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Beaten candidate unlikely to have winner disqualified

By TERRY LEE

THE chances of beaten Legislative Council candidate Desmond Lee Yu-tai having last week's election result declared void are looking slim.

Mr Lee, who lost by one vote in the Hongkong Island East electoral college constituency, queried the qualifications of appointed Eastern District Board member Mr Chow Fung-cheung as an elector.

But yesterday Mr Chow was cleared by the City and New Territories Administration (CNTA).

A CNTA spokesman said the fact Mr Chow was an employee in the New Zealand Commission did not classify him as a salaried functionary and therefore ineligible to vote as defined in section 9 of the District Boards Ordinance.

Mr Lee, who was beaten 21-20 by Mr Chan Ying-lun in the election, said earlier he would lodge a petition with the High Court and planned to use the District Boards Ordinance to challenge Mr Chow's status.

If Mr Lee won the petition, a by-election would have to be called for the two candidates to face the voters again.

However, the chances of Mr Lee getting a second chance to retain his Legco seat now seem to be fading.

The CNTA official said: "We've got confirmation from the New Zealand Commission that Mr Chow is not a civil servant of the New Zealand Government."

The official also said that

legal advice had been sought before Mr Chow's appointment in March and again after queries arose following his appointment.

In both cases, the Legal Department's conclusion was that that part of the ordinance did not apply to Mr Chow and he was fit to become an appointed member, he said.

Mr Chow's right to vote was secured by the fact that his name appeared on the final voters' register that was published before the election, the official said.

Although Mr Lee could go ahead and challenge Mr

Chow's status as an appointed member, the outcome might not affect the election results, he said.

"It's two different things to challenge his appointed status and the validity of his vote," he said.

"Any objection should be lodged with the Government before the election. There is very little that can be done after the register is finalised.

"Since there has been no objection, Mr Chow has the right to vote and his vote was valid in last week's election." Mr Lee was not available for comment last night.