

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, e.g. 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 office of the 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. The term of office of the RRs and IIRs elected in 2007 were expired on 31 March 2011. The third VR ordinary election was held on four consecutive Sundays in January 2011, i.e. 2, 9, 16 and 23 January to return 695 RRs and 789 IIRs for a term of four years from 1 April 2011 to 31 March 2015.

Section 2 – Legislation Governing the Election

1.5 In line with any other public elections, the 2011 VR Election was conducted within the bounds of the law. The election is 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; and
- (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 are complemented by two subsidiary legislation which provides 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 (“EP (VRE) Regulation”), which provides detailed procedures governing the conduct of the VR elections.

Section 3 – Amendments to Electoral Legislation

Voting by Imprisoned Persons Ordinance

1.7 The Administration introduced the Voting by Imprisoned Persons Bill (“VIPB”) into the Legislative Council (“LegCo”) in May 2009 to remove the disqualification of imprisoned persons and persons convicted of certain election-related or bribery offences from being registered as electors and from voting in the LegCo, District Council, Chief Executive, Election Committee Subsector and VR elections. The VIPB was passed by the LegCo on 24 June 2009. The EAC subsequently made eight amendment regulations to provide for the detailed practical arrangements for imprisoned persons to register as electors and for registered electors imprisoned, remanded or detained to vote. These arrangements included the setting up of Dedicated Polling Stations (“DPSs”) for registered electors imprisoned, remanded or detained to vote and Ballot Papers Sorting Stations (“BPSSs”) for sorting ballot papers cast at DPSs before they were delivered to the respective counting stations for counting.

1.8 With all the provisions of the Voting by Imprisoned Persons Ordinance (“VIPO”) and the amendment regulations made by the EAC coming into operation on 30 October 2009, the 2011 VR Election was the first VR Election in which DPSs were set up in prisons for registered electors who were serving prison sentences to vote.

Village Representative Election Legislation (Miscellaneous Amendments) Ordinance 2009

1.9 To take forward the proposals put forward by the Rural Elections Review Working Group (formed jointly by the Home Affairs Department (“HAD”) and the Heung Yee Kuk (“HYK”)), the HAD introduced the Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009 in the LegCo in May 2009. The Bill proposed to include two villages in the relevant Schedules to the VREO; change the names of some villages; provide more time for lodging or handling claims or objections and conducting reviews in relation to the Provisional Register (“PR”); and increase the penalty on offences concerning order at polling stations and secrecy of votes in line with other public elections. The Bill was passed by the LegCo on 21 October 2009 and the Village Representative Election Legislation (Miscellaneous Amendments) Ordinance 2009 came into operation on 9 November 2009.

Section 4 – Guidelines on Election-related Activities

1.10 In order to reflect the legislative amendments mentioned in paras 1.7 and 1.9 above and to set out the related electoral arrangements, the guidelines for the VR elections originally issued in 2006 were updated in early December 2009. The amendment sheets were sent to all parties concerned in early December 2009.

1.11 The EAC has at all times made its best endeavours in refining the electoral arrangements for elections. Before each general or ordinary election, the EAC will revise the electoral guidelines. This is done on the basis of the guidelines used for previous elections, taking into account the operational experience of each election, as well as suggestions and the nature of complaints received from the public and other parties concerned. Before the promulgation of the guidelines, a 30-day period of consultation will be conducted during which representations are invited from the public and all parties concerned on the proposed guidelines. The guidelines will then be revised taking into account the views received during the public consultation period before they are finalised for issue to the public.

1.12 Having gone through the process mentioned in paragraph 1.11 above, the finalised guidelines for the 2011 VR Election and all subsequent Village By-elections were issued in October 2010. The guidelines were made available for public access at the EAC's website and for distribution at a number of venues including the Public Enquiry Service Centres of the District Offices in the New Territories. Each candidate of the 2011 VR Election was provided with a copy of the guidelines when he/she submitted the nomination form.

Section 5 – The Scope of this Report

1.13 This report describes the preparation work for

conducting the 2011 VR Election, depicts how the election was conducted, sets out 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 709 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 2011 VR Election, there were 695 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 DHA. There were 588 IVs in the 2011 VR Election, listed in Schedule 2 to the VREO. These IVs were not identified by their boundaries.

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

A CIV is a group of IVs. There were 15 CIVs in the 2011 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 1,484 seats, there are 695 RR seats representing the residents of EVs and 789 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 2007 VR Election, the proposed boundary maps for 2011 VR Election were drawn up by the respective District Officers (“DOs”) of the HAD and displayed for public inspection from 20 November 2009 to 10 December 2009. 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 HYK and the relevant rural committees. At the end of this period a total of 69 objections, involving 63 villages, were received. 3 of these objections were later withdrawn. The DOs concerned carefully examined these objections and accepted 32 of them. The revised maps of 41 villages were displayed from 5 to 25 February 2010 for further consultation. During this consultation period, a total of 7 objections, involving 10 villages, were received. 5 of these objections were accepted.

2.4 A full set of the boundary maps was uploaded to the VRE website and kept in the custody of the DHA. 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 three years immediately preceding his application for registration as an elector or for the three years immediately before serving a sentence of imprisonment if he is an imprisoned person and he still maintains his principal residential address in the EV.

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 2009 to 16 July 2010, as stipulated in section 9(1) of the EAC (ROE) (VRE) Regulation. During this period, the HAD received a total of 15,793 applications (8,114 for the RR election and 7,679 for the IIR election).

Section 3 – Publication of Provisional Register and Objections and Claims

3.4 After the end of the registration period, a PR for the EVs and the IVs/CIVs, recording the personal particulars of 89,019 electors of EVs and 94,111 electors of IVs/CIVs, was published on 27 August 2010 for public inspection until 9 September 2010. 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 published by the ERO on 27 August 2010.

3.5 As provided for in sections 23 to 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 (i.e. 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 2011 VR Election, these arrangements were announced by the ERO in the notice in the Gazette published on 27 August 2010. Such objections and claims should be lodged during the public inspection period, i.e. from 27 August to 9 September 2010.

3.6 By 5:00 p.m. on 9 September 2010, 1,408 objections and 9 claims had been received by the ERO. 68 objections were later withdrawn. These cases were heard in the Fanling and Shatin

Magistrates' Courts by a team of six Revising Officers from 1 September to 24 September 2010. Thereafter there were appeals against the Revising Officers' ruling. The Revising Officers then reviewed these cases and reheard them on 28, 29, 30 September 2010 and 4 October 2010. The final outcome was that 393 objections were allowed and 947 dismissed, while 4 claims were allowed and 5 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 2010 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 2010 FR on 20 October 2010. The number of electors of EVs and those of IVs/CIVs shown in the 2010 FR is 88,708 and 93,994 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 2011 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, i.e. 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 during the period from 31 May 2010 to 16 July 2010.

4.4 Appeal letters and posters on the election were distributed through the District Offices, HYK, Rural Committees, and village offices and women's organisations. Banners were put up at spots where the voter registration work was carried out. Advertisements were published in several local newspapers including the Headline Daily, and South China Morning Post during the voter registration period.

4.5 During the period from June 2010 to January 2011, announcements in both Chinese and English were broadcast on the television and the radio to publicise the voter 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 2011 VR Election from the overseas edition of a Hong Kong newspaper, i.e. the Sing Tao Daily (European edition).

Section 4 – Publicity on the Internet

4.7 To obtain information and registration/nomination forms for the 2011 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 11 briefings to explain major provisions of the ECICO through the arrangement of District Offices/HAD and rural organisations.

4.9 The ICAC had also produced an Information Booklet featuring the legal requirements and common corrupt and illegal pitfalls in conducting election activities as reference for all candidates and their election agents. In addition, an 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 Elections” was distributed to electors with the assistance of the HAD. A poster on the theme of ‘Support Clean Rural Elections’ had also been produced and displayed at District Offices, village offices, public transport facilities and government offices both local and overseas. The ICAC had also engaged a mobile exhibition vehicle and arranged roving exhibitions in the rural areas to disseminate clean election messages.

4.11 Other media publicity in the format of radio Announcement of Public Interests, short video on infotainment channel - ‘Roadshow’ on KMB buses, and press features articles had also been engaged to publicise the clean election message extensively. Moreover, the ICAC also set up a dedicated website with all the education and publicity materials, including a series of new e-games uploaded for the public’s reference.

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 13 November 2010 and ended on 26 November 2010. 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 1,776 nominations.

Section 3 – Validly Nominated Candidates

5.4 After vetting the nominations, the ROs confirmed that, of the 1,776 nominations received, 3 were invalid and 20 had been withdrawn. Of the 1,753 valid nominations, 740 were for the RR elections, and 1,013 for the IIR elections.

5.5 Having gone through the 1,753 valid nominations, the ROs found and declared that 943 candidates were uncontested (439 for the RR elections and 504 for the IIR elections). The lists of uncontested

candidates were published in the Gazette on 10 December 2010 and are shown at **Appendices V (A) and (B)** respectively.

5.6 The names and relevant particulars (i.e. principal address and the EV/IV/CIV) of the remaining 810 validly nominated but contesting candidates were also published in the Gazette on 10 December 2010.

5.7 The ROs also declared that the elections of 114 EVs and 11 IVs/CIVs involving 126 VR seats (114 RR and 12 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 on 10 December 2010 and also shown at **Appendices VI (A) and (B)** respectively.

5.8 One candidate contesting RR elections in Tsuen Wan was later disqualified by the RO in accordance with section 23(1) of the VREO. The relevant RO published his disqualification in the Gazette on 31 December 2010. Because the opponent of the disqualified candidate mentioned above became uncontested, the number of uncontested candidates thus increased to 944, and the number of contested candidates decreased to 808.

5.9 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

5.10 Unlike other public elections, serving civil servants were allowed to participate in the 2011 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 respective heads of departments. 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 (e.g. the Liaison Officers in the District Offices) and those whose official duties would likely have conflict of interest with the responsibility of the VR's office were also strongly advised not to seek candidature in the VR Election.

5.11 Among the 1,753 candidates, 42 were serving civil servants according to the information given by the candidates concerned.

Section 5 – The Briefing for Candidates

5.12 As in other public elections, the EAC Chairman hosted a briefing for the candidates of the 2011 VR Election. It was held in Tsuen Wan Town Hall on 1 December 2010. Also present with the EAC Chairman were the Deputy Director and the Assistant Director of the HAD responsible for matters relating to the 2011 VR Election, the

representatives of the ICAC, Department of Justice (“D of J”) and REO.

5.13 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. The EAC Chairman stressed that the EAC and all the government departments concerned would strictly enforce the law and the guidelines.

5.14 After the briefing session, the respective ROs drew lots to allocate candidate number and designated spots for displaying their EAs to candidates (for certain villages in certain districts where such spots could be identified for the purpose of displaying election advertisements (“EAs”)).

CHAPTER 6

POLLING AND COUNTING ARRANGEMENTS

Section 1 – Polling Days and Hours

6.1 The turnout rates of the 2007 VR Election showed 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 before the close of poll. The EAC therefore recommended in the report on the 2007 VR Election that consideration should be given to holding the VR elections on several Sundays and arranging for conducting elections for the villages under the same rural committee on the same Sundays to avoid confusion to electors. Having consulted the rural community and the EAC, the HAD reduced the polling days to four in the 2011 VR Election and arranged for holding the elections for the villages under the same rural committee on the same Sundays. The polls of the 2011 VR Election were therefore arranged on 4 consecutive Sundays from 2 January to 23 January 2011.

6.2 The polling hours started at 12:00 noon and ended at 7:00 pm for each polling day, except the DPSs situated in prisons which had shorter polling hours as detailed in paragraph 6.7. The polling dates of all villages and polling hours were promulgated in the Gazette by the Secretary for Home Affairs (“SHA”) and the DHA respectively on 15

October 2010.

6.3 After the ROs had verified the nominations received, it was found that about 63.61% of the seats were returned uncontested. The poll scheduled for the villages concerned was thus cancelled.

Section 2 – Voting System

6.4 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 candidate/candidates should be elected to fill the remaining vacancy/vacancies.

Section 3 – Polling and Counting Stations

6.5 The HAD headquarters and the ROs identified 119 polling stations and 21 counting stations in eight districts. To ensure better supervision and effective use of manpower resources, 52 polling stations, out of 119, 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 | 11 |
| North | 17 |
| Sai Kung | 3 |
| Sha Tin | 10 |
| Tai Po | 25 |
| Tsuen Wan | 9 |
| Tuen Mun | 9 |
| Yuen Long | 35 |
| Total | 119 |

* All candidates in Kwai Tsing District were elected uncontested.

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

Special polling arrangements for imprisoned, remanded and detained electors

Dedicated Polling Stations

6.7 To enable registered electors who were imprisoned or remanded by the Correctional Services Department (“CSD”) on the polling days to vote, DPSs were set up in 14 prisons. Owing to security reasons, the polls at these DPSs were conducted from 12:00 noon to 4:00 pm. A DPS was set up at Mei Tin Community Hall in Sha Tin District for the registered electors who were remanded or detained by the law enforcement agencies (“LEAs”) (other than the CSD) on each polling day. Since the LEAs might arrest persons who happened to be registered electors for the villages concerned any time on the polling days, this DPS was opened from 12:00 noon to 7:00 pm as with other ordinary polling stations.

6.8 The venue set-up at all the DPSs was basically the same as that of the ordinary polling stations, except that the polling materials were specially designed for security reasons.

6.9 The list of polling stations and alternative polling stations was published in Gazette on 10 December 2010 by the DHA. The list of counting stations was also published in another Gazette notice on the same date by the DHA.

Ballot Paper Sorting Station

6.10 A BPSS was set up at Hin Keng Neighbourhood Community Centre on each polling day for sorting ballot papers received from the DPSs according to each village before the ballot papers were delivered to the respective counting stations for counting of votes.

Central Command Centre

6.11 A Central Command Centre (“CCC”) 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 as well as the BPSS. The District Office in each of the eight districts in which poll was conducted served as the district command centre on the relevant polling days.

Section 4 – Polling and Counting Staff

6.12 Staff of the HAD were deployed as polling and counting staff and to man the district command centres.

Section 5 – Polling Notices to Electors

6.13 Ten days before the relevant polling day, a polling notice was

sent to the elector concerned, notifying him/her of the date, time and location of the polling station in connection with the election of candidates for his/her 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)

6.14 The EAC appointed nine DOs and two Assistant District Officers of the nine New Territories Districts as ROs, and 29 Assistant Returning Officers (“AROs”) from their staff on 8 October 2010. 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. The appointment of the ROs was published in the Gazette on 15 October 2010. A list of the ROs and AROs is shown at **Appendix VII**.

Section 7 – Training of Polling and Counting Staff

6.15 To ensure that the staff who have been appointed as polling and counting staff were competent in discharging their duties, the HAD had conducted five briefings and training sessions on 17, 20 and 21 December 2010. Operational manuals and VCDs on polling and counting arrangements were also issued to all polling and counting staff. It aimed at helping the staff to be engaged in the 2011 VR Election

familiarise themselves with the rules and operational procedures and their respective roles. In addition, enhanced training for Presiding Officers (“PROs”), Deputy Presiding Officers (“DPROs”), Counting Supervisors & Assistant Counting Supervisors were conducted by individual ROs to enable them to gain hands-on experience. Also, after the first polling day, weekly reminders were issued to all ROs/PROs to remind them of the essential points that they had to pay attention to during the election period.

CHAPTER 7

THE POLLS

Section 1 – Polling Dates and Polling Hours

7.1 The polls for the 246 villages, involving 414 VR seats, were held on four consecutive Sundays from 2 January to 23 January 2011, i.e. 2 January, 9 January, 16 January and 23 January. The polling hours started at 12:00 noon and ended at 7:00 pm on each polling day in line with the arrangements for the 2007 ordinary VR Election. For security reasons, the polls at the DPSs in prisons were conducted from 12:00 noon to 4:00 pm.

Section 2 – Logistical Support

7.2 On each of the four polling days all the designated polling stations were opened 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 CCC 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 the ICAC have also presented at the CCC 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 elections or the LegCo elections. 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 EAC was impressed by the ample provision of police officers to maintain law and order at polling and counting stations for the 2011 VR Election. 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 2011 VR Election was 79,959, which was 24.11% higher than the 2007 VR Election (64,428). Of these, 34,780 were electors of

RR elections and 45,179 were electors of IIR elections. A total of 21,978 RR electors (i.e. about 63.19%) and 28,846 IIR electors (i.e. about 63.85%) cast their votes on the polling days. They included around 40 imprisoned or remanded electors who cast their votes at the DPSs. The overall average turnout rate was 63.56% which was 3.52% lower than that of the 2007 VR Election (67.08%). A detailed breakdown of the overall daily turnout rates of both the RR and IIR elections is shown in **Appendices VIII (A) and (B)**.

Section 5 – Elections which had Failed and By-elections

7.11 As mentioned in para. 5.7, at the close of nomination, the ROs declared that the elections for 114 EVs and 11 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 was less than the number of seats to be filled.

7.12 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 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 (e.g. the RR elections), manual counting (i.e. 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 is 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 respective counting stations varied from village to village. For some villages it took a relatively short time while some took as long as a couple of hours. While the ballot papers cast at the polling stations were directly transferred to and counted at the respective counting stations, the ballot papers cast at a DPS were sent to the BPSS at Hin Keng Neighbourhood Community Centre for sorting according to each village before they were delivered to the respective counting stations for counting. The ballot papers were then mixed with the ballot papers of the relevant villages at the counting stations before they were counted to preserve the secrecy of votes. The sorting process was open to the public for observation. 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 7, 14, 21 and 28 January 2011 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)**. 37 civil servant-candidates won in the elections, 14 as RRs and 23 as IIRs.

Section 5 – EAC Visits

8.11 The EAC Chairman and Members embarked on individual itineraries to visit several polling and counting stations on each of the

polling days. They visited a total of 11 polling stations, one BPSS, and four counting stations on the four polling days. On the first polling day on 2 January 2011, they joined together to visit the BPSS at Hin Keng Neighbourhood Community Centre and the counting station at Tai Po Sports Association Li Fook Lam Sports Centre in the evening. After their visit to the aforesaid BPSS, the EAC met the media to provide election statistics and answer questions from the media.

8.12 The EAC closely monitored the events on the polling days and generally found the polling and counting arrangements satisfactory. On a number of occasions, the EAC issued directives to address problems encountered.

Section 6 – Visits by Government Officials

8.13 Mr. Young Lap-moon, Raymond, the Permanent Secretary for Home Affairs, and Mrs Pamela Tan, the DHA, joined the EAC Chairman and Members to visit the BPSS at Hin Keng Neighbourhood Community Centre and the counting station in Tai Po Sports Association Li Fook Lam Sports Centre on the first polling day on 2 January 2011. Mrs Tan also joined the EAC Chairman's visit to the DPS at Stanley Prison on the same day. She also visited polling stations in Tsuen Wan, Tuen Mun and Yuen Long Districts on 2 and 23 January 2011 respectively. On the last polling day on 23 January 2011, Mr. Tsang Tak-sing, the SHA, visited the polling stations in Yuen Long district.

CHAPTER 9

COMPLAINTS

Section 1 – Complaints-handling Period

9.1 The complaints-handling period started on 13 November 2010 (i.e. the commencement of the nomination period) and ended on 9 March 2011 (i.e. 45 days after the last polling day on 23 January 2011).

Section 2 – Complaints-handling Parties

9.2 The parties involved in handling complaints relating to the 2011 VR Election included the EAC Secretariat, the ROs, the Police, the ICAC and, on the polling days, the PROs.

9.3 Apart from handling complaints under its purview, 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 EAC 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 166. The ICAC received the largest number of complaint cases, a total of 56.

9.6 The complaint cases covered a wide spectrum, the majority of which concerned the eligibility of candidates, election advertisements and bribery. The lists showing the total number of complaint cases received by different complaints-handling parties with detailed breakdowns by nature are shown in **Appendices XII (A) – (F)**.

Section 4 – Complaints Received on Polling Days

9.7 On the four polling days, a total of 38 complaint cases was received, of which 27 were received by the PROs and were mostly directed at the electors' entitlement to vote. **Appendix XIII** shows the details. The PROs received complaints on the polling day at the polling stations and took action on the spot regarding cases which required immediate attention, e.g. unauthorised display of EAs and illegal canvassing in the no canvassing and no staying zones. Other complicated cases were referred to the authorities concerned for investigation, where necessary.

Section 5 – Outcome of Investigations

9.8 Of the 166 cases received during the complaints-handling period, 3 were found substantiated and 16 not substantiated while 90 were still under investigation. **Appendices XIV (A) - (D)** detailed the breakdown.

9.9 The ROs issued a total of 5 warning letters to the complainees in substantiated cases.

Section 6 – Judicial Review and Election Petition

9.10 Four applications for leave to apply for judicial review (“JR”) and three election petitions in relation to the 2011 VR Election had been lodged. The details are set out in the ensuing paragraphs.

9.11 Mr. Tang Kai-tak had lodged a JR application to challenge the decision of the Revising Officer to remove him from the FR for RR election for Tong Yan San Tsuen (III). The Court had granted leave to the JR application. The hearing date is yet to be fixed by the Court.

9.12 Mr. Wong Kam-wah had lodged a JR application to challenge the decision of the Revising Officer to remove him from the FR for IIR election for Tai A Chau. The Court had granted leave to the JR application. The hearing date is yet to be fixed by the Court.

9.13 Mr. Ng Koon-fat, a candidate of the IIR election for Shek Lung Tsai, had lodged a JR application to challenge the decision of the Revising Officer to dismiss his objection to the registration of 23 persons as electors for IIR election for Shek Lung Tsai. He alleged that the 23 persons were not indigenous inhabitants of the village. The Court had granted leave to the JR application. The hearing date is yet to be fixed by the Court.

9.14 Mr. Chan Chi-shing, a candidate of the IIR election for Luk Keng Chan Uk, had lodged a JR application to challenge the decision of the Revising Officer to dismiss his objection to the registration of 116 persons as electors for IIR election for Luk Keng Chan Uk. Mr. Chan Chi-shing alleged that the 116 persons were not indigenous inhabitants of the village. In his JR application, he had also sought an interim injunction restraining the EAC from performing its function regarding the conduct and supervision of the election for IIR for Luk Keng Chan Uk on 23 January 2011 pending the outcome of the JR application and an expedited hearing of the application. The Court had refused his application for interim injunction and decided that the JR application would be heard on a date between 23 January 2011 and 31 March 2011 (see paragraph 9.15 below for the hearing date fixed for the JR application).

9.15 After the conduct of the IIR election for Luk Keng Chan Uk, Mr. Chan Chi-shing had lodged an election petition to question the

election on the grounds that Mr. Chan Koon-wah who was elected at the election was not eligible to be nominated as a candidate and 116 registered electors were not eligible for registration as electors for the election. As there was connection between his election petition and JR application, the Court had directed that the election petition to be heard together with the JR application. The hearing was held on 11 March 2011 and 1 April 2011. The Court's judgment is awaiting.

9.16 Mr. Lee Tin-sang, a candidate of the IIR election of Hang Tau, had lodged an election petition to question the IIR election for the village on the grounds that Mr. Lee Koon-sin who was elected at the election was not eligible to be nominated as a candidate and 76 registered electors were not eligible for registration as electors for the election as they were not indigenous inhabitants of Hang Tau. The hearing date is fixed on 13 May 2011.

9.17 Mr. Teng Hung-ping, a candidate of the RR election of Tong Yan San Tsuen (III), had lodged an election petition to question the RR election for the village on the ground that Mr. Lam Yu-tung, Tony, who was elected at the election, was not eligible to be nominated as a candidate as he had not been a resident of Tong Yan San Tsuen (III) for a period of 6 years before his nomination as a candidate. The hearing date is fixed on 21 April 2011.

CHAPTER 10

REVIEW AND RECOMMENDATIONS

Section 1 – A General Note

10.1 The EAC is generally satisfied with the smooth conduct of the 2011 VR Election, which was organised in an open, fair and honest manner. After completion of the election, the EAC, following past practices, conducted a comprehensive review of all aspects of the electoral procedures and arrangements with a view to improving the conduct of future elections. The areas reviewed and the related recommendations are set out in the ensuing paragraphs.

Section 2 – Matters Relating to the Preparation Work

Number of Registered Electors

10.2 The EAC appreciates that the HAD had made sustained efforts to increase the number of registered electors through enhanced publicity both locally and overseas. Apart from displaying publicity materials, publishing advertisements and broadcasting announcements both locally and overseas, the HAD had sent letters to HYK, Rural Committees, village offices and New Territories women's associations to publicise the 2011 VR Election and encourage eligible persons to register as electors.

10.3 The number of registered electors increased from 170,596 in the 2007 VR Election to 182,702 in the 2011 VR Election (+7.10%) and the number of villages for which elections had failed because of no nominees or insufficient registered electors to serve as subscribers decreased from 159 villages in 2007 to 125 villages in 2011. These showed that the HAD's efforts put in the voter registration campaigns for the 2011 VR Election yield the expected results. On the other hand, it was noted that there were 57 villages without registered electors.

Recommendation: The HAD should continue its efforts in boosting the voter registration rate through different publicity measures and voter registration drive such as setting up temporary registration counters and conducting home visits to those villages without registered electors or with insufficient electors to serve as subscribers.

Electors' turnout rate

10.4 The EAC noted that the overall electors' turnout rate of this VR Election was 63.56% which was lower than those of the 2007 VR Election (67.08%) and 2003 VR Election (73.84%). This showed decreasing enthusiasm for voting among the electors.

Recommendation: The HAD should launch more focused publicity programme to encourage the electors to exercise their civic duty to vote on the polling days.

Registration of electors

10.5 There were a number of complaints relating to the eligibility of electors or candidates. In some of these cases, it was claimed that some registered electors or candidates for the RR Election did not meet the residency requirement stipulated in the VREO. A complainant considered that for registration of electors for the RR Election, the HAD had the responsibility to take verification actions on cases where a large number of electors had used the same address for registration as vote planting might be involved and on cases where incomplete addresses were provided by the applicants.

10.6 At present, the HAD will check if the principal residential address of an applicant for registration as an elector for the RR Election falls within the boundary of the concerned EV delineated for the RR Election. Site visit will be conducted with the applicant to ascertain his/her eligibility to be registered as an elector if necessary. The addresses provided by some applicants in the voter registration forms might only contain the name of the EVs concerned as some houses in the villages of the New Territories are not assigned with a house number or a street number. For such cases, the HAD will call the applicants to request for more information and if the situation warrants, conduct site visits to ascertain whether the locations of the houses are within the relevant village boundary.

10.7 Each year, the HAD will conduct a data matching exercise with the Housing Department to check whether any electors of the EVs, who were registered in the preceding year, are public housing tenants. If the matching results are positive, a verification letter will be issued to the registered electors concerned to ascertain their eligibility for registration as electors. For cases where letters or electoral documents (e.g. polling notices) sent to registered electors are returned as undelivered mails, the HAD will call the relevant electors to ascertain if they have moved out of the registered addresses.

Recommendation: The EAC noted that the HAD has put in place the aforesaid measures to verify the eligibility of the applicants for registration as electors for the RR Election and the existing registered electors. The HAD should review the measures mentioned above and consider adopting additional measures to verify the eligibility of the applicants for voter registration and the registered electors. Consideration should also be given by the HAD to setting up a mechanism for taking follow-up action on cases where a prescribed number of electors have used the same address for voter registration as vote planting might be involved.

Delineation of Village Boundaries

10.8 There was an incident of incorrect delineation of the boundary of a village called Mui Shue Hang in Tai Po. As there was only one valid nomination for the 2011 RR election for the village, the

candidate was returned uncontested. It was later found that the houses of the villagers including the 15 registered electors (RR) of the village fell outside the delineated village boundary.

10.9 According to the HAD, the current boundary of the village was first drawn up in 2002 and public consultation on the proposed village boundary was conducted in July and August 2002 as part of the preparation for the first VR Election under the VREO in 2003. During the consultation period, the map showing the delineation of the village area was displayed at the notice board for the village and kept at the Tai Po Rural Committee and Tai Po District Office for inspection. No comment or objection to the proposed boundary was received during the consultation period. Similar consultation exercises were conducted in 2006 and 2009 as part of the preparation for the RR elections for the village in 2007 and 2011 and no comment or objection to the proposed boundary was received during the consultation periods.

10.10 Having reviewed the case, the HAD considered that the registered electors (RR) of the village were excluded from the village boundary inadvertently. The HAD had checked that there was no other similar case. With the EAC's endorsement, the HAD had taken remedial measures. The HAD is re-drawing the boundary of the village to cover all the houses of the villagers and will conduct consultation on the proposed boundary. The incumbent RR and the newly elected RR of Mui Shue Hang were not residents of the village according to the delineated boundary of the village when they were nominated as

candidates for the RR election. As these RRs were not eligible to be nominated as a candidate for the RR election of the village under section 22 of the VREO, they had been disqualified from holding offices in accordance with section 9(4) of the VREO. Having gone through the next voter registration exercise in accordance with the re-delineated boundary of the village, the aforesaid 15 electors will be included in the 2011 FR. After that, a Village By-election will be conducted for the village. The Tai Po Rural Committee will represent the interest of the villagers until a RR for the village has held office.

Recommendation: The EAC is of the view that such incident could have been avoided if the boundary delineation work were conducted in a cautious manner. To forestall the recurrence of similar cases in future, the HAD should set up a system to conduct site visits to EVs to ensure that they fall within the respective village boundary delineated for the purpose of conducting RR Election and put in place procedures for counter-checking the proposed village boundaries by officers at different levels.

Section 3 – Matters Relating to Polling and Counting Arrangements

Polling days

10.11 As set out in paragraph 6.1 above, the polling days were reduced from 10 in the 2007 VR Election to four in the 2011 VR Election. The polls were conducted in four consecutive Sundays from 2 January to

23 January 2011 and the villages under the same rural committee were held on the same Sundays. As the polling days had been reduced substantially, it was imperative to have very careful planning for the 2011 VR Election such as manpower deployment and logistical arrangements. The EAC appreciates the dedicated efforts made by the HAD in this respect which had contributed to the smooth conduct of the election. The new polling arrangement was generally well-received by the electors.

Recommendation: The EAC considers that the arrangement of holding the VR ordinary election on four consecutive Sundays and conducting elections for the villages under the same rural committee on the same Sundays was appropriate. Further reduction in the polling days should only be made after careful consideration of the implications on manpower deployment and logistical arrangements.

Polling arrangement for imprisoned persons

10.12 This was the first VR Election in which DPSs were set up in prisons for registered electors who were serving imprisonment sentences to vote. For the 2011 VR Election, DPSs were opened in 14 prisons on a territory-wide basis for registered electors imprisoned on the four polling days. The polls at these DPSs were conducted smoothly. This was also the first time in the VR Election that a BPSS was set up to sort ballot papers cast at the DPSs before they were delivered to the respective counting stations for counting. The operation of the BPSS was smooth.

Recommendation: The EAC appreciates the efforts made by the HAD for putting in place arrangements in accordance with the relevant electoral legislation to enable imprisoned electors to cast their votes for the first time in the VR Election and to set up one BPSS for the sorting of ballot papers cast at the DPSs. The voting arrangements for imprisoned electors are considered appropriate and should continue to be adopted.

Issuing of ballot papers

10.13 The EAC noted that on the first polling day on 2 January 2011, there were two cases in which ballot papers were issued incorrectly to electors and one case where a “TENDERED” ballot paper was not handled in accordance with the proper procedures. In the first case, an elector claimed that she was eligible to vote in both the IIR and RR elections for a village in Tai Po. However, the polling staff at the ballot paper issuing desk could not find her name in the copy of the FR for the RR election. After checking by phone with the enquiry hotline of the CCC by a polling staff, ballot papers were issued to the elector for both the IIR and RR elections. Subsequently, it was found that that elector was only eligible to vote in the IIR election and the mistake of issuing a RR ballot paper to her was made possibly due to miscommunication between the staff concerned during the earlier checking.

10.14 In the second case, it was found that there were discrepancies between the number of ballot papers issued for each of the IIR and RR elections for a village in Tai Po and the number of registered electors in

the respective FR whose names had been crossed after being issued with ballot papers. It was suspected that a person who was eligible to vote in the RR election was incorrectly issued with a ballot paper for the IIR election.

10.15 The third case is related to the IIR election for a village in Yuen Long. After the close of poll, it was found that the number of counted ballot papers did not tally with the number of issued ballot papers with a discrepancy of one ballot paper. It was suspected that the ballot paper that could not be located was a “TENDERED” ballot paper which was put wrongly in a sealed packet which should not be opened unless ordered by the court, together with a spoilt ballot paper. That ballot paper should be issued to the elector concerned.

10.16 After the occurrence of the first two incidents which took place before the close of poll, the HAD had taken immediate remedial measures to prevent the recurrence of similar incidents which included tightening up the procedures for verification of electors’ status with the CCC and reminding the polling staff of the eight polling stations where both the IIR and RR elections were held to be vigilant when issuing ballot papers.

10.17 Having consulted the EAC, the HAD had informed all candidates concerned of the respective cases, their possible implications on the election results and their right to make an election petition. The HAD had also reviewed the operation of the polls on 2 January 2011 and

apart from the remedial measures mentioned in paragraph 10.16 above, implemented further improvement measures for the subsequent polling days including the issue of further guidelines to PROs and DPROs for handling different types of ballot papers (e.g. “TENDERED” ballot papers), providing “tips at your fingertips” about electoral arrangements for PROs, DPROs, Counting Supervisors and Assistant Counting Supervisors and conducting a dedicated briefing session by each RO for his/her key electoral staff before each of the subsequent polling days.

Recommendation: The three incidents mentioned above show that there is room for improvement on some operational procedures and that some polling staff were not familiar with the electoral legislation and the directives laid down in the operational manual. The EAC appreciates that after the occurrence of these incidents on the first polling day, the HAD had promptly taken improvement measures and noted that no similar cases happened on the remaining three polling days. In the light of the experience gained in the 2011 VR Election, the HAD should review the operational procedures with a view to making further improvements and incorporate the aforesaid improvement measures in the operational plans and manuals for future VR Elections. The HAD should consider organising mock exercises and workshops to help the PROs, DPROs and other polling and counting staff get familiar with the electoral legislation and the directives laid down in the operational manual. Consideration should also be given by the HAD to tapping the experience of the veteran polling staff by sharing their experience with other polling staff through experience sharing sessions as part of the

training programme.

CHAPTER 11

ACKNOWLEDGEMENT

11.1 The EAC wishes to express its gratitude towards the Home Affairs Bureau and HAD for conducting the election, particularly those staff serving as ROs, AROs, PROs, DPROs, Assistant PROs and polling and counting officers.

11.2 The EAC would like to thank the following government bureaux, departments and organisations for their support and assistance rendered throughout the election:

Correctional Services Department

Customs and Excise Department

Department of Justice

Food and Environmental Hygiene Department

Leisure and Cultural Services Department

Government Logistics Department

Hong Kong Police Force

Independent Commission Against Corruption

Information Services Department

Judiciary

Lands Department

Official Languages Division (of the Civil Service Bureau)

Hong Kong Economic and Trade Offices (of the Commerce and Economic Development Bureau).

11.3 The EAC is grateful for the staff of the REO which is responsible for drafting this report, preparing the EAC visit programme and co-ordinating the handling of complaints.

11.4 The EAC is thankful to the CSD and other LEAs for their assistance provided to the HAD in making arrangements for registered electors who were imprisoned, remanded and detained on the polling days to vote.

11.5 The EAC would like 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.

11.6 The EAC also recognises the support of the electors who exercised their civic duties and participated in the poll.

CHAPTER 12

LOOKING AHEAD

12.1 The HAD is conducting the Village By-election to be held on 12 June 2011 for the villages of which elections have been declared as failed to return candidates to fill those vacancies which have arisen subsequent to the VR Election held in January 2011.

12.2 At the time of finalising this report, the EAC is heavily engaged in the tasks of drawing up the recommendations for the delineation of geographical constituencies for the 2012 LegCo Election and drafting the guidelines on election-related activities in respect of the District Council Election and Election Committee Subsector Election.

12.3 The EAC 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 EAC would like to recommend this report to 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

2011 VR Election.

