

Legislative Council Panel on Constitutional Affairs

Electoral Affairs Commission Report on the 2000 Legislative Council By-election

Purpose

This note informs Members of the major recommendations in the Electoral Affairs Commission (EAC) Report on the 2000 Legislative Council (LegCo) By-election.

Background

2. The By-election was held on 10 December 2000 to return a Member from the Hong Kong Island Geographical Constituency to fill the vacancy arising from the non-acceptance of office by Mr Gary Cheng Kai-nam. Pursuant to section 8(1) of the Electoral Affairs Commission Ordinance (Cap. 541), the EAC is required to make a report to the Chief Executive 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 submitted its Report to the Chief Executive in March 2001. Copies of the Report have been sent to Members through the LegCo Secretariat.

The Report

4. The Report has reviewed the nomination, polling and counting arrangements of the By-election. The arrangements, modelled on those

adopted for the LegCo general election held on 10 September 2000, are considered generally effective. With revised procedures and the efforts of the counting staff, the count, completed in five and a half hours, was faster than expected.

5. The EAC and other enforcement agencies received a total of 371 complaint cases during the By-election period. The majority of the complaints relate to election advertisements and disturbance to electors caused by electioneering activities. Of the 139 cases processed and investigated by the EAC, only 11 are found to be substantiated or partially substantiated.

Recommendations in the Report

6. The EAC has put forth four recommendations in the report, all being operational in nature with no policy implications. Three of them relate to the refinement of the electoral guidelines to –

- (a) avoid voters being subject to undue nuisance caused by broadcasting vans and telephone canvassing (paras. 6.1 – 6.2 of the Report);
- (b) make it clear that electors should cast their votes by themselves (paras. 6.3 – 6.4); and
- (c) encourage fair and equal treatment of candidates by the electronic media (paras. 6.7 – 6.8).

The remaining recommendation proposes that training for polling staff be stepped up on the verification of an elector's identity (paras. 6.5 – 6.6).

7. The Administration generally agrees with the above recommendations. We will take them into account in formulating the electoral arrangements for the next round of elections.

Advice Sought

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