

## **Section 1 – Background**

### **Cause of the by-election**

1.1 A vacancy arose in the King Tin Constituency of the Kwun Tong District Council (“DC”) on 22 July 2005 when Mr NG Chung-tak, an elected member of this constituency, was disqualified from holding office for the remainder of his term in accordance with section 24(5) of the District Councils Ordinance (Cap 547) (“DCO”). Mr NG had failed to attend meetings of the DC for four consecutive months (“disqualifying period”) since 18 March 2005 without obtaining the consent of the DC before the end of that period. In accordance with section 32(1) of the DCO, the Director of Home Affairs (“DHA”) declared the existence of the vacancy by a notice published in the Gazette on 5 August 2005.

1.2 Pursuant to section 33(1)(a) of the DCO, the Electoral Affairs Commission (“EAC” or “Commission”) was required to arrange for a by-election to return a candidate to fill the vacancy (“the by-election”).

### **The Constituency**

1.3 The King Tin Constituency is one of the 34 DC constituencies in the Kwun Tong District, with a registered electorate of 7,839. A map showing the boundary of the constituency is attached at **Appendix I**.

**The polling day and the nomination period**

1.4 The Chief Electoral Officer (“CEO”) of the Registration and Electoral Office (“REO”) appointed Sunday, 23 October 2005 as the polling day for the conduct of the by-election and specified the period from 8 to 21 September 2005 (both dates inclusive) as the nomination period for candidates by publishing a notice in the Gazette on 26 August 2005.

## **Section 2 – Appointments and Nominations**

### **Appointments**

2.1 Miss WONG Po-lin, Pauline, JP, the District Officer (Kwun Tong) (“DO(Kwun Tong)”) and Miss LAW Chung, Sabrina, the Assistant District Officer (Kwun Tong) were appointed as the Returning Officer (“RO”) and the Assistant Returning Officer (“ARO”) respectively for the by-election. Their appointments were made by the EAC Chairman and published in the Gazette on 26 August 2005. Ms Dorothy CHENG, Senior Government Counsel of the Department of Justice (“D of J”) was appointed by the EAC Chairman as the ARO(Legal) for the by-election on 23 August 2005.

2.2 Mr HO Bing-kwan, Barrister-at-law, was appointed as the Nominations Advisory Committee (District Councils) (“NAC(DC)”) for the by-election to provide the RO with the necessary legal advice on the eligibility of the candidates being nominated. Mr HO’s appointment, covering the period from 8 to 23 September 2005, was published in the Gazette on 26 August 2005.

### **Nominations**

2.3 By the close of the two-week nomination period on 21 September 2005, the RO received a total of 3 nominations. The nominees were Messrs CHEUNG Shun-wah, LI Wah-ming and

CHAN Man-luen-ying. The nominations were verified by the RO as valid. The NAC(DC) did not receive any request from the RO for legal advice on the validity of the nominations. The names of all validly nominated candidates were published in the Gazette on 30 September 2005.

### **Briefing for the candidates**

2.4 A briefing session for the candidates and their agents, hosted by the EAC Chairman, was conducted on 24 September 2005 in the Kwun Tong District Office (“KTDO”). The Chairman highlighted the major electoral arrangements, including the major provisions in the electoral legislation and guidelines governing election advertisements (“EAs”) and election expenses for the attention of the candidates and their agents. In response to the concern raised by an environmental concern group and the Legislative Council Panel on Constitutional Affairs about the need to reduce paper consumption on the printing of election-related publicity materials, the Chairman informed the candidates and their agents that the REO would, on a trial basis, introduce paper reduction measures for the dissemination of election-related materials for this by-election. The details of these measures are set out in paragraphs 3.9 to 3.12 below. The CEO, the RO and representatives from the D of J, the Independent Commission Against Corruption (“ICAC”) and the Hongkong Post also attended the briefing. They took the opportunity to brief the candidates and answer enquiries on subjects within their respective purview.

2.5 After the briefing session, the RO, witnessed by all parties present, drew lots to determine the candidate number (to be shown on the ballot paper) for each candidate and to allocate the designated spots to them for the display of their EAs in the district. As a result of the lots drawing, Messrs LI Wah-ming, CHEUNG Shun-wah and CHAN Man-luen-ying were allocated with the candidate number 1, 2 and 3 respectively. A total of 42 spots in the Kwun Tong District were designated for the display of their EAs during the election period, and each candidate was equally allocated with 14 spots.

### **EAC Guidelines on election-related activities**

2.6 With reference to the latest revisions in the EAC electoral guidelines for the Election Committee Subsector elections and the Chief Executive elections in April and May 2005 respectively, the guidelines for the DC elections issued in September 2003 in loose-leaf format were further revised with a view to refining the electoral arrangements for this by-election. The major changes are as follows –

- (a) elaborating on the aim and purpose for producing the guidelines;
- (b) setting out clearly the legal provisions against pressuring electors not to nominate a particular candidate with the addition of an appendix on this subject to the guidelines;

- (c) drawing the attention of the candidates of the disqualifying effect for making false declaration in the nomination form under the relevant law;
- (d) clarifying that engaging in canvassing votes includes suggesting not to vote for any candidate;
- (e) reminding candidates to submit to the CEO a return and declaration of election expenses and donations not later than 30 days after the gazettal of the result of the election, or not later than 30 days after the declaration of the termination or failure of the election proceedings under the relevant electoral law;
- (f) reminding civil servants that they should observe the guidelines of the Civil Service Bureau (“CSB”) when participating in electioneering activities;
- (g) clarifying that if an organisation has decided to give support to a particular candidate, such a decision could be either taken by the governing body of the organisation or in a general meeting of all the members of that organisation; and
- (h) adding that the term “candidate” also includes a person whose nomination is ruled invalid by the RO after submission of the nomination form.

2.7 An enquiry was received from a candidate as to whether the publicity materials currently displayed by him within King Tin constituency in his capacity as an incumbent Legislative Council (“LegCo”) member should be treated as his EAs for the purpose of the by-election. The Commission noted that the candidate is entitled to use the designated spots in all 18 districts to advertise his activities and services as a LegCo member. However, in order to balance these duties and rights of the candidate against the fairness and equality with which all candidates contesting the by-election should be treated and in line with similar arrangements in previous by-elections, all publicity materials of the candidate displayed within the Kwun Tong District should be treated as his EAs and other publicity materials displayed outside the district for the purpose of promoting his candidature should also be treated as his EAs whenever they were displayed. In this connection, the candidate concerned should either remove the publicity materials concerned or comply with the various requirements applicable to EAs. The only exception was those publicity materials that were put up outside the district which made no reference to the by-election.

## **Section 3 – Preparation Work**

### **Appointment and training of polling/counting staff**

3.1 Similar to previous DC by-elections, the staff of the REO took up the polling and counting duties. To ensure that the staff are competent in discharging these duties, two half-day briefing-cum-mock-up sessions on polling duties were conducted on 17 and 18 October 2005 while two other half-day training sessions for counting duties were conducted on 19 and 20 October 2005 to enable all the concerned staff to familiarise themselves with such duties.

### **The polling-cum-counting station**

3.2 As in previous DC by-elections, both the poll and the count for the by-election were conducted at the same place. In view of the size of the electorate and for the convenience of the electors, two polling-cum-counting stations were set up at the F.D.B.W.A. Szeto Ho Secondary School (code: J2302) and the Lam Tin (West) Estate Community Centre (code: J2301). The CEO designated the polling station at the F.D.B.W.A. Szeto Ho Secondary School as the dominant polling station, where a larger number of electors was to cast their votes and where the result of the poll was to be announced. The designation of these places as the polling and counting stations was published in the Gazette on 30 September 2005. Both stations were accessible to the disabled.



3.3        Setting up arrangements for the polling stations were made in the afternoon on the day preceding the polling day. The dominant station at F.D.B.W.A. Szeto Ho Secondary School was partitioned into two areas, one for the poll and the other one reserved for the count. The counting station would not be opened until after the close of poll. The other station at the Lam Tin (West) Estate Community Centre was relatively small and the entire place was delineated as a polling station during the poll. Arrangements were made to convert the polling area into a counting station after the close of poll. Within each counting station, there were a counting zone, a seating area for the candidates and their agents, a press area and a public stand where members of the public might stay to observe the count. Candidates and their election/counting agents were allowed to stand around the counting table to observe the count from a close distance.

3.4        During the polling hours, the PRO concerned, assisted by the Deputy PRO and Assistant PROs, was responsible for ensuring the smooth and efficient operation of the polling station under his charge and to work closely with the RO. When the count started, the PRO assumed the role of counting supervisor in overseeing the counting process and was also responsible for determining the validity of questionable ballot papers.

3.5        Outside each polling station, specific areas were designated by the RO as No Canvassing Zones (“NCZs”) and No Staying Zones (“NSZs”) to provide the electors with a free and safe passage to the station. A notice was put up at a conspicuous spot at or near the station, notifying the public of the delineation of the NCZs and NSZs.

### **Other electoral arrangements**

3.6 Similar to the preceding by-elections, arrangements were made to address public concern on the illegal use of mobile telephones during the poll, including –

- (a) displaying prominent signs inside and outside the polling station to remind electors that it was an offence to use a mobile telephone inside the polling station;
- (b) the polling staff reminding each elector at the ballot paper issuing desk not to use mobile telephones;
- (c) not installing any curtain in front of the voting compartments;
- (d) designating an enlarged restricted zone (around 2 metres) outside the voting compartments; and
- (e) setting the table inside the voting compartment in such a position that would cause the body of the elector to block the marking from being visible to persons outside the voting compartment.

3.7 To avoid unnecessary exposure of the elector's personal particulars shown on the registers at the ballot paper issuing desks, especially to the electors waiting in a queue, a restricted zone (around 1 metre) was delineated in front of each issuing desk and a specially designed

cardboard stand was placed at the front edge of the desk to block the line of vision of anyone standing behind him.

### **Notification to electors**

3.8 In line with past practice, the REO sent a poll card to all registered electors of the constituency on 6 October 2005 notifying them of the date, time and place of the poll. The poll cards were sent together with other election-related materials, including a location map of the polling station assigned to the elector concerned, a guidance note on voting, an abridged version of candidates' introductory leaflet, an appeal letter from the DO(Kwun Tong) and a leaflet on clean and fair elections issued by the ICAC.

### **Reduction of paper consumption in the by-election**

3.9 Having regard to an appeal from an environmental concern group and the Legislative Council Panel on Constitutional Affairs, the EAC agreed that the REO should take appropriate measures to reduce the use of paper in the production of election publicity materials. The REO had introduced paper reduction measures, as set out in paragraphs 3.10 – 3.12 below, in this by-election on a trial basis.

#### ***(a) Abridged version of candidates' introductory leaflet***

3.10 An abridged version instead of the full version of the

candidates' introductory leaflet was sent to each elector together with the poll card and other election-related materials by post. The abridged version was a simple fact sheet bearing the candidates' photographs with some basic information on their personal particulars such as name, age, occupation, political affiliation and correspondence methods. The full version of the leaflets which included the candidates' election platform was uploaded onto the website of REO for public browsing, and a small quantity (covering about 5% of electorate size) of the leaflet in full version were also made available for collection by electors at the KTDO to cater for those who were not conversant with the use of computer. An explanatory note was included in the abridged version of the leaflet informing the electors that they could either view the candidates' election platform on the REO's website or obtain a copy of the full version of the leaflet at the KTDO.

3.11 At the close of poll, it was noted that out of 400 copies of the leaflets deposited at the KTDO, 70 copies were collected by the electors. As a result of the reduced size of the introductory leaflet (from A3 to A4), the total amount of paper used for the production of introductory leaflets had been reduced by about 7,000 sheets of A4 paper. This trial arrangement only applied to the candidates' introductory leaflet printed by the REO. The existing arrangement of providing candidates with a one-time free postage of publicity materials to electors remained unchanged.

***(b) Providing e-mail addresses of electors to candidates***

3.12 To facilitate the distribution of electronic publicity materials (instead of paper-based materials) to electors by the candidates, the REO had amended the voter registration form to include a column for prospective electors to fill in their e-mail addresses. For this particular by-election, the REO had also sent individual appeal letters to all electors of the King Tin Constituency beforehand inviting them to provide the REO with their e-mail addresses. A total of 548 e-mail addresses were thus collected from the electors. We understand that the three candidates had made use of the e-mail addresses to send electronic publicity materials to the electors concerned, in addition to sending hard copies to them by post under the free postage service.

**Publicity**

3.13 The REO had issued press releases to cover the major events in respect of this by-election which included the commencement and the close of the nomination period, the EAC Chairman's briefing for the candidates, the poll, the count and the EAC visits to the stations. Besides, all relevant information on this by-election (including press releases, the hourly voter turnout rate, etc) had been uploaded onto the REO's website for public viewing.

## **Contingency plan**

3.14 To cater for unforeseen situations in which the by-election might not be proceeded with as scheduled for one reason or another (such as inclement weather or other emergencies), arrangements were made with the venue management of the polling stations concerned to reserve the same venue for polling on the following Sunday, ie 30 October 2005 as fall back. Besides, extra stock of electoral equipment and materials (such as ballot boxes, ballot papers, furniture, electoral forms, etc) were put in reserve in an emergency depot set up inside the dominant polling station for the replenishment of supplies. A dedicated van was also provided to each of the two polling stations to cater for any necessary transportation needs.

## **Section 4 – The Poll**

### **Polling hours**

4.1 The polls were scheduled from 7:30 am to 10:30 pm on Sunday, 23 October 2005. The CEO announced the polling hours of the by-election by a notice in the Gazette published on 30 September 2005.

### **Logistical arrangements**

4.2 A central command centre was set up for overseeing the operation of the poll and providing logistical support to the staff in the polling stations on the polling day. In addition, the centre provided support services including assistance in handling enquiries and complaints. The centre was also responsible for collating statistical information on electors' turnout rates, number and types of complaints received, etc. Such information was disseminated to the public through the media at regular intervals. It operated at the REO office in Guardian House from 7:00 am on the polling day until the end of counting. An election enquiry centre with two hotlines was set up to deal with general enquiries from electors and provide information to the polling stations on the identity of electors and their entitlement and whereabouts to vote.

4.3 At district level, a district command centre, manned by staff of the Home Affairs Department ("HAD") was set up at the KTDO to serve as the contact point between the RO and the PROs. The PROs were

responsible for keeping the RO and ARO informed of all significant events which occurred within the district and for handling election-related complaints. A district team, under the direction of the district command centre, took action against unauthorised EAs and illegal canvassing activities in the public area surrounding the NCZs and the polling stations.

4.4 A complaints centre was also set up in the REO office in Harbour Centre to receive and process election-related complaints lodged with the EAC direct and cases referred to the EAC through other complaint-handling channels. It was manned by the staff of the Complaints Unit of the EAC secretariat and operated throughout the polling hours on the polling day.

4.5 The Police and the Civil Aid Service (“CAS”) rendered assistance in maintaining law and order in the NCZs, NSZs and inside the two polling stations.

### **Turnout of electors**

4.6 Out of 7,839 registered electors for the King Tin Constituency, 2,940 turned up to cast their votes. The number of registered electors of the constituency has increased by 960 since 2003. The overall turnout rate at this by-election was 37.50%. The election for this particular constituency was uncontested in the 2003 DC ordinary election.

4.7 The turnout rates for the dominant polling station at the



F.D.B.W.A Szeto Ho Secondary School and the polling station at the Lam Tin (West) Estate Community Centre are as follows:

	<b>Number of registered electors (a)</b>	<b>Total number of elector turnout (b)</b>	<b>Turnout Rate (b)/(a) x 100%</b>
Dominant Polling Station (F.D.B.W.A Szeto Ho Secondary School)	5,107	2,158	42.26%
Polling Station (Lam Tin (West) Estate Community Centre)	2,732	782	28.62%
<b>Total</b>	<b>7,839</b>	<b>2,940</b>	<b>37.50%</b>

A breakdown of the hourly turnout rates of electors in respect of this by-election is shown in **Appendix II**.

## **Visits**

4.8 Mr Justice WOO, the EAC Chairman, Mr Lawrence LOK and Professor Andrew CHAN, members of the Commission, paid visits to the polling stations on the polling day. They first visited the polling station at the Lam Tin (West) Estate Community Centre and then the dominant polling station at the F.D.B.W.A Szeto Ho Secondary School in the morning. They concluded the visit by meeting the media in the F.D.B.W.A Szeto Ho Secondary School and were satisfied with the smooth conduct of the polls for the by-election.

4.9 Mr Stephen LAM, the Secretary for Constitutional Affairs and Mrs Pamela TAN, DHA, also visited the polling stations in the morning on the polling day.

## **Section 5 – The Conversion**

5.1 The poll closed at 10:30 pm as scheduled. A notice was promptly displayed at the entrance of both stations, notifying the public of the end of the poll and the temporary closure of the stations to facilitate their conversion into counting stations. The telephone number of the APRO concerned was also shown on the notice to facilitate communication between the candidates' agents and the station staff. Before the counting of votes began, another notice was displayed outside the stations, announcing the approximate time when the stations would be opened again for the public to observe the count.

5.2 The PROs sealed the ballot boxes in the presence of all candidates and their agents while the polling staff were preparing for the conversion of the station. The conversion process was completed smoothly in both stations in less than 30 minutes.

5.3 Mr Justice WOO and Professor Andrew CHAN observed the entire conversion process in the dominant counting station, while Mr Lawrence LOK observed the conversion process in the counting station at the Lam Tin (West) Estate Community Centre. They were satisfied with the smooth conduct of the conversion process at both stations.

## **Section 6 – The Count**

### **Start of the count**

6.1 Before 11:00 pm, both stations were re-opened for admission of the public including the media to observe the count. In the presence of all candidates and their agents, the PRO and Deputy PRO of each station transferred the sealed ballot box to the counting table. At the F.D.B.W.A Szeto Ho Secondary School, the PRO unsealed the ballot box which were jointly emptied by Mr Justice WOO, Professor Andrew CHAN and Mr Stephen LAM. As for the counting station at the Lam Tin (West) Estate Community Centre, the unsealed ballot box was jointly emptied by Mr Lawrence LOK and the PRO concerned. The count then commenced immediately.

### **Invalid and questionable ballot papers**

6.2 Out of the 2,940 ballot papers cast into the ballot boxes in the two stations, 6 ballot papers were determined as invalid (ie 5 unmarked and 1 marked with votes for more than one candidate) and therefore not counted pursuant to section 78 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (“EAC (EP) (DC) Reg”). In addition, another 10 ballot papers were identified as questionable. In the presence of all the candidates and their agents, the PRO concerned, with the assistance of the ARO(Legal), examined carefully each questionable ballot paper to determine its validity. As a result, 2

questionable ballot papers, which were void for uncertainty, were determined as invalid and rejected by the PRO concerned. The remaining 8 questionable ballot papers were determined as valid and were accepted. The total number of ballot papers not counted was 8. An analysis of ballot papers cast but not counted is shown in **Appendix III**.

## **Election result**

6.3 Upon the completion of the count at the dominant counting station and counting station at the Lam Tin (West) Estate Community Centre, the PROs verified the number of ballot papers counted at their counting stations with their ballot paper accounts. The figures were found consistent. The PRO of the counting station at Lam Tin (West) Estate Community Centre made known the result of the counting of votes to the candidates and their agents who were present at the counting zone and reported the counting results to the PRO of the dominant counting station by phone and by fax immediately. The PRO of the dominant station subsequently informed the RO of the results of the count conducted at both stations. There was no request for a re-count of votes at either one of the polling stations from the candidates or their agents.

6.4 The count at both stations at the Lam Tin (West) Estate Community Centre and the F.D.B.W.A Szeto Ho Secondary School finished at around 11:10 pm and 11:35 pm respectively. At about 11:40 pm, the RO declared the election result: Mr CHEUNG Shun-wah was elected with 1,491 valid votes, representing 50.85% of the total

number of valid votes cast. The other two candidates, namely Messrs LI Wah-ming and CHAN Man-luen-ying received 1,249 and 192 votes respectively. The election result for the King Tin Constituency was published by a notice in the Gazette Extraordinary on 27 October 2005 and is now reproduced at **Appendix IV** for easy reference.

### **Meeting the media**

6.5 The Chairman and members of the EAC met the press immediately after the announcement of the election result to conclude that the Commission was content with the polling-cum-counting arrangements in both stations and the efficient completion of the counting process. They were satisfied that the principle of fairness, openness and honesty was upheld throughout the process of this by-election. The Commission undertook to continue to review the electoral procedures and arrangements with a view to refining and improving them for public elections in future. The Chairman also took the opportunity to thank all parties concerned for the successful conduct of the by-election.

## **Section 7 – Complaints**

### **Complaint-handling period**

7.1 As in previous by-elections, the Commission took up the responsibility to handle complaints in relation to the by-election, instead of forming a Complaints Committee as in ordinary elections. Five different parties were responsible for processing the complaints received: the EAC, RO, Police, ICAC and, on the polling day, the PROs as well. Members of the public could lodge their complaints with any of these parties.

7.2 The period for receiving complaints commenced on 8 September 2005 when the nomination period began. It ended on 7 December 2005, ie 45 days after the polling day. During the complaint-handling period for this by-election, a total of 15 complaints were received from the public by the EAC (five cases) and the RO (ten cases). There were no complaint cases received by the Police, ICAC or PROs.

7.3 The majority of these complaint cases were about unauthorised display of EAs and illegal canvassing in the NCZ or NSZ. There were also complaints against the conduct of electioneering activities at private premises, disturbances to electors caused by telephone canvassing, unfair and unequal treatment by media and the trial arrangement of sending abridged candidates' introductory leaflets to electors. A breakdown of all these complaints is set out in **Appendix V**.

### **Complaints received on the polling day**

7.4 During the poll, the REO complaints centre and the RO received altogether 11 complaints cases. The Police, ICAC and PROs received none. The following shows a breakdown of these cases –

	<b>Number of complaint(s) received on the Polling Day</b>
REO Complaints Centre	1
RO	10
<b>Total</b>	<b>11</b>

7.5 All cases received on the polling day were expeditiously handled and resolved on the spot. The majority of the complaint cases were about unauthorized display of EAs and illegal canvassing in the NCZ or NSZ. A breakdown of complaint cases received on the polling day is shown in **Appendix VI**. These 11 complaints are also included in Appendix V.

### **Outcome of investigation**

7.6 Of the 15 complaints received during the complaint-handling period, 8 were found substantiated and 7 not substantiated after thorough investigations.



## Section 8 – Review and Recommendations

8.1 After the by-election, the EAC, following the past practice, conducted an overall review of all aspects of the by-election with a view to improving the conduct of future elections. The EAC found the polling and counting arrangements generally satisfactory. The areas under review and the related recommendations are set out in the ensuing paragraphs.

### (A) *Environmental conservation*

#### (i) *Abridged candidates' introductory leaflets*

8.2 One candidate and one DC Member expressed concern that the trial arrangements of sending only the abridged version of the introductory leaflet to electors would give unfair advantage to those candidates who were more well known than others. The EAC considered that the allegation was unsubstantiated since the trial arrangements applied to all candidates who were still entitled to make use of the free-postage service to send publicity materials to the electors concerned for the purpose of promoting their candidature.

8.3 **Recommendation:** The EAC considers that it would be prudent to continue with the trial arrangements in future by-elections in order to gain more experience for further assessing the effect of the arrangement and that the public should be consulted beforehand, say, in the context of the preparation of the EAC guidelines on election-related activities, before the trial arrangements are formally adopted for use in all future elections.

**(ii) *Collection of e-mail addresses of registered electors***

8.4 It was noted that only 548 out of 7,839 registered electors (about 7%) had voluntarily supplied the REO with their e-mail addresses, possibly because not many electors were willing to do so for one reason or another or used e-mail as a means of communication.

8.5 **Recommendation:** The EAC considers that the collection of e-mail addresses of registered electors should be an ongoing process and should be maintained so as to expand this means of paper-free communication. The full effect of this environmentally friendly arrangement can only be realistically assessed in the light of the extent of responses from registered electors to provide the REO with their e-mail addresses. The EAC also considers that the REO should make use of the 2006 publicity drive for voter registration to appeal to all electors to provide their e-mail addresses to the REO.

**(B) *Personal particulars shown on the candidates' introductory leaflet***

8.6 Some candidates suggested to include the means of contacting candidates in the introductory leaflet to facilitate communication between the candidates and the electors. The Commission accepted this suggestion and included a correspondence column in the leaflet so that the candidates could put in either their e-mail addresses, home address or telephone number.

8.7 **Recommendation:** The Commission recommends that this arrangement be continued in future elections.

***(C) The polling-cum-counting arrangement***

8.8 As in the 2003 DC ordinary election and all the DC by-elections held from 2003 to 2005, the polling-cum-counting arrangement had worked smoothly in this by-election. The counting of votes in the two polling-cum-counting stations took place within 20 to 30 minutes after the close of poll in the respective polling stations. The counting process was completed within 20 to 35 minutes. All parties concerned were very satisfied with the efficiency of the arrangement.

8.9 **Recommendation:** The EAC recommends that the polling-cum-counting arrangement should continue in future DC by-elections, in view of the successful implementation of such arrangement.

***(D) Opening and closing times for polling stations***

8.10 When the polling station staff at F.D.B.W.A Szeto Ho Secondary School just closed the doors upon the close of poll at 10:30 pm, a female elector arrived at the doors of the polling station and was allowed admission to cast her vote following an argument with the polling station staff with regard to the precision of the closing time of the poll.

8.11 **Recommendation:** To ensure precision of the times in the opening and closing of all polling stations in the future, PROs should be requested to tune their watch by dialing Hong Kong Observatory's hotline 1878200 before the opening of poll. They should also double-check the time by dialing the same number shortly before the close of poll. The candidate(s)/election agent(s) could be informed of such arrangement if they were present in the polling station. This arrangement should provide a yardstick for and a ready defence over any argument with regard to the precision of the opening and closing times of poll.

*(E) The NSZ outside the polling station at Lam Tin (West) Estate Community Centre*

8.12 It was noted that different openings of the venue were used as the entrance and exit of the polling station at Lam Tin (West) Estate Community Centre, but only the area immediately outside the entrance of the polling station had been designated as NSZ.

8.13 **Recommendation:** Even though there was no problem in keeping the order of the area outside the exit of the polling station in this by-election, the EAC considers that if this venue is used as a polling station in future elections, the area immediately outside the exit of this venue should be designated as NSZ in order to secure a safe and clear passage for electors to leave the polling station after casting their vote.

## **Section 9 – Acknowledgement**

9.1 The Commission wishes to express its gratitude towards the following government bureaux and departments for their valuable assistance rendered throughout the by-election: Constitutional Affairs Bureau, CAS, D of J, Electrical and Mechanical Services Department, Food and Environmental Hygiene Department, Leisure and Cultural Services Department, Government Logistics Department, Highways Department, HAD, Hong Kong Police Force, Hongkong Post, ICAC, Information Services Department, Lands Department, Office of the Government Chief Information Officer (of the Commerce, Industry and Technology Bureau) and Official Languages Division (of the CSB). Each and every one of them contributed to making the by-election a success.

9.2 The Commission is particularly grateful for the efforts of all REO staff, officers serving as RO and AROs, and the legal practitioner serving on the NAC(DC) in the by-election.

9.3 The Commission wishes to thank the media for their wide coverage of the key events in relation to this by-election which has contributed much to enhance the transparency of the by-election.

9.4 Last but not least, the Commission would like to express its appreciation to the electors who turned up to cast their vote and all who complied with the electoral legislation and guidelines during the electoral processes.

## **Section 10 – Looking Forward**

10.1 The Commission remains fully committed to fulfilling its mission of supervising the conduct of public elections in Hong Kong in accordance with the law. It will continue to ensure that all public elections are conducted in an open, fair and honest manner. It will remain, as always, open to the views from the public on what measures should be taken to improve future electoral arrangements.

10.2 The Commission would like to recommend this report be made public, at a time the Chief Executive thinks fit, to enhance the transparency of the Commission's work in the conduct and supervision of the by-election under the EAC Ordinance (Cap 541).