

LCQ13: Ensuring polling staff to properly discharge duties

Following is a question by the Hon Andrew Wan and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (December 12):

Question:

The Legislative Council Kowloon West Geographical Constituency By-election was held on the 25th of last month. It has been reported that on the morning of that day when a candidate and some members of his electioneering team were conducting canvassing activities in a Chinese restaurant in Shek Kip Mei, a Presiding Officer told the candidate that the premises were within a No Canvassing Zone (NCZ) and demanded that he immediately stop his canvassing activities and leave. However, the Presiding Officer did not make the same demand to another candidate who was present at the premises at the time. The Chairman of the Electoral Affairs Commission subsequently met the media and advised that there was no problem for candidates to canvass for votes on non-street level storeys within NCZs. On the other hand, section 40(17) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) provides that a person may, on polling day, canvass for votes, without obstructing any person, on the storeys above or below street level in a building within NCZ provided that the person's entry to the building for canvassing votes is allowed and the building has no polling station inside it. In this connection, will the Government inform this Council:

(1) whether it has gained an understanding of the reasons for the aforesaid Presiding Officer to adopt different approaches for handling the conduct of canvassing activities by the two candidates; whether personal political orientations were involved; if so, of the authorities' further measures to ensure that polling staff will act in an impartial manner; and

(2) whether it has reviewed if the training on electoral legislation and relevant guidelines currently provided to polling staff is sufficient; if it has, of the outcome; if not, the reasons for that?

Reply:

President:

My reply to Hon Andrew Wan's question is as follows:

(1) In accordance with the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), door-to-door canvassing and, for the purpose of such canvassing, the display or wearing of propaganda materials, will be allowed on the storeys above or below street level in a building within a No Canvassing Zone (NCZ) other than a building in which

there is a polling station, provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not posed to others and no sound amplifying device is used.

Apart from this, no other canvassing activities will be allowed within a NCZ except for static display of election advertisements mounted at designated spots approved by the Returning Officer. On the polling day, Presiding Officers (PROs) will make their best endeavour to ensure that no person carries out the aforesaid canvassing activities in the NCZ in respect of their polling stations. Any person found to have conducted canvassing activities prohibited in the NCZ will be asked to leave the area.

The Electoral Affairs Commission has already received the complaint mentioned in the question, and will follow up on the case in accordance with the established practice.

According to the existing mechanism, the Registration and Electoral Office (REO) will, as far as possible, avoid deploying polling staff to work in the polling station where they would cast their votes. The REO will also require each staff to disclose if he/she had any close relationship with any candidates, and if so, he/she would not be assigned to work at any of the polling stations concerned, such that the election can be conducted in a neutral and fair manner.

(2) There were around 2,700 electoral staff responsible for polling and counting duties on the polling day in the by-election. As in previous elections, the REO arranged briefing sessions for all polling staff (including the PROs, Deputy Presiding Officers and all polling and counting staff) of the by-election, so as to ensure that the polling stations would be operated in a smooth and effective manner. Besides, polling management training which covered important provisions of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation, crisis management, quality polling service, complaint handling and training on emotional quotient, as well as experience sharing workshops was organised by the REO for staff at the supervisory level. Staff deployed to compile statistical returns on the polling day was provided with specialised training on statistical work.

The PROs must follow a set of working guidelines, so as to ensure that the entire election is conducted in an open, honest and fair manner.