

**ELECTORAL AFFAIRS COMMISSION**

**REPORT ON THE  
2018 EASTERN DISTRICT COUNCIL  
KAI HIU CONSTITUENCY  
BY-ELECTION**

**Submitted to**

**the Honourable Mrs Carrie Lam Cheng Yuet-ngor  
the Chief Executive of the Hong Kong Special Administrative Region  
of the People's Republic of China**

**7 September 2018**

選舉管理委員會

ELECTORAL AFFAIRS COMMISSION

香港灣仔港灣道 25 號  
海港中心 10 樓

10/F, Harbour Centre  
25 Harbour Road  
Wan Chai  
Hong Kong

本函檔號 OUR REF.: REO CR/14/12/DCB-18  
來函檔號 YOUR REF.:

圖文傳真 Fax: 2507 5810  
電話 Tel.: 2827 1419  
網址 Web Site: <http://www.eac.gov.hk>

7 September 2018

The Honourable Mrs Carrie Lam Cheng Yuet-ngor, GBM, GBS  
The Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
Chief Executive's Office  
Hong Kong

Dear Madam,

Pursuant to section 8(1) of the Electoral Affairs Commission Ordinance, we have the pleasure in submitting to you the enclosed report on the 2018 Eastern District Council Kai Hiu Constituency By-election held on 10 June 2018.

Yours faithfully,



---

Barnabas Wah FUNG, Chairman



---

Arthur Yee-shun LUK, Member



---

Fanny Mui-ching CHEUNG, Member

## ABBREVIATIONS

APRO / APROs	Assistant Presiding Officer / Assistant Presiding Officers
ARO / AROs	Assistant Returning Officer / Assistant Returning Officers
By-election	2018 Eastern District Council Kai Hiu Constituency By-election
CEO	Chief Electoral Officer
CSD	Correctional Services Department
DC	District Council
DCO	District Councils Ordinance (Cap. 547)
DoJ	Department of Justice
DPRO / DPROs	Deputy Presiding Officer / Deputy Presiding Officers
DPS / DPSs	dedicated polling station / dedicated polling stations
EAs	election advertisements
EAC	Electoral Affairs Commission
EAC (EP) (DC) Reg	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F)
Guidelines	Guidelines on Election-related Activities in respect of the District Council Election

ICAC	Independent Commission Against Corruption
LEAs	law enforcement agencies
LegCo	Legislative Council
MCS	main counting station
NAC(DC)	Nominations Advisory Committee (District Councils)
NCZ / NCZs	No Canvassing Zone / No Canvassing Zones
NSZ / NSZs	No Staying Zone / No Staying Zones
OPS / OPSs	ordinary polling station / ordinary polling stations
PRO / PROs	Presiding Officer / Presiding Officers
REO	Registration and Electoral Office
RO	Returning Officer

## TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1	Background	1
2	Appointments and Nominations	3
3	Preparation Work	7
4	The Poll	13
5	Setting-up of Counting Station	16
6	The Count	18
7	Complaints	21
8	Review and Recommendations	23
9	Acknowledgement	28
10	Looking Forward	30

<u><i>Appendices</i></u>		<u><i>Page</i></u>
Appendix I	: Boundary of the Constituency	31
Appendix II	: Hourly Voter Turnout	32
Appendix III	: Summary of Ballot Papers in Ballot Boxes that were NOT Counted	33
Appendix IV	: Election Result	34
Appendix V	: Breakdown of Complaint Cases Received during the Complaints-handling Period	35
Appendix VI	: Breakdown of Complaint Cases Received on the Polling Day	36

## **Section 1 – Background**

### **Cause of the By-election**

1.1 In accordance with section 32(1) of the District Councils Ordinance (Cap. 547) (“DCO”), the Director of Home Affairs declared by notice in the Gazette on 5 January 2018 that the office of Ms LAM Chui-lin, an elected member of the Eastern District Council (“DC”) Kai Hiu Constituency who passed away on 17 December 2017, had become vacant pursuant to section 26(a) of the DCO.

1.2 In accordance with section 33(1)(a) of the DCO, the Electoral Affairs Commission (“EAC”) was required to arrange a by-election to return an elected member to fill the vacancy in the Kai Hiu Constituency of the Eastern DC.

### **The Constituency**

1.3 The Kai Hiu Constituency is one of the 35 DC constituencies in the Eastern District, with a registered electorate of 8 728. A map showing the boundary of the Constituency is in **Appendix I**.

### **The Polling Day and the Nomination Period**

1.4 A notice of the Eastern DC By-election for the Kai Hiu Constituency (“the By-election”) was published in the Gazette on

29 March 2018. It specified 10 June 2018 (Sunday) as the polling day and the period from 17 April 2018 to 30 April 2018 (both dates inclusive) as the nomination period of the By-election.



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

### **Appointments**

2.1 Ms TENG Yu-yan Anne, JP, District Officer (Eastern) was appointed by the EAC Chairman as the Returning Officer (“RO”), and Miss NGAI Lai-ying Angora, Assistant District Officer (Eastern)<sup>1</sup> and Mr CHUI Cheuk-yin Matthew, Assistant District Officer (Eastern)<sup>2</sup> were appointed as the Assistant Returning Officers (“AROs”) for the By-election respectively. Their appointments, which were post-tied, were published in the Gazette on 29 March 2018. Mr KWONG Yu-hang Elvin, Government Counsel of the Department of Justice (“DoJ”), was appointed by the EAC Chairman on 26 March 2018 as the ARO (Legal) for the By-election.

2.2 Mr LUI Kit-ling, Barrister-at-law, was appointed to serve on the Nominations Advisory Committee (District Councils) (“NAC(DC)”) for the By-election to provide the RO with legal advice as and when required as to whether a particular candidate is eligible to be, or disqualified from being, nominated as a candidate at the By-election. Mr LUI’s appointment, covering the period from 17 April 2018 to 3 May 2018 (both dates inclusive), was published in the Gazette on 29 March 2018.

## **Nominations**

2.3 The two-week nomination period ended on 30 April 2018, and the RO received a total of three nominations. All these nominations were determined as valid by the RO. The nominees were Ms TAN Chun-chun Enki, Ms CHIK Kit-ling Elaine and Ms ISHIGAMI LEE Fung-king Alice. The NAC(DC) did not receive any request from the RO for legal advice on the validity of nomination. The names of the three validly nominated candidates were published in the Gazette on 11 May 2018.

## **Briefing for the Candidates**

2.4 Mr Justice FUNG Wah Barnabas, the EAC Chairman, held a briefing session for the validly nominated candidates at the Gymnasium, B/F, Lady Trench Training Centre, Wan Chai on 7 May 2018. The Chief Electoral Officer (“CEO”) and representatives of the DoJ, the Independent Commission Against Corruption (“ICAC”) and Hongkong Post also attended the briefing session. The EAC Chairman drew the attention of the candidates and their agents to the major provisions in the relevant electoral legislation and guidelines and the need for strict compliance with them. He also explained to the candidates on the important points to note when conducting electioneering activities, mainly including polling and counting arrangements, appointment and roles of various types of agents, requirements relating to election advertisements (“EAs”) and election expenses, and the importance of

protection of electors' privacy when using their personal information in electioneering activities. The representatives of the ICAC and Hongkong Post also briefed the attendees respectively on the provisions in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and the requirements and arrangement of the free postage service for election mails.

2.5 Before the briefing session, the RO, witnessed by all parties present, drew lots to determine the candidate number for each candidate to be shown on the ballot papers and the designated spots to be allocated to each candidate for the display of EAs. The result of the lots drawing was as follows:

<b>Candidate Number</b>	<b>Name of Candidate</b>
1	Ms TAN Chun-chun Enki
2	Ms ISHIGAMI LEE Fung-king Alice
3	Ms CHIK Kit-ling Elaine

A total of 45 spots in the Kai Hiu Constituency were designated for the display of EAs by candidates during the election period, and each candidate was allocated 15 designated spots.

### **The EAC Guidelines on Election-related Activities**

2.6 The Guidelines on Election-related Activities in respect of the

District Council Election (“the Guidelines”) issued by the EAC in September 2015 were applicable to the By-election. The EAC also issued supplementary information on the Guidelines in March 2018, setting out the latest legislative changes and electoral arrangements which were applicable to the By-election for reference and compliance by candidates and relevant parties. The Guidelines and the supplementary information were available at the EAC website ([www.eac.gov.hk](http://www.eac.gov.hk)) for browsing and downloading. They were also available at the Registration and Electoral Office (“REO”) and the Eastern Home Affairs Enquiry Centre during the election period.

## **Section 3 – Preparation Work**

### **Appointment and Training of Polling/Counting Staff**

3.1 The polling and counting duties of the By-election were performed by staff of the REO. On 24 May 2018, the REO held a polling management training session for the Presiding Officers (“PROs”), Deputy Presiding Officers (“DPROs”) and Assistant Presiding Officers (“APROs”) in order to enhance the quality of management of polling stations. The training covered topics such as the key provisions under the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F) (“EAC (EP) (DC) Reg”), quality polling service, complaints handling as well as crisis management. In addition, two half-day briefing sessions on polling and counting duties were also conducted on 24 and 25 May 2018 respectively for staff of the ordinary polling stations (“OPSS”) and dedicated polling stations (“DPSs”) to familiarise themselves with their duties. Moreover, a half-day workshop was organised on 31 May 2018 for staff responsible for vote counting to take part in a mock counting exercise so as to familiarise themselves with the counting procedures.

### **The Polling-cum-counting Stations**

3.2 The CEO designated two OPSS, which were located at the Chinese YMCA of Hong Kong – Chai Wan Centre and Siu Sai Wan Community Hall respectively. The CEO also designated the Chinese

YMCA of Hong Kong – Chai Wan Centre as the Main Counting Station (“MCS”) for the By-election, where the votes cast thereat and at the DPSs would be mixed and counted. As the MCS was assigned with a larger number of electors, it was also designated as the dominant counting station in accordance with the law to coordinate the counting results of the two OPSs. The two OPSs mentioned above were accessible to electors with mobility difficulties.

3.3 The two OPSs were set up in the afternoon of the day preceding the polling day. They were converted into counting stations after the close of poll. Within both counting stations, there were a counting zone, a press area and a public area where members of the public might observe the count. Candidates and their election/counting agents were allowed to enter the counting zone to observe the count around the counting tables.

### **Dedicated Polling Stations**

3.4 To enable registered electors of the Kai Hiu Constituency who were imprisoned or remanded by the Correctional Services Department (“CSD”) to cast their votes on the polling day, DPSs were set up at penal institutions for the By-election by the REO. According to the information provided by the CSD on 9 June 2018, a total of four registered electors of the Kai Hiu Constituency were in their custody at four penal institutions on the polling day. Therefore, a DPS was required to be set up at each of these four penal institutions. Owing to security considerations, the polls at the DPSs were conducted from

9:00 a.m. to 4:00 p.m. on the polling day.

3.5 On the polling day, the REO also set up a DPS at the Chai Wan Police Station for registered electors of the Kai Hiu Constituency who were remanded or detained on the polling day by law enforcement agencies (“LEAs”) (other than the CSD), including the Police, ICAC, Customs and Excise Department, Immigration Department, etc. to cast their votes. Since the LEAs might arrest persons who happened to be registered electors of the Constituency during the polling hours on the polling day, the polling hours for the DPS at the Chai Wan Police Station were the same as those of the OPSs, i.e. from 7:30 a.m. to 10:30 p.m. The set-up of a DPS was basically the same as that of an OPS, but for security reasons, some of the polling materials used therein were specially designed.

3.6 To protect the secrecy of the votes cast at the DPSs, such votes were transferred to the MCS at the Chinese YMCA of Hong Kong – Chai Wan Centre and mixed with the ballot papers cast at that station before commencement of vote counting procedures in accordance with section 76 of the EAC (EP) (DC) Reg.

3.7 The designation of the aforesaid venues as OPSs, DPSs and counting stations was published in the Gazette on 11 May 2018. Candidates were informed that subject to the required security clearance, they or their election/polling agents could enter the DPSs to observe the poll and witness the delivery of the ballot boxes to the MCS by the PROs

of the DPSs concerned in accordance with the relevant electoral regulation.

### **Polling and Counting Arrangements**

3.8 During the polling hours, the PROs of the two OPSs, with the assistance of the DPROs and APROs, were responsible for ensuring the smooth operation of the polling stations. The PROs also worked closely with the RO. When the count started, the PROs assumed the role of Counting Supervisors in overseeing the counting process and were responsible for determining the validity of questionable ballot papers, while the DPROs and APROs performed the duties of Assistant Counting Supervisors.

3.9 The PRO of each DPS was assisted by an APRO and/or a Polling Officer. After the close of poll, the PROs locked and sealed the ballot boxes and delivered the ballot boxes to the MCS located at the Chinese YMCA of Hong Kong – Chai Wan Centre under the escort of the Police.

3.10 Outside all the polling stations, a No Canvassing Zone (“NCZ”) and a No Staying Zone (“NSZ”) were designated by the RO to provide electors with an unobstructed access to the polling stations. A notice was put up at a conspicuous spot outside each polling station, showing the areas of the NCZ and NSZ.



## **Poll Cards to Electors**

3.11 On 21 May 2018, the REO sent a poll card to each registered elector of the Kai Hiu Constituency who was eligible to vote in the By-election, notifying the electors of the date and time of polling and the assigned polling station. The poll card was sent together with other election-related materials, including an “Introduction to Candidates”, a location map of the polling station, a Guide on Voting Procedure guide (including the information of “Documents Required for Collecting Ballot Paper” ) and a leaflet on clean and fair elections issued by the ICAC. The “Introduction to Candidates”, which included the candidates’ election platforms, was also uploaded onto the EAC website. To assist persons with visual impairment in reading the contents of the candidates’ election platforms, the REO appealed to candidates to provide a typed text version of their messages to be included in the “Introduction to Candidates” for uploading onto the EAC website. One of the candidates in the By-election heeded the advice to provide a typed text version.

## **Publicity**

3.12 The REO issued press releases covering the major events of the By-election, which included the nomination period, the number of nominations received, names of the validly nominated candidates, the poll, the count, the setting up of DPSs, voter turnout rates and visits of the EAC to the polling stations and counting stations. Besides, all relevant

information on the By-election (including press releases, hourly voter turnout rates, election result, etc.) was uploaded onto the EAC website for public information.

### **Contingency Plan**

3.13 To cater for unforeseen situations (such as inclement weather conditions) under which the By-election could not be held as scheduled, fallback arrangements were made by the REO with the venue management of the polling stations to reserve the same venues for the following Sunday (i.e. 17 June 2018). Besides, a reserve polling station was set up for the Constituency on the polling day, and extra stock of electoral equipment and materials (such as ballot boxes, ballot papers, furniture and electoral forms, etc.) were put in reserve. A lorry was also provided to the polling stations to cater for any urgent transportation needs.

## **Section 4 – The Poll**

### **Polling Hours**

4.1 The polling hours for the OPSs at the Chinese YMCA of Hong Kong – Chai Wan Centre and Siu Sai Wan Community Hall as well as the DPS at the Chai Wan Police Station were from 7:30 a.m. to 10:30 p.m. on the polling day. The polling hours for the DPSs at the penal institutions ran from 9:00 a.m. to 4:00 p.m. The CEO announced the polling hours of the By-election by a Gazette notice published on 11 May 2018.

### **Logistical Arrangements**

4.2 A central command centre was set up by the REO on the polling day to oversee the operation of the poll and to provide logistical support to staff in the polling stations. The centre was also tasked with the dissemination of statistical information on the hourly voter turnout rates, the election result, and the number of complaints received. The centre operated at the Chinese YMCA of Hong Kong – Chai Wan Centre from 7:00 a.m. on the polling day until the announcement of the By-election result.

4.3 To ensure prompt response to telephone enquiries from the public about the eligibility to vote and general electoral arrangements, and to render assistance to polling staff in ascertaining the eligibility of

electors on voting so as to enhance the smooth operation of polling stations, an election enquiry hotline operating from 7:00 a.m. to 11:00 p.m. was set up by the REO on the polling day at its office at the Kowloonbay International Trade and Exhibition Centre. The majority of enquiries received on the polling day were related to eligibility of electors on voting. Besides, a media enquiry hotline was set up from 7:30 a.m. on the polling day until the announcement of the election result for handling media enquiries and disseminating relevant information of the By-election to the public through the media.

4.4 A complaints centre was set up at the REO office at the Harbour Centre to receive and handle election-related complaints. It was manned by staff of the EAC Secretariat and operated from 7:30 a.m. to 11:00 p.m. on the polling day.

4.5 At the district level, a district command centre, manned by staff of the Home Affairs Department, was set up at the Eastern District Office to serve as the contact point between the RO and the PROs. The PROs were responsible for keeping the RO and AROs informed of the significant events occurred at the polling stations, and assisted in handling election-related complaints. Under the direction of the district command centre, a district team would take immediate action against unauthorised display of EAs and the conduct of illegal canvassing activities in or around the NCZs.

4.6 The Police rendered assistance in maintaining the law and order

inside the NCZs/NSZs as well as the polling/counting stations. Police officers were also stationed at the DPS at the Chai Wan Police Station to provide support to the PRO.

### **Turnout of Electors**

4.7 In the By-election, 4 307 of the 8 728 registered electors of the Kai Hiu Constituency cast their votes. The overall turnout rate was 49.35%. The hourly voter turnout rates of the By-election are shown in **Appendix II**.

### **Visits to Polling Stations**

4.8 Mr Justice FUNG Wah Barnabas, the EAC Chairman and Mr LUK Yee-shun Arthur, EAC Member, observed the polling process at different polling stations in the morning of the polling day. Firstly, Mr Justice FUNG visited the OPS at the Chinese YMCA of Hong Kong – Chai Wan Centre, while Mr LUK visited the DPS at the Chai Wan Police Station. After that, they visited the OPS at the Siu Sai Wan Community Hall together and conducted a media briefing on the latest progress of the poll and answered questions from the media.

## **Section 5 – Setting-up of Counting Station**

5.1 The poll at the OPSs at the Chinese YMCA of Hong Kong – Chai Wan Centre and Siu Sai Wan Community Hall, as well as the DPS at the Chai Wan Police Station, closed as scheduled at 10:30 p.m., while the DPSs at the four penal institutions closed at 4:00 p.m.

5.2 The PROs of the DPSs locked and sealed the ballot boxes in the presence of a police officer or an officer of the CSD after the close of poll. Under the escort of the Police, the PROs delivered those ballot boxes to the MCS at the Chinese YMCA of Hong Kong – Chai Wan Centre.

5.3 Regarding the OPSs at the Chinese YMCA of Hong Kong – Chai Wan Centre and Siu Sai Wan Community Hall, after the close of poll, the PROs of the OPSs concerned locked and sealed the ballot boxes in the presence of the election/polling agents who were present at the polling stations. At the same time, the polling staff displayed a notice at the entrance of each polling station, notifying the public of the close of poll and the temporary closure of the polling station to facilitate its conversion into a counting station as well as the telephone number of the station concerned to facilitate communication between the candidates or their agents and the polling staff.

5.4 When the conversion of the polling stations into counting stations was nearing completion, the counting staff displayed another notice outside each counting station, announcing the approximate time

when the counting station would be open for the public to observe the count. The conversion of the counting stations was completed within 40 minutes.

5.5 Mr Justice FUNG, the EAC Chairman, and Mr Arthur LUK, EAC Member, were present at the polling stations at the Siu Sai Wan Community Hall and Chinese YMCA of Hong Kong – Chai Wan Centre respectively to observe the conversion, and were satisfied that the conversion process as a whole was completed in a smooth manner.

## **Section 6 – The Count**

### **Start of the Count**

6.1 From 10:55 p.m. to 11:10 p.m. on the polling day, the counting stations at the Chinese YMCA of Hong Kong – Chai Wan Centre and Siu Sai Wan Community Hall were open for admission of the public and the media to observe the count. In the presence of candidates and their agents, the PROs and DPROs/APROs of the stations concerned put the locked and sealed ballot boxes onto the counting tables. The PROs then unsealed the ballot boxes. At the MCS at the Chinese YMCA of Hong Kong – Chai Wan Centre, the first unsealed ballot box was jointly emptied by Mr Arthur LUK, EAC Member, and the PRO concerned. The PRO then unsealed the ballot box received from each DPS, counted the numbers of ballot papers contained therein and verified the numbers against the ballot paper accounts of the respective DPSs, and then mixed them with those of the polling station at the Chinese YMCA of Hong Kong – Chai Wan Centre before starting the count. Regarding the counting station at Siu Sai Wan Community Hall, Mr Justice FUNG, the EAC Chairman, and the PRO concerned jointly emptied the first unsealed ballot box. The count then commenced immediately.

### **Invalid and Questionable Ballot Papers**

6.2 Out of the 4 307 ballot papers issued by all the polling stations, 1 was an unused ballot paper kept by the PRO, while 22 ballot papers



were considered to be clearly invalid. These invalid ballot papers were not counted in accordance with section 78 of the EAC (EP) (DC) Reg.

6.3 In addition, 66 ballot papers were identified as questionable ballot papers. In the presence of the candidates and/or their agents, the PROs concerned, with the assistance of the ARO (Legal) whenever required, carefully examined the questionable ballot papers to determine their validity. A total of 59 questionable ballot papers were ruled valid by the PROs and were counted. The remaining 7 questionable ballot papers were ruled invalid by the PROs and were not counted. The total number of ballot papers in ballot boxes that were not counted (including ballot papers that were clearly invalid and determined by PROs as invalid) was 29. A summary of the ballot papers concerned is in **Appendix III**.

### **Election Result**

6.4 Upon completion of the count, the PROs verified the number of ballot papers counted at their counting stations with the ballot paper accounts. The figures were found tallied. The PROs made known the counting results to the candidates and/or their agents who were present at the counting zones and received no request for re-count. The PRO of the counting station located at the Siu Sai Wan Community Hall then reported the counting results to the PRO of the dominant counting station at the Chinese YMCA of Hong Kong – Chai Wan Centre through the Statistical Information Centre. After consolidating the counting results, the PRO of the dominant counting station reported to the RO the overall

counting results and then informed the candidates and/or their agents present of the counting results.

6.5 As there was no request for re-count, the RO declared the election result at 1:14 a.m. on 11 June 2018: Ms CHIK Kit-ling Elaine was elected with 2 268 valid votes, representing 53.03% of the total number of 4 277 valid votes cast. As regards the other candidates, Ms ISHIGAMI LEE Fung-king Alice received 1 302 votes while Ms TAN Chun-chun Enki received 707 votes. The election result for the By-election was published in the Gazette on 15 June 2018 and is now reproduced in **Appendix IV**.

## **Section 7 – Complaints**

### **Complaints-handling Period**

7.1 The complaints-handling period for the By-election started from the commencement of the nomination period on 17 April 2018 and ended on 25 July 2018 (i.e. 45 days after the polling day). During the complaints-handling period, a total of five different parties were designated for handling and processing complaints. They were the EAC, the RO, the Police, the ICAC and the PROs (who discharged duties on the polling day only). Complainants could lodge their complaints with any of the above parties.

7.2 As at the end of the complaints-handling period, a total of 111 complaints were directly received from the public by the aforesaid five parties, including 52 complaints received on the polling day. The majority of these complaints concerned unauthorised display of EAs and nuisance to electors caused by the electioneering activities. A breakdown of the complaints received during the complaints-handling period by the receiving parties and their nature is shown in **Appendix V**.

### **Complaints Received on the Polling Day**

7.3 There were 52 complaints received by the EAC, the RO, the PROs and the Police on the polling day. The majority of the complaints received on the polling day were expeditiously resolved on the spot, such

as unauthorised display of EAs and nuisance to electors caused by the electioneering activities. A breakdown of the complaints received on the polling day by the receiving parties and their nature is shown in **Appendix VI**.

### **Outcome of Investigation**

7.4 Of the 111 complaints received during the complaints-handling period, 46 were found substantiated, 5 unsubstantiated, 57 required no further action, and 3 still under investigation.

## **Section 8 – Review and Recommendations**

8.1 The EAC considers that the By-election was conducted in an open, fair and honest manner, and is generally satisfied with the electoral arrangements. In line with the established practice, the EAC has conducted a comprehensive review on the electoral procedures and arrangements of the By-election with a view to improving the conduct of future elections. The EAC's review findings and the related recommendations are set out in the ensuing paragraphs.

### **(A) Identification of Venues for Polling/Counting Stations**

8.2 In the 2018 Eastern DC Kai Hiu Constituency By-election, the REO set up OPSs at the Chinese YMCA of Hong Kong – Chai Wan Centre and Siu Sai Wan Community Hall respectively for electors to vote. The polling stations assigned to the electors of the Constituency in the By-election were the same as those assigned to them according to their residential addresses in the 2018 Legislative Council (“LegCo”) By-election held on 11 March 2018. The arrangement would allow electors concerned to go to the same polling station in both of the above elections so as to avoid causing confusion to them and possibly going to the wrong polling station.

8.3 Since the space available for the setting up of polling station at the Chinese YMCA of Hong Kong – Chai Wan Centre was rather small, the REO had attempted to identify other suitable venues in the vicinity

when preparing for the By-election. However, no more spacious venue was available as replacement. The REO had also considered assigning all electors of the Constituency to the polling station set up at the Siu Sai Wan Community Hall, but owing to geographical constraints, electors who used to cast their votes at the Chinese YMCA of Hong Kong – Chai Wan Centre in the past elections would need to walk for an extra 15 minutes or so to get to the Community Hall located at a lower level. In view of the fact that many electors of the Kai Hiu Constituency were elderlies, in order to facilitate their voting and to prevent any inconvenience caused to these electors by the change of venue, the REO decided to maintain the designation of the Chinese YMCA of Hong Kong – Chai Wan Centre as one of the polling stations for the Constituency so that the electors concerned could vote at a venue which was more convenient and familiar to them.

8.4 Due to the geographical situation, there was a larger number of electors assigned to the polling station at the Chinese YMCA of Hong Kong – Chai Wan Centre in the By-election although it was smaller in size. As such, as required by law, it was designated as the dominant counting station for coordinating the counting results of the two counting stations. In accordance with the relevant legislation, if candidates or their election agents wish to request a re-count of votes of the whole constituency, such request must be made at the dominant counting station. Therefore, candidates would usually stay at the dominant counting station after the commencement of counting until the announcement of election result. Having considered that the candidates would likely be staying at

the dominant counting station, ROs of DC by-elections would normally announce the election results at the dominant counting station.

8.5 On the polling day, a chit system was adopted at the polling station set up at the Chinese YMCA of Hong Kong – Chai Wan Centre (details are set out in paragraphs 8.7 and 8.8 below). The poll went very smoothly. After the close of poll and the conversion of the polling station into a counting station, all candidates of the By-election, and a large number of media and members of the public observed the count and wait for the election result at this counting station, resulting in overcrowding in the press and public areas. In view of the situation, in addition to the police officers who were on duty at the counting station, the PRO deployed extra manpower to maintain the order at the counting station.

8.6 **Recommendation:** The EAC noticed that this was a by-election for a single DC constituency and all candidates were staying at the dominant counting station. The station had become the focus for the media and members of the public. Many people had stayed at the station to observe the count and wait for the election result, thus giving rise to the overcrowding. This situation had not happened in previous DC ordinary elections as hundreds of counting stations were involved in such elections and the attention of the members of the public and media was rather diverted. The EAC appreciates that the REO has already made its best endeavors to identify more spacious venues for setting up the polling station. Nonetheless, no better venue was available in the

district. Moreover, since there was only a three-month interval between this By-election and the 2018 LegCo By-election, it was a reasonable arrangement to set up the polling station at the same venue for both elections in order to avoid causing confusion to electors and possibly going to the wrong polling station by a change in venue. The EAC is of the view that the REO should keep in view the situation regarding the venues in the community and make continued efforts to identify spacious and convenient polling stations. Where necessary, the REO should consider adopting appropriate measures to ease the crowd of the members of the public and media waiting for the announcement of the election result.

#### (B) Adoption of a Chit System at the Polling Station

8.7 Among the two OPSs for the By-election, approximately 6 000 electors were allocated to the polling station set up at the Chinese YMCA of Hong Kong – Chai Wan Centre. There were a total of five ballot paper issuing desks at the polling station. Each issuing desk was tasked with serving electors with HKID numbers falling within a specified range, and each group of numbers was clearly marked on a signboard of different colours. As the polling station concerned was relatively small in size, there was insufficient space for all electors to line up at their respective ballot paper issuing desks at the same time. To avoid overcrowding inside the polling station and ensure that electors would collect their ballot papers in an orderly manner, the REO had put in place a chit system and special queuing arrangement at the polling station



concerned. As there was more space in the hallway between the entrance of the polling station and the ballot paper issuing desks, the PRO concerned put the signboards showing different groupings of HKID numbers in respect of the five ballot paper issuing desks in the area. Polling staff were deployed to assist electors entering the polling station to find out his/her respective ballot paper issuing desk according to his/her HKID number and distribute to him/her the colour chit which corresponded to the colour of the signboard of respective ballot paper issuing desk. Electors were arranged to line up along the long corridor leading to the ballot paper issuing desks. Polling staff responsible for this line-up area monitored the situation of the ballot paper issuing desks, and arranged the electors in the area to collect their ballot papers at the ballot paper issuing desks in an orderly manner. When a ballot paper issuing desk was ready to serve the next elector, the polling staff would direct the first elector in the queue holding the corresponding colour chit to proceed to the ballot paper issuing desk concerned. The chit system operated smoothly on the polling day and enabled electors to queue up to collect their ballot papers in an orderly manner.

8.8 **Recommendation:** The EAC is of the view that the chit system has operated smoothly and enabled electors to queue up and collect ballot papers in an orderly manner. The REO should, taking into account of the actual circumstances, consider introducing such system as appropriate in the smaller-sized polling stations serving a larger number of electors in future elections.

## **Section 9 – Acknowledgement**

9.1 The smooth conclusion of the By-election was attributable to the dedicated and concerted efforts of all parties involved.

9.2 The EAC would like to thank the following government bureaux and departments for their support and assistance:

Agriculture, Fisheries and Conservation Department

Civil Aid Service

Constitutional and Mainland Affairs Bureau

Correctional Services Department

Customs and Excise Department

Department of Justice

Drainage Services Department

Electrical and Mechanical Services Department

Food and Environmental Hygiene Department

Government Logistics Department

Home Affairs Department

Hong Kong Observatory

Hong Kong Police Force

Hongkong Post

Housing Department

Immigration Department

Independent Commission Against Corruption

Information Services Department

Lands Department

Leisure and Cultural Services Department

Marine Department

Official Languages Division (of the Civil Service Bureau)

Official Receiver's Office

Social Welfare Department

9.3 The EAC is grateful for the efforts of all government officers serving as the RO, AROs, PROs, DPROs, APROs and those who assisted in performing the polling and counting duties, and the barrister serving on the NAC(DC) in the By-election.

9.4 The EAC is also thankful to the CSD, the Police and other LEAs for their assistance to the REO in making the necessary arrangements to facilitate the voting by registered electors who were imprisoned, remanded or detained on the polling day.

9.5 The EAC would like to thank the media who helped enhance the transparency of the By-election by giving it wide coverage.

9.6 Finally, the EAC would like to express its appreciation to the electors who turned up to cast their votes and all those who rendered support or assistance in ensuring compliance with the electoral legislation and guidelines in the By-election.

## **Section 10 – Looking Forward**

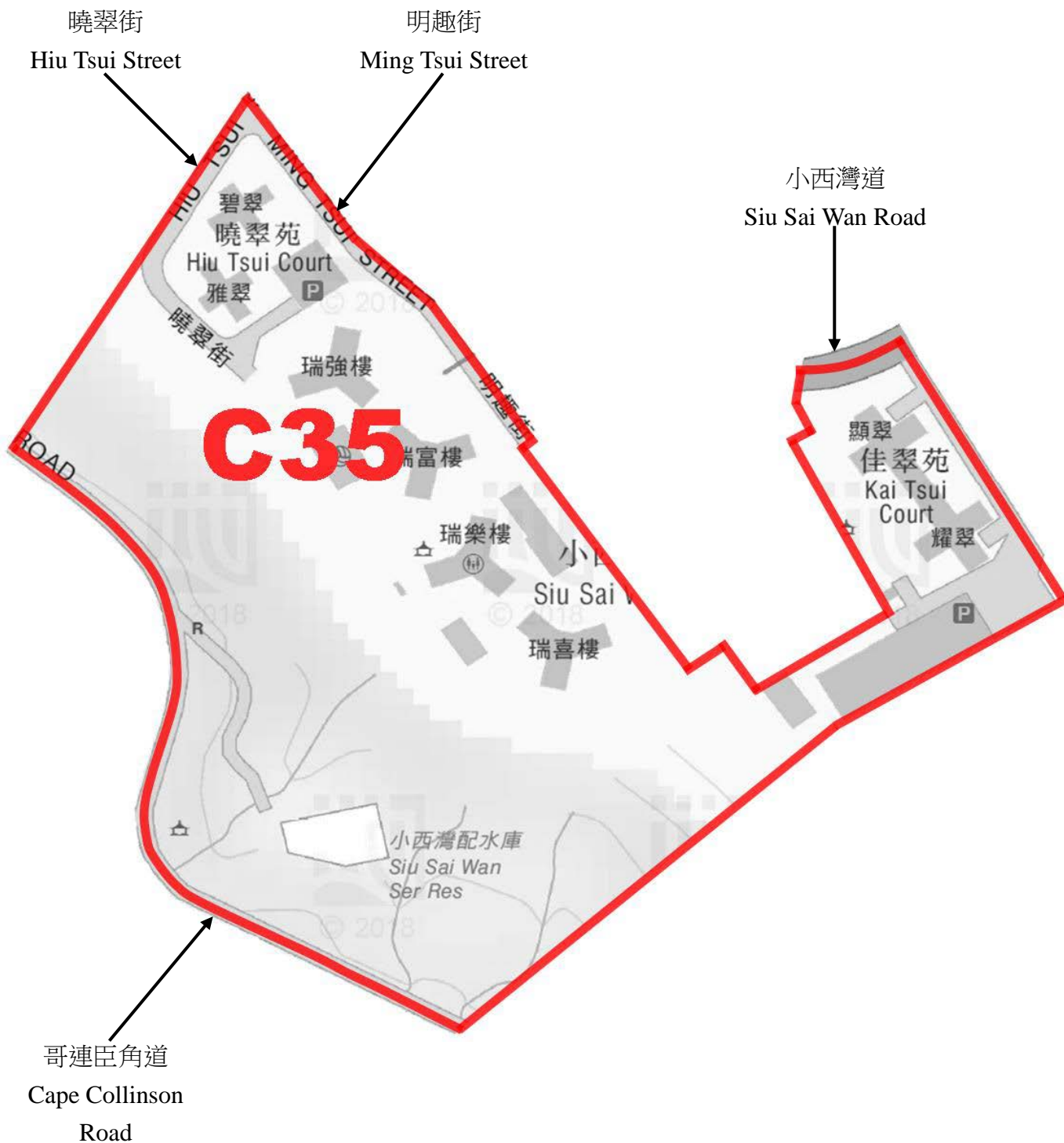
10.1 The EAC remains committed to fulfilling the mission of safeguarding the fairness and integrity of public elections in Hong Kong. It will make continued efforts to keep a vigilant watch on every election to ensure openness, fairness and honesty. The EAC welcomes positive and constructive comments to bring about improvements to the arrangements for future elections.

10.2 The EAC recommends that this report be made public, at a time the Chief Executive thinks appropriate, so that the public may be kept posted as to how the EAC conducted and supervised the By-election.

# **APPENDICES**

### 2018 Eastern District Council Kai Hiu Constituency By-election

#### Boundary of the Constituency



**2018 Eastern District Council Kai Hiu Constituency By-election****Hourly Voter Turnout**

	<b>Time</b>	<b>Cumulative Voter Turnout</b>	<b>Cumulative Turnout Rate (%)</b>
As at	08:30	131	1.50%
	09:30	408	4.67%
	10:30	738	8.46%
	11:30	1 094	12.53%
	12:30	1 456	16.68%
	13:30	1 778	20.37%
	14:30	2 029	23.25%
	15:30	2 314	26.51%
	16:30	2 639	30.24%
	17:30	2 906	33.30%
	18:30	3 201	36.68%
	19:30	3 500	40.10%
	20:30	3 787	43.39%
	21:30	4 050	46.40%
	22:30	4 307	49.35%

Remarks: The turnout rate figures are for reference only.

**2018 Eastern District Council Kai Hiu Constituency By-election****Summary of Ballot Papers in Ballot Boxes that were NOT Counted**

<b>Invalid Ballot Papers in Ballot Boxes that were NOT Counted</b>	<b>Number of Ballot Papers</b>
Unmarked	16
Contains votes for more than one candidate	6
With writing or mark by which the elector can possibly be identified	1
Void for uncertainty	6
<b>Total</b>	29



**2018 Eastern District Council Kai Hiu Constituency By-election****Election Result**

<b>Candidate Number</b>	<b>Candidate Name</b>	<b>Number of Votes Obtained as Declared by the RO</b>	<b>Result</b>
1	TAN CHUN CHUN ENKI	707	
2	ISHIGAMI LEE FUNG KING ALICE	1 302	
3	CHIK KIT LING ELAINE	2 268	Elected

**2018 Eastern District Council Kai Hiu Constituency By-election****Breakdown of Complaint Cases Received  
during the Complaints-handling Period***(from 17 April 2018 to 25 July 2018)*

Nature		Received by					Total
		Electoral Affairs Commission	Returning Officer	Police	ICAC	Presiding Officers	
1	Election advertisements	19	35	0	0	0	<b>54</b>
2	Electioneering activities on private premises/government land	7	5	0	0	0	<b>12</b>
3	Entitlement to vote	0	0	0	0	1	<b>1</b>
4	False statements	0	1	0	0	0	<b>1</b>
5	Corruption/bribery/treating/undue influence/duress	0	0	0	1	0	<b>1</b>
6	Disturbances to electors caused by loudspeakers/broadcasting vehicles/telephone canvassing/others	0	0	29	0	0	<b>29</b>
7	Personal data privacy	3	0	0	0	0	<b>3</b>
8	Polling arrangements	0	0	0	0	1	<b>1</b>
9	Illegal canvassing in No Canvassing Zone/ No Staying Zone	0	2	0	0	1	<b>3</b>
10	Dispute cases	0	0	4	0	0	<b>4</b>
11	Others	0	1	1	0	0	<b>2</b>
<b>Total</b>		<b>29</b>	<b>44</b>	<b>34</b>	<b>1</b>	<b>3</b>	<b>111</b>

**2018 Eastern District Council Kai Hiu Constituency By-election****Breakdown of Complaint Cases Received  
on the Polling Day**

Nature		Received by					Total
		Electoral Affairs Commission	Returning Officer	Police	ICAC	Presiding Officers	
1	Election advertisements	1	14	0	0	0	15
2	Electioneering activities on private premises/government land	1	4	0	0	0	5
3	Entitlement to vote	0	0	0	0	1	1
4	Disturbances to electors caused by loudspeakers/ broadcasting vehicles/ telephone canvassing/others	0	0	21	0	0	21
5	Polling arrangements	0	0	0	0	1	1
6	Illegal canvassing in No Canvassing Zone/ No Staying Zone	0	2	0	0	1	3
7	Dispute cases	0	0	4	0	0	4
8	Others	0	1	1	0	0	2
<b>Total</b>		<b>2</b>	<b>21</b>	<b>26</b>	<b>0</b>	<b>3</b>	<b>52</b>