

CHAPTER 1

AN OVERVIEW

Section 1 – Introduction

1.1 With the enactment of the Village Representative Election Ordinance (“VREO”), Chapter 576 of the Laws of Hong Kong on 14 February 2003, the conduct of all village representative (“VR”) elections held after that date were brought under statutory control to ensure that they are conducted in the same open, fair and honest manner as the other public elections. The Electoral Affairs Commission Ordinance (“EACO”) was also expanded to empower the Electoral Affairs Commission (“EAC”) to supervise the conduct of the VR elections and to perform its functions through the Director of Home Affairs (“DHA”).

1.2 In accordance with the VREO, there are two types of VRs for each village or a group of villages, one type is elected by indigenous inhabitants and the other by both indigenous and non-indigenous inhabitants. The former type is known as Indigenous Inhabitant Representative (“IIR”). The number of IIRs for each village, following the traditional number of VRs, varies from one to five. The latter type is known as Resident Representatives (“RR”) and there is only one RR for each village.

1.3 The IIR’s primary functions are to look after lawful traditional

rights, the interests and needs of the indigenous inhabitants of the village concerned and to reflect their views to the relevant authorities. The RR's primary function is to take care of the general interests and needs of the residents of his village, eg to suggest and advise on environmental improvement and public facilities matters, etc. The RR should not deal with the lawful traditional rights and interests and traditional way of life of the indigenous inhabitants.

1.4 The first VR ordinary election conducted under this statutory framework was held on six consecutive weekends from July to August 2003. The term of RRs and IIRs elected in 2003 were expired on 31 March 2007. The second VR ordinary election was held on five consecutive weekends in January and February 2007, ie 6-7, 13-14, 20-21, 27-28 January and 3-4 February to return 693 RRs and 787 IIRs for a term of four years from 1 April 2007 to 31 March 2011.

Section 2 – Legislation Governing the Election

1.5 In line with any other public elections, the 2007 VR Election was conducted within the bounds of the law. The election was governed by the following ordinances:

- (a) the EACO, which empowers the EAC to perform its various functions in supervising the conduct of the election and to submit to the Chief Executive a report on a VR election;

- (b) the VREO, which provides the legal basis for conducting the election;
- (c) the Elections (Corrupt and Illegal Conduct) Ordinance (“ECICO”), which prohibits election-related corrupt and illegal matters and is administered by the Independent Commission Against Corruption (“ICAC”).

1.6 These ordinances were complemented by two subsidiary legislation which provided the detailed procedures for the conduct of the election. They are -

- (a) EAC (Registration of Electors) (Village Representative Election) Regulation (“EAC (ROE) (VRE) Regulation”), which sets out the procedures for registering eligible persons as electors for elections held under the VREO; and
- (b) Electoral Procedure (Village Representative Election) Regulation, which provides detailed procedures governing the conduct of the VR elections.

Section 3 – Guidelines on Election-related Activities

1.7 With reference to the latest revisions in the EAC electoral guidelines issued for the Legislative Council Elections, the District

Council Elections and Election Committee Subsector elections in July 2004, August 2005 and September 2006 respectively, the guidelines for the VR elections originally issued in 2003 were updated and issued in November 2006 with a view to refining the electoral arrangements for this election.

Section 4 – The Scope of this Report

1.8 This report describes the preparation work for conducting the 2007 VR Election, depicts how the election was conducted, details how complaints were handled and, after reviewing the effectiveness of the electoral arrangements, makes recommendations for improvement for future elections.

CHAPTER 2

DEFINING STATUS OF VILLAGES

Section 1 – Types of Villages and VRs

2.1 The VREO classifies the 707 villages into 3 types according to their different nature as follows –

(a) **Existing Villages (“EVs”)**

An EV is a village with physical boundaries shown on a map, rather similar to the District Council constituencies in the District Council election or geographical constituencies in the Legislative Council election. In the 2007 VR Election there were 693 EVs, listed in Schedule 1 to the VREO.

(b) **Indigenous Villages (“IVs”)**

An IV is a village shown in the “Index for electing IIRs” kept by the Director of Home Affairs (“DHA”). There were 586 IVs in the 2007 VR Election, listed in Schedule 2 to the VREO.

(c) **Composite Indigenous Villages (“CIVs”)**

A CIV is a group of IVs. There were 15 CIVs in the 2007 VR Election, listed in Schedule 3 to the VREO. These 15 CIVs were composed of 32 villages and they were also EVs.

A physical village may be both an EV and an IV or an EV and a CIV. A chart illustrating these types of villages is at **Appendix I**.

2.2 The number of VRs to be returned for each EV, IV and CIV is specified in Schedules 1-3 to the VREO. Of the total number of 1,480 seats, there are 693 RR seats representing the residents of EVs and 787 IIR seats representing the indigenous inhabitants of IVs or CIVs. A detailed breakdown of the number of villages and VRs by district is at **Appendix II.**

Section 2 – Boundaries of EVs

2.3 Based on the boundaries of the EVs demarcated for the 2003 VR Election, the proposed boundary maps for 2007 VR Election were drawn up by the respective District Officers (“DOs”) of the Home Affairs Department (“HAD”) and displayed for public inspection from 23 December 2005 to 12 January 2006. The boundary maps of the EVs were displayed at the HAD headquarters, in the respective district offices and on the notice boards in the villages, and disseminated to the Heung Yee Kuk (“HYK”) and the relevant rural committees. At the end of this period a total of 51 objections, involving 53 villages, was received. 4 of these were later withdrawn. The DOs concerned carefully examined these objections and accepted 26 of them. The revised maps of 28 villages were displayed from 10 to 30 March 2006 for further consultation. At the end of this consultation period, all of these revised maps were accepted.

2.4 A full set of boundary maps was kept in the custody of the DHA and each DO kept the boundary maps relating to his own district in his office for public inspection.

Section 3 – Index of IVs and CIVs

2.5 According to sections 2 and 4 of the VREO, the information relating to all IVs and CIVs is contained in an Index kept by the DHA. Villages, the names of which appear in this Index, are IVs/CIVs.

CHAPTER 3

REGISTRATION OF ELECTORS

Section 1 – Eligibility for Registration as an Elector

3.1 The criteria of eligibility for registration as an elector are stated in section 15 of the VREO. In sum, a person is eligible for registration as an elector for an EV if he –

- (a) is a permanent Hong Kong resident;
- (b) is aged 18 or above; and
- (c) has been a resident of the EV for the 3 years immediately preceding his application for registration as an elector.

3.2 A person is eligible for registration as an elector for an IV or a CIV if he –

- (a) is an indigenous inhabitant of that village or the spouse of an indigenous inhabitant of that village;
- (b) is aged 18 or above; and
- (c) holds an identity document or has applied for a new identity card, or requested the alteration of the identity card or issue of a new identity card, in replacement of the identity card

previously issued to him.

He is not required to reside in Hong Kong or the village.

Section 2 – The Registration Period

3.3 The period for registration of electors was from 31 July 2005 to 30 July 2006, as stipulated in section 9(1) of the EAC (ROE) (VRE) Regulation. During this period the HAD received a total of 14,000 applications (7,206 for the RR election and 6,794 for the IIR election).

Section 3 – Publication of Provisional Register and Objections and Claims

3.4 After the end of the registration period, a Provisional Register (“PR”) for the EVs and the IVs/CIVs, recording the personal particulars of 85,650 electors of EVs and 85,454 electors of IVs/CIVs, was published on 9 September 2006 for public inspection until 22 September 2006. For this purpose, a full copy of the PR was kept in the office of the DHA (who is the Electoral Registration Officer (“ERO”) for VR elections) and the relevant parts of the PR (ie, the part of the PR relating to the district concerned), were kept in the respective District Offices. Details were announced in a notice in the Gazette Extraordinary published by the ERO on 9 September 2006.

3.5 As provided for in sections 23-25 of the EAC (ROE) (VRE)

Regulation, any person who considers that a registered person is not eligible to be registered as an elector may serve a notice of objection in a specified form in person at the office of the ERO or the office of the relevant Assistant ERO (ie the DO). Any person whose principal residential address is in Hong Kong and who has applied for registration as an elector but whose name is not recorded in the PR or who has a claim regarding his particulars in the PR may serve a notice of claim in the specified form in person at the office of the ERO or the office of the relevant Assistant ERO. But for a person whose principal address is not in Hong Kong and who wishes to lodge a claim, he may serve the notice of claim in a specified form in person, by post, facsimile transmission, electronic means (within the meaning of section 2(1) of the Electronic Transactions Ordinance) authenticated by a digital signature within the meaning of that section, or authorising another person in writing to serve the notice on his behalf. Copies of the specified forms can be obtained from the ERO's or relevant Assistant ERO's office, or downloaded from the VR elections website. For the 2007 VR Election, these arrangements were announced by the ERO in the notice in the Gazette Extraordinary published on 9 September 2006. Such objections and claims should be lodged during the public inspection period, ie from 9 September to 23 September 2006.

3.6 By 12:00 noon on 23 September 2006, 895 objections and 213 claims had been received by the ERO. These cases were heard in the Fanling Magistrates' Court by a team of four Revising Officers from 20 September to 29 September 2006. Thereafter there were appeals

against the Revising Officers' ruling. The Revising Officers then reviewed these cases and reheard them on the 4th and 5th of October. The final outcome was that 411 objections were allowed and 425 dismissed, while 29 claims were allowed and 183 dismissed. A detailed breakdown is shown in **Appendix III**.

3.7 Under sections 27 and 28 of the EAC (ROE) (VRE) Regulation, the ERO may make corrections to entries in the PR before compiling the Final Register ("FR"). Those made under section 27 of the regulation concern requests from electors to alter their personal particulars or the part of the register in which they should be recorded. They need not be approved by the Revising Officer. Those made under section 28 of the regulation concerning the removal, addition or correction of entries require the Revising Officer's approval. A detailed breakdown of the corrections made by the ERO in the 2006 PR under section 28 of the regulation is at **Appendix IV**.

Section 4 – Publication of the FR

3.8 After the Revising Officers' rulings and the relevant corrections to the entries in the PR had been made, the ERO published the 2006 FR on 20 October 2006. The number of electors of EVs and those of IVs/CIVs shown in the 2006 FR is 85,197 and 85,399 respectively. As in the case of the PR, a full copy of the FR is kept in the ERO's office and the relevant part of the FR are kept in the respective District Offices.

CHAPTER 4

PUBLICITY

Section 1 – General

4.1 In order to arouse public awareness and encourage the public's participation in the 2007 VR Election, the HAD launched a massive publicity campaign to –

- (a) arouse the attention of the general public to the election;
- (b) furnish the indigenous villagers and village residents, including those who had emigrated to foreign countries, with detailed information about the election, such as the criteria for registration as electors and standing as candidates in the election, the polling dates of the RR and IIR elections for the various villages, and polling and counting arrangements; and
- (c) appeal to them to actively participate in the election, ie to be registered as an elector; to vote at the election, and to stand as a candidate.

4.2 As not only local villagers but also villagers who have emigrated were involved, the publicity events and measures were carried out both locally and abroad.

Section 2 – Local Publicity

4.3 To start off, the HAD launched a voter registration drive on 26 June 2006 until 30 July 2006.

4.4 Posters, in both English and Chinese, on the election were distributed through the District Offices, HYK, rural committees and village offices. Banners were put up at spots where the voters registration work was carried out. Advertisements were published in several local newspapers including the Ming Pao (NT edition), Oriental Daily and South China Morning Post during the voters registration period.

4.5 During the period from June 2006 to February 2007, announcements in both Chinese and English were broadcast on the television and the radio to publicise the voters registration exercise, nomination of candidates, the electoral arrangements, etc.

Section 3 – Overseas Publicity

4.6 To keep overseas Chinese communities in the picture, the Hong Kong Special Administrative Region Government's overseas Economic and Trade Offices helped by displaying and disseminating the publicity materials to the local Chinese communities, and issuing press releases on the VR Election. The HYK and rural committees also rendered their assistance in distributing the publicity materials and other

related information to the indigenous villagers living abroad through their own networks. The overseas Chinese communities could also receive the information about the VR Election on an overseas channel run by the Television Broadcasts Ltd. and from the overseas edition of Hong Kong newspapers, eg the Sing Tao Daily (European edition).

Section 4 – Publicity on the Internet

4.7 To obtain information and registration/nomination forms for the 2007 VR Election, the public could visit the HAD's website (www.had.gov.hk/vre). The websites of the EAC and Registration and Electoral Office ("REO") (www.eac.gov.hk and www.reo.gov.hk) also displayed information about the relevant legislation and guidelines on the VR elections. For information relating to the provisions of the ECICO, the public could visit the website of the ICAC (www.icac.org.hk).

Section 5 – Publicity by the ICAC

4.8 To help candidates, election agents and helpers abide by the law, the ICAC conducted a total of 16 briefings to explain major provisions of the ECICO through the arrangement of District Offices/HAD and rural organizations.

4.9 The ICAC had also produced an Information Booklet featuring the legal requirements and possible corruption loopholes as reference for the use of all candidates and their election agents. In

addition, a 24-hour Election Enquiry Hotline had been set up to handle public enquiries on the ECICO.

4.10 An ICAC leaflet specifically designed for reminding electors the importance of upholding “Clean Village Representative Election” was distributed to all electors with the assistance of HAD. A poster on the theme of ‘Support Clean VR Elections’ had also been produced and displayed at District Offices, Village Offices, public transportation vehicles and government offices both local and overseas.

4.11 Other media publicity in the format of radio Announcement of Public Interests, video features on infotainment channel - ‘Roadshow’ on KMB buses, and press articles had also been engaged to publicise the clean election message extensively.

CHAPTER 5

NOMINATION OF CANDIDATES

Section 1 – Eligibility of Candidates

5.1 The eligibility criteria of candidates are stipulated under section 22 of the VREO. A person is eligible to be nominated as a candidate in the RR election, if he –

- (a) is a Hong Kong permanent resident;
- (b) is aged 21 or above at the time when he is being nominated as a candidate;
- (c) is a registered elector of the EV concerned;
- (d) has been a resident of that EV for at least six years immediately preceding his nomination; and
- (e) is nominated by at least five registered electors in that EV.

5.2 A person is eligible to be nominated as a candidate in the IIR election, if he –

- (a) is a Hong Kong permanent resident;
- (b) is an indigenous inhabitant of the IV/CIV concerned;
- (c) is aged 21 or above at the time when being nominated as a

candidate;

- (d) is a registered elector of the IV/CIV concerned;
- (e) has been ordinarily residing in Hong Kong; and
- (f) is nominated by at least five registered electors in the IV/CIV concerned.

Section 2 – The Nomination Period

5.3 The nomination period started on 23 November and ended on 6 December 2006. Candidates handed in their nomination forms to the relevant Returning Officer (“RO”) in person. At the close of nomination, the ROs received a total of 1,656 nominations.

Section 3 – Validly Nominated Candidates

5.4 After vetting the nominations, the ROs confirmed that, of the 1,656 nominations received, 12 were invalid and 14 had been withdrawn. Of the 1,630 valid nominations, 686 were for the RR elections, and 944 for the IIR elections.

5.5 Having gone through the 1,630 valid nominations, the ROs found and declared that 995 candidates were uncontested (426 for the RR elections and 569 for the IIR elections). The lists of uncontested candidates were published in the Gazette Extraordinary on 20 December 2006 and are shown at **Appendices V (A) and (B)** respectively.

5.6 The names and relevant particulars (ie principal address and the EV/IV/CIV) of the remaining 635 validly nominated but contesting candidates were also published in the Gazette Extraordinary on 20 December 2006.

5.7 The ROs also declared that the elections of 143 EVs and 16 IVs/CIVs involving 160 VR seats (143 RR and 17 IIR) had failed because there was no validly nominated candidate or the number of validly nominated candidate was less than the number of seats to be returned. The lists of EVs and IVs/CIVs where the elections have failed were published in the Gazette Extraordinary also on 20 December 2006 and shown at **Appendices VI (A) and (B)** respectively.

5.8 Two candidates contesting IIR elections in Tsuen Wan and Sai Kung Districts respectively were later disqualified by the RO in accordance with section 23(1) of the VREO. The relevant ROs published their disqualification in the Gazette on 12 and 19 January 2007.

5.9 Regrettably, the late Mr LAM Kam-wing, a candidate contesting for IIR election in Yuen Long District, passed away before the poll. The RO concerned published a notice in the Gazette on 12 January 2007 to announce the death of Mr LAM and declared that the remaining candidates were still validly nominated.

5.10 Because the opponent of the disqualified candidate for the IIR

election in Sai Kung District became uncontested, the number of uncontested candidates thus increased to 996 while the total number of contesting candidates was decreased to 631, contesting 324 seats.

5.11 Due to stringent resources, the candidates of the 2007 VR Election and the ROs were not provided with the service of the Nominations Advisory Committees that was available in past general elections of the LegCo and ordinary elections of District Councils. Candidates had to resort to their own legal advisers, and the ROs to the Department of Justice (“D of J”), for legal advice on the nominations.

5.12 There was neither any provision of free postage for the candidates to mail their election advertisements (“EAs”) to the electors. They had to fund such activity from their own purse.

5.13 The candidates were not required to place any election deposit.

5.14 Introductory leaflets containing relevant information about the candidates, their platforms and photographs were issued by HAD to each elector of the relevant Village.

Section 4 – Civil Servants Standing as Candidates

5.15 Unlike other public elections, serving civil servants were allowed to participate in the 2007 VR Election as candidates. Those

civil servants who wished to stand as a candidate in the VR Election had to seek prior approval from their head of department. However, permission would not normally be given to directorate officers, members of the Administrative Officer grade, disciplined members of the Police Force and members of the Information Officer grade. Those civil servants who had extensive contact with the villagers by virtue of their official duties (eg the Liaison Officers in the District Offices) and those whose official duties would likely have conflict of interests with the responsibility of the VR's office were also strongly advised not to seek candidature in the VR Election.

5.16 Among the 1,630 candidates, about 60 were serving civil servants.

Section 5 – The Briefing for Candidates

5.17 As in other public elections, the EAC Chairman hosted a briefing for the candidates of the 2007 VR Election. It was held in Tsuen Wan Government Secondary School on 16 December 2006. Also present with the EAC Chairman were the Deputy Director and the Assistant Director of the HAD responsible for matters relating to the 2007 VR Election, the representatives of the ICAC, D of J and the Chief Electoral Officer of the REO.

5.18 In the briefing session, the EAC Chairman briefed the candidates on the major provisions of the electoral legislation and

guidelines, and on the electoral arrangements. The EAC Chairman further appealed to the candidates for their attention to and compliance with the relevant legislation so as to ensure that the election would be held in an open, fair and honest manner. He then went through each and every important item which the candidates should pay attention to. He concluded that if all parties concerned abided by the law then they should not find it difficult to comply with the relevant provisions.

5.19 The questions raised by the candidates and their agents were promptly and clearly answered by the EAC Chairman and representatives of the departments.

5.20 Session for drawing lots were held by respective ROs on 11 December 2006, whereby the candidates were allocated their candidate number and designated spots for displaying their EAs (for certain villages in certain districts where such spots could be identified for the purpose of displaying EAs).

CHAPTER 6

POLLING AND COUNTING ARRANGEMENTS

Section 1 – Polling Days and Hours

6.1 The polling of 2007 VR Election was arranged on 5 consecutive weekends starting from 6 January to 4 February 2007. The polling hours were from 12 noon to 7 pm for each polling day. The polling dates of all villages and polling hours were promulgated in the Gazette by the SHA on 17 November 2006 and in the Gazette Extraordinary by the DHA on 20 December 2006 respectively.

6.2 After the ROs had verified the nominations received, it was found that almost 70% of the seats were returned uncontested. The poll scheduled for the villages concerned was thus cancelled. Despite the reduced number of required elections, the five-weekend polling arrangement which had been widely publicised was not condensed so as to avoid the confusion among electors and candidates.

Section 2 – Voting System

6.3 The voting system adopted for the VR elections is the simple majority or relative majority, commonly known as the “first-past-the-post”, system. A registered elector for:

- (a) an EV may vote for 1 candidate as the RR for that EV;
- (b) a CIV may vote for 1 candidate as the IIR for that CIV;
- (c) an IV may vote for as many candidates as the number of IIRs, ranging from 1 to 5, to be returned at the election for that IV.

The candidate who obtains the largest number of votes will be elected. In the case of an IV, the next vacancy will be filled by the next candidate who gets the next largest number of votes, and so on, until all vacancies are filled. In the event that there is/are still one or more vacancy/vacancies to be filled and the remaining candidates have the same number of votes, the RO will have to draw lots to determine which one of these candidates should be elected to fill the last vacancy.

Section 3 – Designated Polling Stations

6.4 The HAD headquarters and the ROs identified 113 polling stations and 39 counting stations in these districts. To ensure better supervision, due to manpower constraints, 49 polling stations, out of 113, were clustered polling stations, with each cluster set up on the same premises to serve a number of villages in the same locality. Venues used as polling and counting stations were mainly schools, community halls, village offices and indoor recreation halls. The number of polling stations in each district is shown below:

District*	Number
Islands	9
North	16
Sai Kung	6
Sha Tin	6
Tai Po	25
Tsuen Wan	7
Tuen Mun	8
Yuen Long	36
Total	113

* All candidates in Kwai Tsing District were elected uncontested.

6.5 As a contingency measure, an alternative or reserve polling station was designated for the villages belonging to the same rural committee.

6.6 The list of these polling stations and alternative polling stations was published in Gazette Extraordinary on 20 December 2006 by the DHA. The list of counting stations was also published in another Gazette notice on the same date by the DHA.

6.7 A Central Command Centre was set up in Southorn Centre to monitor the overall polling and counting processes on each polling day. It acted as the central co-ordinating centre to ensure the smooth operation of the polling and counting stations. The District Office in each of the eight districts was to serve as the district command centre on a polling day.

Section 4 – Polling and Counting Staff

6.8 Staff of the nine District Offices in the New Territories (“NTDOs”) were deployed as polling and counting staff and to man the district command centres. Staff from the other District Offices were also enlisted to render assistance where necessary.

6.9 The EAC is pleased to note that the officers who were appointed to undertake electoral duties in the 2007 VR Election were granted an honorarium. The arrangement was in line with one of EAC’s recommendation in its report on 2003 Village Representative Election.

Section 5 – Polling Notices to Electors

6.10 Ten days before the relevant polling day, a polling notice was sent to the elector concerned, notifying him of the date, time and location of the polling station in connection with the election of candidates for his village. Notices were also sent to the electors in cases where the candidate was uncontested or where the election had been declared as having failed. In these cases the electors concerned were notified vide the notice that they needed not go to the polling station to cast their vote.

Section 6 – Appointment of ROs, AROs and AROs(Legal)

6.11 The EAC appointed the DOs of the nine New Territories Districts as ROs, and 21 AROs from among their staff on 14 November

2006. Ms Dorothy CHENG, Senior Government Counsel of the D of J, was appointed by the EAC Chairman as the ARO(Legal) on the same day. Three more AROs(Legal) were appointed by the EAC Chairman on 15 January 2007, namely Ms Florence LING, Senior Government Counsel, Ms Angela YOUNG and Miss Karen LEE, Government Counsels of the D of J. The appointment of the ROs was published in the Gazette on 17 November 2006. A list of the ROs and AROs is shown at **Appendix VII**.

Section 7 – Training of Polling and Counting Staff

6.12 To ensure that the staff who have been appointed as polling and counting staff are competent in discharging their duties, the HAD had conducted several briefings and training sessions on 16 November and 18 and 20 December 2006. Operational manuals and VCDs on polling and counting arrangements were also issued to all NTDOs. It aimed at helping the staff to be engaged in familiarise themselves with the rules and operational procedures and their respective roles. In addition, mock exercises were conducted by some NTDOs to enable them to gain hands-on experience.

CHAPTER 7

THE POLLS

Section 1 – Polling Dates and Polling Hours

7.1 The polls for the 251 villages, involving 324 VR seats, were held on five consecutive weekends from January to February 2007, ie 6-7, 13-14, 20-21, 27-28 January and 3-4 February. The polling hours were from 12 noon to 7 pm on each polling day.

Section 2 – Logistical Support

7.2 On each of the 10 polling days all the designated polling stations were open for operation as scheduled. The weather was fine on these days and there was no unexpected incident to impede the conduct of the elections; so it was not necessary to open any of the alternative polling stations. Also operating were the Central Command Centre at Southorn Centre and the district command centres in the districts where elections were held.

7.3 A complaints centre, manned by the staff of the Complaints Unit of the EAC secretariat, was set up in the REO office in Harbour Centre to receive complaints from members of the public throughout the polling hours on each polling day.

7.4 The ICAC and Police teamed up for the purposes of combating triad influence and forestalling triad intrusion into electoral activities. A task force was formed and senior officers from both sides met on a regular basis to exchange information and map out strategies to fight crime and corruption. Representatives of ICAC and Police have also presented at the Central Command Centre on all polling days during polling hours to facilitate communication among departments.

Section 3 – Polling Arrangements

7.5 The set up of a polling station was modelled on that in the District Council election or the LegCo election. There were a number of voting compartments and ballot paper issuing desks. In a cluster of polling stations, accommodated under the same roof and serving 2 or more villages, polling stations were partitioned off or situated in separate rooms, each serving 1 village.

7.6 For a polling station serving a village where both RR and IIR elections were held, 2 sets of ballot papers printed in different colours, pink for the IIR electors and white for the RR electors, were provided. Separate coloured ballot boxes, red for IIR ballot papers and white for the RR ballot papers were used. Electors with different voting entitlements were given cardboards in different colours, red for those entitled to vote in both RR and IIR elections and white for those entitled to vote in either one of the two types of elections. There were 2 sets of registers for marking those electors who had been issued ballot papers, one for the RR

electors and the other for the IIR electors. Cross references were made in these registers to ensure that those entitled to have 2 ballot papers would be issued the correct number of ballot papers.

7.7 In line with the practice adopted for the District Council elections and LegCo geographical elections, the chop with the “✓” was used. No other means of marking the ballot paper was allowed.

7.8 A no canvassing zone and a no staying zone were specified by the ROs concerned outside each polling station or each cluster of polling stations. The order inside the station as well as within the no canvassing zone and no staying zone was satisfactorily maintained generally.

7.9 The Commission was impressed by the ample presence of police officers in the vicinity of polling stations during the polling hours. This went a long way in ensuring that no serious incident took place throughout the entire Election.

Section 4 – Electors’ Turnout Rates

7.10 The total number of registered electors of all the contested elections at the 2007 VR Election was 64,428, which is 10.66% lower than the 2003 VR Election (72,114), due to the increase in uncontested RR and IIR elections. Of these, 29,779 were electors of RR elections and 34,649 were electors of IIR elections. A total of 19,942 RR

electors (ie about 66.97%) and 23,278 IIR electors (ie about 67.18%) cast their votes on the polling days representing an overall average of 67.08% turnout rate, 6.76% lower than that for 2003 VR Election (73.84%). A detailed breakdown of the overall daily turnout rates for both the RR and IIR elections is shown in **Appendices VIII (A) and (B)**.

7.11 The statistics shows that the turnout rates on Sundays were comparatively higher than those on Saturdays, as some electors had to work in the afternoon on Saturdays and might not be able to reach the polling stations (most of which were located in the New Territories near the village concerned) before the close of poll at 7 pm.

Section 5 – Elections which had Failed and By-elections

7.12 As mentioned in para. 5.7, at the close of nomination, the ROs declared that the elections for 143 EVs and 16 IVs/CIVs had failed. This was either because: (a) nobody in the village concerned was interested in seeking candidature in the elections of those villages therefore no nominations were received or (b) the number of candidates returned for the village concerned is less than the number of seats to be filled.

7.13 As a result, the HAD would need to conduct by-elections for these villages at a later stage.

CHAPTER 8

THE COUNTS

Section 1 – Counting Stations

8.1 There was one central counting station for the villages covered by the same rural committee in the same district. Each counting station was supervised by the RO.

Section 2 – Counting Methods

8.2 In cases where only one seat was contested (eg the RR elections), manual counting (ie sorting the ballot papers into different plastic boxes according to the votes marked thereon and then starting the count) as used in the District Council elections was adopted.

8.3 In cases where relatively small numbers of seats and candidates were involved and the number of permutations was of a manageable size, manual counting was also used. An example showing the various permutations for an election where 5 candidates contested for 3 seats was at **Appendix IX**.

8.4 In cases where the number of permutations was too large to be handled efficiently, vocal counting was used. The votes gained by a candidate were recorded on a white board hung behind the counting

table in the form of a series of five-stroke Chinese character(s) of “正”, with each stroke representing one vote.

Section 3 – Counting Arrangements

8.5 The time for transporting the ballot boxes from the polling stations to the central counting station varied from village to village. For some villages it took a relatively short time while some took as long as a couple of hours. On the arrival of the ballot boxes the RO concerned opened and emptied the ballot boxes for the count to commence.

8.6 The counting tables were placed in such a way that they were neither too far apart nor too close for the sake of avoiding distraction on the one hand and avoiding allegations of vote tinkering on the other.

8.7 Questionable ballot papers were identified, and their validity was determined by the RO in front of candidates or their agents who were present at the counting station. The list of rejected ballot papers with related reasons is at **Appendix X**.

8.8 As regards the time for completing the count, this varied from district to district. For some districts it took about an hour or two to finish the count and declare the election result, while in others it took a much longer time.

Section 4 – Declaration of Result

8.9 The election result was declared at each counting station by the RO after the completion of the count. The results of these contested elections were promulgated in the Gazette notices published on 12, 19, 26 January and 2 and 9 February 2007 respectively.

8.10 The full lists of successful and unsuccessful candidates including those uncontested and those villages where elections were declared as having failed are shown in **Appendices XI (A) and (B)**. 53 civil servant-candidates won in the elections, 23 as RRs and 30 as IIRs.

Section 5 – EAC Visits

8.11 The EAC Chairman and Members embarked on individual itineraries to visit several polling stations on each of the polling days. They joined together to visit a counting station in the evening. On all of their trips they travelled by car, except for the trip to the polling station in Mui Wo on the Lantau Island, they travelled by boat.

8.12 The Commission met with the media on one occasion during this series of visits. They met the media after their visit to the polling station in Tai Po Wan Tau Tong Neighbourhood Community Centre on Day 1, 6 January 2007.

8.13 They generally found the polling and counting arrangements satisfactory and made some recommendations for improvement. (Please see Chapter 10 – Review and Recommendations.)

Section 6 – VIP Visits

8.14 On Day 1, Dr Patrick C P HO, the Secretary for Home Affairs, visited the polling stations in Tai Po district. Mrs Carrie Lam, the Permanent Secretary for Home Affairs, joined the EAC Chairman to visit the polling station in Sheung Shui Government Secondary School in Sheung Shui on the third polling day. Mrs Pamela TAN, the DHA, joined the EAC Chairman's visits to the polling stations in Tai Po, Sha Tin and Sai Kung Districts on 6 and 13 January 2007 respectively. She also joined the visits to counting stations in Yuen Long and Sai Kung Districts on 6 and 13 January and 4 February 2007 respectively.

CHAPTER 9

COMPLAINTS

Section 1 – Complaints-handling Period

9.1 The complaints-handling period started on 23 November 2006 (ie the commencement of the nomination period) and ended on 21 March 2007 (ie 45 days after the last polling day, 4 February 2007).

Section 2 – Complaints-handling Parties

9.2 The parties involved in handling complaints relating to the 2007 VR Election included the Complaints Unit of the EAC secretariat, the ROs, the Police, the ICAC and, on the polling days, the Presiding Officers (“PROs”).

9.3 The Complaints Unit of the EAC secretariat assumed the role of the co-ordinator for collating the complaint-related statistical information from the other parties and compiling a consolidated return for submission to the Commission on a weekly basis during the complaints-handling period.

9.4 Those who had lodged their complaints did so either in person, or sending in their complaints in writing, by phone, by fax or by e-mail.

Section 3 – Number and Nature of Complaints

9.5 The total number of complaints received during the complaints-handling period (including those received on the polling days) was 219. The ICAC received the largest number of complaint cases, a total of 70.

9.6 The complaint cases covered a wide spectrum, the majority of which concerned the eligibility of candidates, entitlement to vote and bribery. A list showing the total number of complaint cases received with detailed breakdowns by nature and recipient are shown in **Appendices XII (A) – (F)**.

Section 4 – Complaints Received on Polling Days

9.7 On the 10 polling days, a total of 29 complaint cases was received, of which 22 were received by the PROs and were mostly directed at the electors' entitlement to vote. **Appendix XIII** shows the details. Most of these cases, eg those relating to unauthorised displaying of EAs, illegal canvassing in the no canvassing and no staying zones, etc, were solved on the spot. Other complicated cases were referred to the authorities concerned for investigation, where necessary.

Section 5 – Outcome of Investigations

9.8 Of 219 cases received during the complaints-handling period, 17 were found substantiated, 33 not substantiated, 8 withdrawn, 47 no further action required while 114 were still under investigation.

9.9 The ROs issued a total of 5 warning letters to the complainees in substantiated cases. The Police prosecuted complainees in a forgery case. **Appendices XIV (A) - (D)** detailed the breakdown.

Section 6 – Judicial Review and Election Petition

9.10 At the conclusion of the 2007 VR Election, there was 1 election petition. The details are set out in the ensuing paragraphs.

9.11 Mr. Tang Kum-sui, one of the 4 candidates of IIR election of Ma Wat Tsuen of Fanling, filed an election petition against Messrs Chung Koon-lung and Chung Foon-yan, the other two candidates of the election on 12 March 2007. The petitioner alleged that the two Chungs were not indigenous inhabitants of the village concerned and should be disqualified from being elected as Indigenous Inhabitant Representatives. The hearing date for the case is yet to be fixed by the court.

CHAPTER 10

REVIEW AND RECOMMENDATIONS

Section 1 – A General Note

10.1 To ensure that the 2007 VR Election were conducted in an fair, open and honest manner in accordance with the law, the EAC, same as 2003, conducted on-site supervision through a series of visits to 22 polling stations and 10 counting stations to observe the electoral arrangements during the 10 polling days. In the course of these visits, the EAC discussed problems with the ROs concerned and HAB/HAD representatives on the spot and tendered advice for improvement where deficiencies and shortcomings were identified. The EAC was pleased to note that the ROs concerned were receptive to advice and prompt improvements were made throughout the election period. The EAC also appreciated the efforts made by HAD in issuing weekly reminders to all ROs on deficiencies and shortcomings noticed during the election period.

10.2 In line with the established practice, the Commission also conducted an overall review of the procedural and operational arrangements adopted in the election with a view to putting forth recommendations for improvement for future VR elections. The major aspects identified for improvement and the related recommendations are set out in the following paragraphs.

Section 2 – Matters Relating to the Preparation Work

(A) Registration of electors

10.3 The Commission noted with appreciation that the HAD had made much efforts to increase the number of registered electors through enhanced publicity both locally and overseas. In addition, temporary voter registration counters were set up and home visits were conducted in the villages. While the temporary registration counters served a dual purpose of publicizing the VRE as well as enhancing communication with the villagers, home visits seemed to be more effective in boosting the registration rate.

10.4 The very fact that the number of registered electors for the contested 2007 VR elections (64,428) was 10.66% lower than that of the 2003 VR elections and that elections had failed in 159 villages because of no nominees or insufficient registered electors to serve as subscribers suggests that there is still much room for improvement in the registration of electors.

Recommendation: The HAD should continue to step up its efforts in boosting the voter registration rates through enhanced publicity, setting up temporary registration counters and conducting more home visits.

(B) Candidates' introductory leaflets

10.5 There were several complaints about the omission of information of candidates, who did not submit their election platforms to the HAD in time, in the official introductory leaflet. There were worries that the practice to print only the candidate numbers, instead of name, of these candidates in the leaflet would affect the electors' ability in making the right choice.

Recommendation: To facilitate the electors in the identification of candidates, the HAD should adopt the same practices of other elections to print the name of those candidates who had not submitted their election platforms on the candidates' introductory leaflets.

(C) Electors' turnout rate

10.6 The Commission noted that the overall electors' turnout rate for this election was 6.76% lower than that for the 2003 VR Election showing increasing apathy among the electors.

Recommendation: The HAD should make their best endeavours to encourage the electors to exercise their civic duty to vote on the polling date through regular civic education as well as frequent appeals and reminders by electronic media.

Section 3 – Matters Relating to Polling and Counting Arrangements

(D) Polling stations

10.7 In visits to polling stations, the Commission noticed that the locations of most of them were quite convenient to the electors. Also, the Commission found that clustered polling stations (ie polling stations of different villages were located in the same place but different areas), had been widely used in the elections. The operations of these stations were smooth and cost effective.

Recommendation: The HAD should continue to identify suitable venues as polling stations and may, if circumstances allowed, consider to set up more clustered polling stations in the future.

(E) Polling days

10.8 Similar to the election in 2003, the overall turnout rates for each of the 10 polling days of this year's election show that the turnout on Sundays was comparatively better than that on Saturdays. The apparent reason was that some electors had to work in the afternoon on the polling Saturdays in the urban areas, and they were unable to reach the polling stations, which were located near the village concerned, before the close of poll.

Recommendations: The Commission considers that, if resources permit, it would be better if the VR elections for all villages could be held on one single Sunday. However, the Commission appreciates there may be resources constraints to do so. The HAD should consider, where possible, holding VR elections on several Sundays and to arrange for villages under the same rural committee to hold elections on the same Sundays in order to avoid confusion.

(F) Ballot papers issuing desks

10.9 There were several complaints on the arrangements of ballot papers issuing desks in polling stations. The complainants claimed that some issuing desks, particularly those for the aged electors, were occasionally having long queues while other issuing desks did not have any people waiting. They considered that such arrangement was unsatisfactory.

Recommendations: The Commission understood that the HAD had adopted the similar approach of other public elections to arrange ballot papers issuing desks for electors by their Hong Kong Identity Card numbers and the occasional long queues was mainly due to the voting habits of some aged electors (they usually went to vote in groups). Also, respective ROs had taken prompt actions to alleviate the problem within a short period of time. However, the HAD should try, as far as possible, to take into account the age profile of electors when arranging ballot papers issuing papers desks in the future, to avoid prolonged

queuing at some of the issuing desks.

(G) Practices of some polling and counting staff

10.10 During their visits to polling and counting stations, the Commission noticed from several isolated incidents that some polling and counting staff did not follow strictly the requirements in the relevant guidelines and regulations in discharging their duties. For example, candidates were not notified in advance of the election results before the declaration and were not given the opportunity to request for recounts. There had been an occasion that members of the public were allowed to enter into a counting station before the completion of the conversion work. There was also a complaint which accused a presiding officer of allowing an elector to put into the ballot box a ballot paper that was not marked by herself (the ballot paper was in fact marked by the elector's husband who was also an elector).

Recommendation: The HAD should always remind the polling and counting staff to familiarise themselves with the relevant electoral guidelines and regulations and to observe these provisions closely in the discharge of their duties. The staff should also be taught to deal with different complicated scenarios in the training sessions.

CHAPTER 11

ACKNOWLEDGEMENT

11.1 The Commission wishes to express its gratitude towards the HAB and HAD for conducting the election, particularly those serving as RO, AROs, PRO, APROs and polling and counting officers.

11.2 The Commission is also thankful to the various government bureaux and departments for their valuable assistance rendered throughout the election: D of J, Food and Environmental Hygiene Department, Leisure and Cultural Services Department, Government Logistics Department, Hong Kong Police Force, ICAC, Information Services Department, Lands Department, Official Languages Division (of the Civil Service Bureau), Overseas Economic and Trade Offices (of the Commerce, Industry and Technology Bureau) and the REO which is responsible for drafting this report, preparing the EAC visit programme and co-ordinating the handling of complaints. Each and every one of them contributed to making the election a success.

11.3 The Commission wishes to thank the media for their wide coverage of the key events in relation to this election which has contributed much to enhance its transparency.

11.4 Last but not least, the Commission would like to express its appreciation to the electors who turned up to cast their vote and all those who complied with the electoral legislation and guidelines during the various electoral processes.

CHAPTER 12

LOOKING AHEAD

12.1 The HAD is conducting the by-elections to be held on 27 May 2007 for the villages of which elections have been declared as failed to return candidates to fill those vacancies which have arisen subsequent to the election in January 2007.

12.2 At the time of finalising this report, the Commission is heavily engaged in the task of drafting the report on 2007 Chief Executive Election and finalising the guidelines on election-related activities in respect of District Council Election for upcoming District Council ordinary election to be held in November 2007.

12.3 The Commission will at all times be prepared to discharge its functions as required by the EACO in the capacity of an independent, apolitical and neutral body. It will remain committed to upholding the “open, fair and honest” principle in supervising the conduct of all future elections and continue to make its best endeavours in refining the electoral arrangements for future elections.

12.4 The Commission wishes to recommend that this report should go public, at a time the Chief Executive thinks fit, to enable the public to have a transparent picture of how the Commission supervises the conduct of the 2007 VR Election.