustomed to the existing polling hours.

40. DSCA(2) said that the EAC Report recommended that consideration should be given to whether the polling hours should be shortened. The polling hours of Hong Kong was relatively long compared to other overseas countries. The Administration would consult the public before reaching any decision on the matter.

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**Extract from paper prepared by Registration and  
Electoral Office on Polling and Counting Arrangements  
for the 2003 District Councils Election**

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***Polling Hours***

13. After the 2000 LegCo elections, there have been suggestions that the polling hours between 7:30 a.m. and 10:30 p.m. are unduly long. In the context of discussions on arrangements for both LegCo and DCs elections at previous meetings, some Members of the Panel have also relayed similar feedback and indicated support for shortening the polling hours. Having regard to such views and the fact that it will be held on a Sunday when most electors do not need to go to work, the EAC proposes to shorten the polling time for the 2003 DCs election by three hours by advancing the closing time of the poll from 10:30 p.m. to 7:30 p.m. In other words, the polling time will be twelve hours, from 7:30 a.m. to 7:30 p.m.

***Staffing Requirements***

14. About 12 000 serving civil servants will assist in polling and counting duties on polling day as PrOs, Deputy PrOs, Assistant PrOs, Polling Officers and Polling Assistants.

15. The rates of honoraria for polling staff are adjusted in line with civil service pay adjustment. The existing rates were adopted for the 1999 DCs election and the 2000 LegCo elections. As the civil service pay was reduced by an average of 2.55% in 2002 and as all government departments are required to achieve operating expenditure savings equivalent to 1.8% of the total financial provision for the 2003-04 financial year, the EAC decided that for the 2003 DCs election, the rates of honoraria should be adjusted downwards by 2.55% plus 1.8%, i.e. a total of 4.35%. A breakdown of the number of polling staff and the respective rates of honoraria is at the **Annex**.

16. Although it is proposed that the polling hours for the 2003 DCs election will be shortened by three hours, no further downward revision to the rates of honoraria is proposed as it is also recommended that polling staff should take up the additional duties of vote counting after the close of poll.

**Next Step**

17. The EAC will consult the public on the electoral guidelines, covering the vote counting arrangements and the proposed polling hours mentioned above. To provide for the proposed new vote counting arrangements, the EAC will need to amend its regulations on electoral procedures. The EAC aims to complete the legislative process by the end of this legislative session so that the electoral guidelines could be finalized and issued in time for the election.

18. As for the proposed change to the polling hours, the existing regulation provides that the CEO shall specify the polling hours in the Gazette. It is therefore not necessary to amend existing legislation to effect the shorter polling hours.

**Advice Sought**

19. Members are invited to express views on the proposals set out in this paper.

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**Staffing requirement and Rates of honoraria for  
The 2003 District Councils election**

<b>Rank</b>	<b>Estimated Number of staff#</b>	<b>Rates of Honoraria \$</b>
Presiding Officer	500	5,150
Deputy Presiding Officer	500	3,620
Assistant Presiding Officer	2 700	2,510 * 2,140
Polling Officer	6 850	1,820 * 1,520
Polling Assistant	1 450	1,030 * 860

*All Presiding Officers and Deputy Presiding Officers are required to perform setup duties at the polling stations before polling day.*

*\* For those who also perform setup duties at the polling stations before polling day.*

*# For operating 500 polling stations. The actual number will depend on the number of contested constituencies.*

Extract from minutes of meeting of Constitutional Affairs Panel  
held on 24 April 2003

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**III. Electoral arrangements for 2003 District Councils election**  
(LC Paper Nos. CB(2)1823/02-03(01) and (02))

5. At the invitation of the Chairman, Chief Electoral Officer (CEO) briefed members on the paper prepared by the Registration and Electoral Office (LC Paper No. CB(2)1823/02-03(01)) on arrangements for the 2003 District Councils (DCs) election to be held in November 2003. The paper detailed the Electoral Affairs Commission's (EAC) proposals on -

- (a) vote counting arrangements, including decentralising vote counting to individual polling stations, declaration of election results, distinction between invalid and questionable ballot papers;
- (b) polling hours (proposed shortening of the polling time to 12 hours, i.e. from 7:30 am to 7:30 pm); and
- (c) staffing requirement and honoraria for polling staff.

6. CEO further informed members that EAC would consult the public on its proposed guidelines on election-related activities in respect of the 2003 DCs election within a 30-day period starting from 28 April 2003. Putting in place the proposed counting arrangements required amendments to the regulation on electoral procedure. EAC aimed at completing the necessary legislative process by the end of the current legislative session so that the electoral guidelines could be finalised and issued in time for the election.

Issues raised by members

*Polling hours*

7. Mr IP Kwok-him said that he supported the proposal to shorten the polling hours from 7:30 am to 7:30 pm. He added that he had consulted members of the DCs and the general view was that the existing polling hours from 7:30 am to 10:30 pm were unduly long. Mr NG Leung-sing and Mr HUI Cheung-ching also expressed support to the proposal to reduce the polling time to 12 hours.

8. Mr NG Leung-sing asked whether there were statistics showing the turnout rate of voters after 7:30 pm. CEO responded that according to past

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experience, except for the first two polling hours during which the turnout rate was generally lower, the turnout rate for the remaining hours was quite even, i.e. in the region of 2% to 3% of the number of registered voters.

9. Mr James TIEN expressed concern that the shortening of the polling hours from 15 to 12 hours would reduce the total voters' turnout by nearly 20%.

10. SCA said that the proposal to reduce the polling time was made having regard to the views of the public on the matter. He pointed out that the Honourable Emily LAU and some Members of LegCo also supported reducing the polling hours for the 2004 LegCo elections.

11. Mr CHEUNG Man-kwong said that he preferred to maintain the existing polling hours, and doubted whether the proposal to reduce the polling hours represented the majority wish of the public. He said that electoral arrangements should be designed in such a way as to be able to serve the needs and convenience of the electors. He pointed out that members of the public usually engaged themselves in family activities on Sundays, which often finished late in the evening. If the polling hours were to end at 7:30 pm, many electors might not be able to turn up in time to cast their votes before the poll closed. He said that if the polling hours were to be reduced to 12 hours, the closing time of the poll should end as late as possible, e.g. 9:30 pm was preferable to 7:30 pm. Mr James TIEN supported Mr CHEUNG's views.

12. The Chairman said that shortening the polling hours would not necessarily result in a reduction of the total number of votes cast in the elections. While he opined that the polling time should be reduced to 12 hours, he had no strong views on the actual polling hours which should be decided after taking into account the voting habit of electors.

13. CEO said that he would reflect members' views to EAC for consideration. SCA added that if changes were introduced, the Administration would strengthen publicity to ensure that the public would be made aware of the new polling hours.

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**Extract from Proposed Guidelines on  
Election-related Activities in respect of the DCs election**

**2003 DISTRICT COUNCILS ELECTION**

**Key Information**

- (1) Polling Date : 23 November 2003
- (2) Polling Hours : 7.30 am to 7.30 pm
- (3) Nomination Period of Candidature : 2 to 15 October 2003
- (4) Chairman's Briefing for Candidates : 18 October 2003
- (5) Application for Advice from the Nominations Advisory Committees by Candidates : 19 to 29 September 2003
- (6) Maximum Scale of Election Expenses : \$45,000
- (7) Deadline to remove all Election Advertisements on display : Not later than 30 November 2003
- (8) Submission of Return and Declaration of Election Expenses and Donations by Candidates : Not later than 29 December 2003
- (9) Deadline to lodge Election Petition : Not later than 28 January 2004

**Extract from Guidelines on  
Election-related Activities in respect of the DCs election**

**2003 DISTRICT COUNCIL ELECTION**

**Key Information**

- (1) Polling Date : 23 November 2003
- (2) Polling Hours : 7:30 am to 7:30 pm
- (3) Nomination Period of Candidature : 2 to 15 October 2003
- (4) Chairman's Briefing for Candidates : 18 October 2003
- (5) Application for Advice from the Nominations Advisory Committees by Candidates : 1 to 30 September 2003
- (6) Maximum Scale of Election Expenses : \$45,000
- (7) Deadline to remove all Election Advertisements on display : Not later than 30 November 2003
- (8) Submission of Return and Declaration of Election Expenses and Donations by Candidates : Not later than 29 December 2003
- (9) Deadline to lodge Election Petition : Not later than 29 January 2004



## New guidelines issued for District Council Election

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The following is issued on behalf of the Electoral Affairs Commission:

The Electoral Affairs Commission today (September 22) issued a new set of guidelines for the District Council Election, setting out comprehensive electoral procedures and rules for candidates, election agents, voters and the media.

Unlike earlier volumes, the new guidelines are contained in a loose-leaf binding which makes for easy updating in an environmentally friendly way.

The Chairman of Electoral Affairs Commission, Mr Justice Woo Kwok-hing, strongly advised election hopefuls to read the guidelines before declaring their candidature or filing nominations.

In the second District Council Election of the Special Administrative Region on November 23, one member will be returned for each of the 400 constituencies in the 18 districts. Nominations will run from October 2 to 15.

Mr Justice Woo asked prospective nominees to take note of the newly imposed ceiling of 20 subscribers for a nomination. While 10 qualified subscribers are still required for a nomination, any names over and above that number will not be regarded as having subscribed to the nomination.

All voters should note that the polling hours have been shortened. Polls will open at 7.30am as in the past but close at 7.30pm. A majority of those who responded to the public consultation earlier this year favoured the change, saying it would reduce disturbances, and allow for earlier compilation of election results.

Most polling stations will turn into counting stations after the polls close. For some small polling stations with less than 200 registered electors, their ballot boxes will be sealed and taken under Police escort to a designated counting station, where the votes will be counted.

Candidates must submit relevant declarations and samples to the Returning Officer before election advertisements are displayed or distributed. For publicity materials referring to a candidate that are released by an organisation, the guidelines make clear which of such materials are deemed to be election ads on behalf of a candidate and which are not.

Candidates may take part freely in non-election TV and radio programmes. For election-related broadcasts, the "equal time" and the "no unfair advantage" principles apply to candidates and political parties or groups with members contesting the polls.

The use of loudspeakers will not be permitted within the No Canvassing Zones (NCZ) outside polling stations, or in the vicinity of the NCZ if the sound emitted can be heard there.

Traffic rules applicable to vehicles involved in canvassing activities are incorporated in the guidelines. Candidates should note that they must wear seat belts, that slow driving may constitute "careless driving", and that standing up in moving vehicles is generally prohibited except on certain categories of public transport vehicles.

Directorate Officers, Administrative Officers, Police Officers and Information Officers are not allowed to openly support a candidate, but other civil servants are not barred from doing so. Principal Officials must follow the "Code for Principal Officials under the Accountability System" when engaging in election-related activities.

The new guidelines are available from the Registration and Electoral Office and District Offices. They can also be downloaded from the Commission's website at <http://www.gov.hk/eac>.

Also present at the Commission's press conference were members Mr Norman Leung Nai-pang and Dr Elizabeth Shing Shiu-ching.

End/Monday, September 22, 2003

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- [2003 District Council Election](#)



## Extract from Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation

[附屬法例]

[Subsidiary]

## 29. 選舉主任須提供選舉開支代理人的授權書文本讓公眾查閱

選舉主任必須在根據第 28 條接獲授權書文本後，在切實可行範圍內盡快提供每份該等授權書文本的副本讓公眾查閱，直至候選人提交的選舉申報書的副本根據《選舉（舞弊及非法行為）條例》(第 554 章) 第 41 條可供查閱的期間完結為止。

(2000 年第 10 號第 47 條)

## 第 III 部

有競逐的選舉：  
一般選舉及補選

## 第 1 分部：投票時間及與投票站有關的事宜

## 30. 總選舉事務主任須指定投票時間和在憲報刊登公告

- (1) 選民在投票日可投票的時間由總選舉事務主任按照本條的規定指定。
- (2) 總選舉事務主任可就不同的選區或不同的投票站，指定不同的投票時間。
- (3) 總選舉事務主任指定的投票時間必須給予選民合理的投票機會。
- (4) 總選舉事務主任必須在投票日前 10 天或之前在憲報刊登公告，就每個選區及(如屬適當)每個投票站指明投票時間。

## 31. 總選舉事務主任必須指定投票站及點票站

- (1) 總選舉事務主任必須藉在憲報刊登公告，指定一個或多於一個地方作下述用途——

“**(1A)** 總選舉事務主任可根據第 (1) 款，指定同一地方作為投票站及點票站。 ▲ IN:25/03

**(1B)** 如就某一選區而言，有 2 個或多於 2 個亦屬投票站的點票站被指定，總選舉事務主任必須指定供最多選民投票的投票站為該選區的主要點票站。”；

## 29. Returning Officer to make available copies of authorization of election expense agents for public inspection

The Returning Officer must make available for public inspection a copy of each copy of an authorization received by that Officer under section 28. A copy must be made available for public inspection as soon as practicable after that Officer receives the copy of the authorization and until the end of the period for which the copy of the election return lodged by the candidate is available for inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

(10 of 2000 s. 47)

## PART III

CONTESTED ELECTIONS: ORDINARY ELECTION  
AND BY-ELECTIONS

## Division 1: Hours of Poll and Matters Relating to Polling Stations

## 30. Chief Electoral Officer to appoint polling hours and to give notice in the Gazette

- (1) The hours during which electors can cast their votes on polling day are to be appointed by the Chief Electoral Officer in accordance with this section.
- (2) The Chief Electoral Officer may appoint different polling hours for different constituencies or for different polling stations.
- (3) The Chief Electoral Officer must appoint the polling hours so as to give the electors a reasonable opportunity to vote.
- (4) The Chief Electoral Officer must, at least 10 days before polling day, publish in the Gazette a notice specifying the polling hours for each constituency and, if appropriate, for each polling station.

## 31. Chief Electoral Officer to designate polling stations and

- “(1A) The Chief Electoral Officer may designate under subsection (1) the same place as a polling station and a counting station. ▲ IN:25/03
- (1) The Chief Electoral Officer must, at least 10 days before polling day, publish in the Gazette a notice specifying the polling hours for each constituency and, if appropriate, for each polling station.
    - (a) counting stations, which are also polling stations, have been designated, the Chief Electoral Officer must designate the polling station at which the largest number of electors are to vote as the dominant counting station for that constituency.”;
    - (b) counting stations, which are also polling stations, have been designated, the Chief Electoral Officer must designate the polling station at which the largest number of electors are to vote as the dominant counting station for that constituency.”;
  - (2) The Chief Electoral Officer must, at least 10 days before polling day, publish in the Gazette a notice specifying the polling hours for each constituency and, if appropriate, for each polling station.
    - (a) pre-poll counting stations, which are also polling stations, have been designated, the Chief Electoral Officer must designate the polling station at which the largest number of electors are to vote as the dominant counting station for that constituency.”;