

Legislative Council Panel on Constitutional Affairs

Electoral Affairs Commission Report on the 1999 District Councils election

Purpose

This paper informs Members of the major findings and recommendations in the Electoral Affairs Commission (EAC) Report on the 1999 District Councils Election (the Report); and the Administration's views on the major recommendations put forward by the EAC.

Background

2. The 1999 District Councils (DCs) election was held on 28 November 1999. 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 on 28 February 2000. The Report sets out the arrangements made by the EAC for the DCs election, including the registration of electors, the electoral procedure and arrangements, the formulation of the EAC guidelines, the conduct of the elections and the complaints system. The Report also contains a detailed review of these arrangements in the light of experience, and the improvement measures proposed for future elections.

4. The Administration agreed with the EAC's recommendation that the Report should be made public. The Report was published on 3 April 2000. Copies of the Report are now available at District Offices and have been uploaded to EAC's homepage. Members have also been each provided with a copy of the Report.

Major Findings and Recommendations

5. The major findings and recommendations in the Report concern three main areas, namely –

- (a) registration of electors;
- (b) review of electoral legislation and guidelines; and
- (c) polling and other practical arrangements.

— A summary of the major recommendations is at Annex.

The Administration's Views

(A) Registration of Electors

6. The Administration agrees with the EAC that the lead time between the publication of the voter register and the polling day should be shortened as far as practicable to ensure the updatedness of electors' residential addresses therein. We have taken steps to address this concern. The publication of the register for the second Legislative Council (LegCo) election will be deferred to end May 2000, about two months before the Election Committee (EC) subsector elections in July and four months ahead of the general election in September. We will review the situation after the September poll, with a view to further reducing the lead time for the next DC election in 2003.

7. We concur with the EAC that publicity should be stepped up to remind electors of the need to report their new address to the Registration and Electoral Office (REO) promptly. As a matter of fact, special publicity efforts were made in the voter registration drive for the 2000 LegCo election to remind registered electors to update their particulars, including residential addresses, with REO. We agree with EAC's proposal to continue omitting electors' identity card number or sex from the voter register for better protection of personal data.

(B) Review of Electoral Legislation and Guidelines

8. The Administration agrees with the EAC that certain areas in the electoral legislation and guidelines should be reviewed to address the

potential problems identified. This would be conducive to upholding the fairness and integrity of elections. We agree with the EAC that the definitions of candidates and election advertisements should be more clearly stated in the electoral guidelines to avoid disputes and facilitate enforcement of the relevant rules. In the interest of fair play, we agree that more comprehensive guidelines on electioneering in private premises should be provided for compliance by the relevant parties.

(C) Polling and Other Practical Arrangements

9. In view of the positive feedback in the DCs election, we agree with the EAC that we should continue to use the chops in marking ballot papers in future elections. We also subscribe to EAC's proposals to continue with the provision of legal advice to parties concerned on the eligibility of candidates and the use of various channels to publicise election-related matters.

10. We generally agree with the EAC that certain aspects of the electoral arrangements should be further improved. These include identification of polling stations, designation of spots for display of election advertisements and the counting arrangements.

Complaints

11. The EAC reported that about 3,250 complaints were handled by the EAC and other law enforcement agencies during the DCs election. Most of the complaints were minor in nature, related to election advertisements (33%), the use of loudspeakers and telephone canvassing (20%), and false statement against candidates (8%). The EAC set up a Complaints Committee (CC) to handle the complaints. With the adoption of revised procedures in the latter half of the election period, the CC has been able to dispose of the complaints expeditiously. Of the 975 cases received by the CC, 87 were found to be substantiated or partially substantiated, with 67 warnings and two reprimands issued.

Way Forward

12. We will coordinate with various departments to consider how

best the EAC recommendations can be implemented. The additional resources required for implementation of the recommendations will be sought through the normal channel.

Conclusion

13. Members are requested to note the content of this paper.

Constitutional Affairs Bureau
April 2000

EAC Report on the 1999 District Councils Election
Summary of Major Recommendations

Registration of Electors

1. Consideration should be given to publishing the final register as close to the date of an election as is practicable.
2. Publicity should be stepped up to remind electors of the need to report their new addresses to the REO promptly.
3. The practice of printing only the elector's name and address but not the identity card number and sex in the registers of electors should be maintained.

Review of Electoral Legislation and Guidelines

4. Candidates as defined in future electoral guidelines should include a person who has publicly declared his/her intention to stand for election, irrespective of the fact that he has yet to submit his nomination.
5. The question of whether a candidate should be held responsible for the authenticity of his/her subscribers' signature should be considered.
6. If it is proven that a candidate has made false, unfounded or unreasonable allegations that they have been unfairly treated by building management organisations, he/she may be warned, reprimanded or censured by the EAC.
7. More comprehensive guidelines on electioneering in private premises should be provided to ensure that candidates are given a fair sharing of time and space for electioneering activities.
8. Election advertisements (EAs) should be more clearly defined in electoral guidelines to include publicity materials containing the

names and photographs of candidates during the election period such as opinion survey questionnaires, posters publicising offer of free professional services etc.

9. Candidates should be required to deposit with Returning Officers copies of EAs and authorization before display.

Polling and other Practical Arrangements

10. The provision of legal advice to the parties concerned on the eligibility of candidates by the Nominations Advisory Committees should be continued.
11. The form and explanatory notes relating to nomination of candidates should be reviewed.
12. The procedure for vetting criminal records with the Police during nomination period should be reviewed.
13. Public relations activities, such as the homepage for the election, district briefings for candidates and their agents, and seminars for private building management organisations, should continue.
14. Better coordination between works departments and District Offices should be maintained over the display of EAs in designated spots.
15. Venues with staircases or long flight of steps should be avoided from being used as polling stations.
16. The chop should continue to be used to mark the ballot papers in future elections. Polling staff should be reminded to remove the caps of the chops before giving them to electors.
17. Children should be allowed to go into the polling station in their parents' company so long as they do not cause disturbance or inconvenience to other electors.

18. The official introductory leaflets in respect of uncontested constituencies should be stamped with a chop bearing a clear message that the recipient of the leaflets need not cast his/her vote in the election.
19. Additional help from the Police should be requested for patrolling the No Canvassing Zones (NCZs) when information of possible canvassing or disturbance is received.
20. The assistance of the Civil Aid Service should be sought in keeping control in the NCZs.
21. The counting arrangements could be improved by –
 - (a) identifying larger counting stations and appropriately increasing the number of counting staff for districts with an expected larger number of votes;
 - (b) considering the use of counting machine;
 - (c) reviewing the arrangements for receiving ballot boxes at the reception counter in the counting station; and
 - (d) continuing to hold mock counting training sessions for district counting teams.

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