

**Complaint cases relating to eviction or exclusion of
candidates or agents from polling stations**

- A. Cases in which no request had been made by agents to enter the polling station after the close of poll and no refusal by the PRO to admit agents**
(Based on investigation results as at 30.11.2004)

Code and Name of the Polling Stations	Findings and Remarks
Hung Hom Municipal Services Building Sports Centre, 3/F, Hung Hom Municipal Services Building, 11 Ma Tau Wai Road, Hung Hom, Kowloon (Code: G1801)	Some polling/counting agents witnessed sealing of ballot boxes and conversion. The door of the polling station was closed at close of poll. Police officer present during the conversion. The complaint that the complainant was not able to get into the station after 10:30 pm and until 12:15 am was found substantiated. But it was not caused by the PRO not abiding by the regulations or guidelines. It was a consequence of the location of the station being on the 3/F, which resulted in difficulty in communication between the complainant and the polling staff inside the station.
Tak Oi Secondary School, 8 Tsz Wan Shan Road, Tsz Wan Shan, Kowloon (Code: H1901)	Polling agents were allowed to witness sealing of ballot boxes and conversion. One of the complainants was late and the gate of the polling station had closed. The complainant did not make his presence and status known to polling staff inside the polling station. Awaiting one complainant to confirm details of the complaint. <i>(Investigation continuing)</i>

Code and Name of the Polling Stations	Findings and Remarks
P.L.K. Mrs Fong Wong Kam Chuen Kindergarten, G/F, Chun Moon House, Ko Chun Court, Ko Chiu Road, Yau Tong, Kowloon (Code: J2001)	PRO/APRO stated that candidates and agents were present to witness sealing of the ballot boxes and conversion. They also implied that no one had been refused entry. However, APRO(L) said that no agent was present after sealing of the ballot boxes. Police officer present during the conversion. <i>(Investigation continuing)</i>
Chinese YMCA Tsuen Wan Centre, Podium, Block G, Annex Building, Luk Yeung Sun Chuen, Tsuen Wan, N.T. (Code: K1301)	Some election/polling agents witnessed sealing of ballot boxes and conversion. No specific request was made with the PRO to enter the station. The complaint that the complainant was not able to get into the polling station at 10:30 pm and until 11:00 pm was found substantiated. But it was not caused by the PRO not abiding by the regulations or guidelines. It was caused by the possible fact that the complainant might have arrived shortly after 10:30 pm when the station was already closed.
South Tuen Mun Government Secondary School, 218 Wu Shan Road, Tuen Mun, N.T. (Code: L1501)	Agents witnessed sealing of ballot boxes and conversion. PRO stated that he had not refused any request for admission during conversion. Police officer present during the conversion. <i>(Investigation continuing)</i>

Code and Name of the Polling Stations	Findings and Remarks
Lingnan University, G/F, Main Building, Lingnan University, Tuen Mun, N.T. (Code: L2702)	Polling agent witnessed sealing of ballot boxes. Counting agents did not specifically request to enter station to see the conversion. Police officer present during the conversion. The PRO was trying to revise the layout of the counting station to accommodate all counting agents inside the small station, but did not realize not allowing them into the station during the conversion would give rise to suspicion. The complaint that counting agents were not allowed to enter the station from 10:30 pm until 2:00 am was found substantiated.
T.W.G.Hs. Yiu Dak Chi Memorial Primary School, Phase 1, Tin Shui Estate, Tin Shui Wai, Yuen Long, N.T. (Code: M1401)	A number of agents witnessed sealing of ballot boxes and conversion. PRO stated that no request was received for entry into the station during conversion. Complainant complained that a polling staff indicated that entry would be permitted by about 11:30 pm when arrangements were made for the counting process. This may well be a case of misunderstanding caused by the fact that the complainant and some counting agents waited outside the station between 10:30 pm and 11:30 pm who only asked about the time of the station's reopening, while some polling and counting agents were in the station and witnessed the sealing of the ballot boxes and the conversion. The complaint was unsubstantiated.
S.K.H., Tin Shui Wai Ling Oi Primary School, Primary School 1, 88 Tin Shui Road, Area 111, Tin Shui Wai, Yuen Long, N.T. (Code: M2001)	Polling agents witnessed sealing of ballot boxes. PRO requested the agents to leave their designated area and stay at a safe distance to facilitate movement of furniture for conversion into counting station, but he did not ask them to leave the station. The complaint was unsubstantiated.

Code and Name of the Polling Stations	Findings and Remarks
Tin Yiu Community Centre, Tin Yiu Estate, Tin Shui Wai, Yuen Long, N.T. (Code: M2301)	Polling agents witnessed sealing of ballot boxes and conversion. PRO/DPRO/APROs denied having refused entry of any counting agent. On telephone enquiry by REO, complainant said she did request for entry but was refused though the original record of complaint stated that polling staff should have taken the initiative to check the identity of agents. The complainant was invited to a meeting with EAC Chairman, so that further clarification could be sought with regard to her complaint. However, the complainant refused to attend and said that she had already reported the matter to the REO, and would like to withdraw the complaint. The complaint was treated as having been withdrawn.
Buddhist Ma Kam Chan Memorial English Secondary School, 9 Luen Yick Street, Luen Wo Market, Fanling, N.T. (Code: N0101)	According to PRO, one polling agent witnessed the sealing of ballot boxes and left the station on his own accord. No request was received to enter the station prior to 11:10 pm. On request by a counting agent at 11:10 pm, two counting agents were admitted when the conversion process was still going on. <i>(Investigation continuing)</i>
HK Teachers' Association Lee Heng Kwei Secondary School, Wan Tau Tong Estate, Tai Po, N.T. * (Code: P1001)	PRO stated that some agents witnessed sealing of ballot boxes and conversion and agents were not asked to leave the station during conversion. However, the complainant said that no agents were allowed to remain in the station during conversion. <i>(Investigation continuing)</i>

Code and Name of the Polling Stations	Findings and Remarks
Kwai Chung Post Office, Unit 11, G/F, Chau Kwai House, Kwai Chung Estate, Kwai Chung, N.T. (Code: S0501)	The complaint that counting agents were not allowed to enter the station from 10:30 pm until 11:30 pm was found unsubstantiated. It was a consequence that the station was very small and crowded. The PRO said that he did not want the agents to get in and out of the station during the conversion process as the polling staff had to move a lot of furniture. His remark was misunderstood by the complainant to mean that his presence was not wanted.
The HK Sze Yap Commercial and Industrial Association Chan Nam Chong Memorial College, 12 King Cho Road, Cho Yiu Chuen, Kwai Chung, N.T. (Code: S1401)	A polling agent witnessed sealing of ballot boxes and conversion. Did not receive or refuse any request to enter the station. Police officer present during the conversion. Awaiting complainant to confirm details of complaint. <i>(Investigation continuing)</i>
Lai King Community Hall, Lai King Hill Road, Kwai Chung, N.T. (Code: S1601)	Polling agents were requested to leave the polling hall to stay in the waiting area to facilitate conversion. Activities in the polling hall could be seen from the waiting area. Police officer present during the conversion. The complainant was a counting agent. <i>(Investigation continuing)</i>

B. Cases in which the PROs refused entry of counting agents but allowed polling agents to stay on as a result of misunderstanding the Operation Manual / Regulation / Guidelines*(Based on investigation results as at 30.11.2004)*

Code and Name of the Polling Stations	Findings and Remarks
Po Leung Kuk Yu Lee Mo Fan Memorial School, 19 Wharf Road, North Point, Hong Kong (Code: C2002)	Polling agents witnessed sealing of ballot boxes but then seated at the public area. Complainant being refused entry at 10:30 pm but was admitted at 11:00 pm on protest. <i>(Investigation continuing)</i>
Kornhill Christian Anglo-Chinese Kindergarten, Rear Portion, 1/F, Kornhill Plaza (North), 1 Kornhill Road, Quarry Bay, Hong Kong (Code: C2801)	Polling agents witnessed sealing of ballot boxes but then stayed outside the polling area to facilitate conversion. The polling area could still be seen from the outside through the glass door. Complainant being refused entry at 10:30 pm apparently caused by misunderstanding of the Manual. <i>(Investigation continuing)</i>
Canossa Primary School (San Po Kong), 9 Choi Yee Lane, San Po Kong, Kowloon (Code: H0702)	Polling agents witnessed sealing of ballot boxes and conversion. Counting agents were not allowed to enter the station because of the PRO's misunderstanding that only polling agents were allowed to witness the conversion process. The complaint was substantiated.
Ng Wah Catholic Secondary School, 5 Choi Hung Road, San Po Kong, Kowloon (Code: H0801)	Polling agents were allowed to witness sealing of ballot boxes and conversion. Two counting agents might have been refused entry at 10:20 pm. PRO was apparently under the impression that according to the Manual, counting agents were not allowed to witness the conversion. The complaint was substantiated.

Code and Name of the Polling Stations	Findings and Remarks
The Neighbourhood Advice-Action Council-Martha Baker Social Centre for the Elderly, G/F, Sheung Yat House, Upper Ngau Tau Kok Estate, Kowloon (Code: J3102)	Polling agents witnessed sealing of ballot boxes in the presence of police officers. Counting agents were not allowed to remain in the station during the conversion process and were only allowed in after 11 pm because of the PRO and DPRO's apparent misunderstanding of the Manual. The complaint was substantiated.
Semple Memorial Secondary School, 18 Siu Lun Street, Tuen Mun, NT (Code: L0301)	Polling agents were allowed to witness sealing of ballot boxes and conversion. PRO forgot the rule in the Guidelines that it was counting agent who should be allowed to stay in the station to witness the conversion process. Counting agents were allowed in immediately before the commencement of the count. The complaint was substantiated.
On Ting/Yau Oi Community Centre, On Ting Estate, Tuen Mun, NT (Code: L0401)	Polling agents allowed to witness sealing of ballot boxes and conversion. PRO recalled checking the identity of 2 counting agents but could not recall whether he asked them to stay outside until conversion was completed. The complainant did not provide details of the complaint and would like to withdraw the complaint. The complaint was treated as having been withdrawn.
Tin Shui Wai Government Secondary School, Phase II, Tin Yiu Estate, Tin Shui Wai, NT (Code: M2401)	Polling agents allowed to witness sealing of ballot boxes and conversion. Counting agents only admitted when counting commenced. Misunderstanding of the Manual. The complaint was substantiated.

C. Cases in which no agent was admitted for a period of time between close of poll and conversion / counting (See Appendix VI of the Interim Report)*(Based on investigation results as at 30.11.2004)*

Code and Name of the Polling Stations	Findings and Remarks
Chinese YMCA of HK – Chai Wan Centre, G/F, Sui Lok House, Siu Sai Wan Estate, Chai Wan, Hong Kong (Code: C3701)	10 minutes without agent inside when PRO sought advice from REO. A polling agent witnessed sealing of ballot boxes and then being requested to leave. PRO also refused entry of a candidate and counting agents during conversion process. The complaint was substantiated.
Butterfly Bay Community Centre, Butterfly Estate, Tuen Mun, NT (Code: L1801)	Polling agents witnessed sealing of ballot boxes but were requested to leave the station to facilitate conversion. Station re-opened when counting commenced. The complaint was substantiated.
HK & Macau Lutheran Church Primary School, 4 Chap Fuk Road, Tseung Kwan O, NT (Code: Q0401)	No candidates and agents were present at close of poll. PRO did not allow counting agents to witness conversion of polling station. The complaint was substantiated.
St. Rose of Lima's College, 29 Ngan Shing Street, Sha Tin, NT (Code: R3301)	Polling agents were requested to leave the station at about 10:55 pm after witnessing the sealing of ballot boxes, since according to the PRO, the station should be closed then. Counting agents were specifically requested to stay outside station during conversion since the station was not re-opened yet. The complaint was substantiated.

Code and Name of the Polling Stations	Findings and Remarks
Luen Kwong Public School, 1 Tai Tong Tsuen, Yuen Long, N.T. (Code: M0802)	Polling agents witnessed sealing of ballot boxes. Police officer present at the conversion. Agents were asked to leave the station after the close of poll and sealing of ballot boxes. <i>(Investigation continuing)</i> <i>[Based on the latest findings, this case has been transferred from category A to category C.]</i>

D. Cases in which both polling agents and counting agents were admitted to witness the conversion process as confirmed by the PRO/DPRO/APRO*(Based on investigation results as at 30.11.2004)*

Code and Name of the Polling Stations	Findings and Remarks
Smithfield Sports Centre, 6/F, Smithfield Municipal Services Building, 12K Smithfield, Kennedy Town, Hong Kong (Code: A0801)	PRO did allow counting agents to witness conversion. The complaint was about a delay of 15 minutes before letting the agent in because the DPRO did not know she was a counting agent at first. The complaint was unsubstantiated.
Pak Tin Community Hall, Podium, Block 3, Pak Tin Estate, Pak Tin Street, Sham Shui Po, Kowloon (Code: F1801)	Polling agents witnessed sealing of ballot boxes and were not requested to leave the station thereafter. Counting agents were admitted at 10:40 pm after requests were made and their identity checked. The complaint was about “counting agents not allowed to enter the station between 10:30 pm and 10:40 pm”. The delay in dealing with the formalities in checking identity of agents and not having the nametag of counting agent with the complainant were the main causes of the complaint. The complainant was not forbidden to enter the station. The complaint was unsubstantiated.
The Boys’ and Girls’ Clubs Association of HK Tsz Wan Shan Children & Youth Integrated Services Centre Lung Poon Court Office, Room 203, 1/F, Lung Poon Court Commercial Centre, Diamond Hill, Kowloon (Code: H0601)	Polling agents were inside the station during conversion. Counting agents were also admitted during conversion though they had to wait outside for a while. PRO stated that despite the ambiguity in the Manual, he decided to admit counting agents to witness the conversion process. The complaint was unsubstantiated.

Code and Name of the Polling Stations	Findings and Remarks
Shan King Community Hall, Shan King Estate, Tuen Mun, NT (Code: L0801)	Polling agents witnessed sealing of ballot boxes. Both polling and counting agents were allowed to enter the station during conversion. The complainant who was a counting agent misunderstood that he was entitled to witness the sealing process. When he was denied entry into the polling station to do so, he lodged the complaint. However, he was later admitted to observe the conversion. The complaint was unsubstantiated.
The Salvation Army Sam Shing Chuen Lau Ng Ying School, Sam Shing Estate, Castle Peak Road, Tuen Mun, NT (Code: L1201)	Polling or counting agents were present to witness sealing of ballot boxes and conversion of station. PRO said that no agent ever requested entry and being refused. Complainant claimed that he was asked to leave the station after sealing of ballot boxes to make way for the conversion. <i>(Investigation continuing)</i>
S.K.H. Mung Yan Primary School, 1 King Fung Path, Tuen Mun, NT (Code: L2701)	At around 10:30 pm, 4 to 5 agents (polling or counting) made requests to witness the conversion and were allowed to stay. The complainant informed that counting agents were allowed into the station promptly after the close of poll. The complaint was withdrawn.

* Additional information obtained after the Interim Report cut-off date of 23.10.2004.