

**ELECTORAL AFFAIRS COMMISSION**

**REPORT ON THE  
RURAL BY-ELECTION**

**(April 2017)**

**Submitted to**

**the Honourable C Y Leung  
the Chief Executive of the Hong Kong Special Administrative Region  
of the People's Republic of China**

**23 June 2017**

選舉管理委員會

ELECTORAL AFFAIRS COMMISSION

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23 June 2017

The Honourable C Y Leung, GBM, GBS, JP  
The Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
Chief Executive's Office  
Hong Kong

Dear Mr Leung,

Pursuant to section 8(1) of the Electoral Affairs Commission Ordinance, we have the pleasure in submitting to you the enclosed report on the Rural By-election (April 2017).

Yours sincerely,



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Barnabas Wah FUNG, Chairman



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Arthur Yee-shun LUK, Member



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Fanny Mui-ching CHEUNG, Member

**ABBREVIATIONS**

ARO, AROs	Assistant Returning Officer, Assistant Returning Officers
BPSS	Ballot Paper Sorting Station
EAC	Electoral Affairs Commission
EV, EVs	Existing Village, Existing Villages
HAD	Home Affairs Department
ICAC	Independent Commission Against Corruption
ReR, ReRs	Resident Representative, Resident Representatives
RO, ROs	Returning Officer, Returning Officers
RR, RRs	Rural Representative, Rural Representatives
RREO	Rural Representative Election Ordinance (Cap. 576)

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## Section 1 – Introduction

### *Background*

1.1 In accordance with section 21 of the Rural Representative Election Ordinance (Cap. 576) (“RREO”), after the ordinary election held in 2015, the Electoral Affairs Commission (“EAC”) made arrangements for the conduct of the fifth round of Rural By-election on 30 April 2017 to return three Rural Representatives (“RRs”) for filling the Resident Representative (“ReR”) vacancies in three Existing Villages (“EVs”). The reasons for conducting the By-election are set out in paragraph 1.3 below.

1.2 The Rural By-elections should normally be conducted twice a year. In accordance with the established practice, the EAC arranged for a Rural By-election on 30 April 2017.

### *The Vacancies*

1.3 After the conclusion of the last Rural By-election held on 27 November 2016, a total of three ReR vacant seats arose in three EVs. These vacancies are classified into two different groups as follows:

- (a) **one vacancy** for a ReR vacant seat in one EV arose because the elected ReR had resigned from the office;  
and
- (b) **two vacancies** for two ReR vacant seats in two EVs arose because the elected ReRs had passed away.

1.4 Three Districts, namely Sai Kung, Tai Po and Tsuen Wan, were involved in this By-election. A list showing the details of the vacancies and dates on which the vacancies were declared in the Gazette notices is at **Appendix I**.

## **Section 2 – Appointments**

### ***Polling Day and Nomination Period***

2.1 Pursuant to section 6 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L), the Director of Home Affairs published a notice in the Gazette on 10 March 2017, appointing 30 April 2017 as the polling day of the By-election and specifying the period from 21 March 2017 to 3 April 2017, both days inclusive, as the nomination period. The By-election was held to return three ReRs to fill the vacancies in three EVs. A breakdown of the number of ReRs to be returned by District is shown at **Appendix II**.

### ***Appointment of Returning Officers, Assistant Returning Officers, Assistant Returning Officer (Ballot Paper Sorting Station) and Assistant Returning Officer (Legal)***

2.2 In accordance with section 54 of the RREO, the EAC appointed two District Officers and one Assistant District Officer of the three District Offices concerned as the Returning Officers (“ROs”), three members of their staff as the Assistant Returning Officers (“AROs”) and a staff from the Home Affairs Department (“HAD”) Headquarters as the ARO (Ballot Paper Sorting Station) (“BPSS”) to take charge of the operation of the BPSS. A Senior Government Counsel was appointed as the ARO (Legal). The appointment of ROs was published in the Gazette on 10 March 2017. A list of the ROs and AROs is shown at **Appendix III**.

***Operational Manual for Returning Officers and Assistant Returning Officers***

2.3 To enable all parties concerned to familiarise with the rules and operation of the By-election, HAD prepared and issued operational manuals to the ROs and AROs for reference. As, by virtue of their previous experience and work knowledge, the ROs and AROs were familiar with the electoral arrangements, it was considered unnecessary to conduct a briefing by the EAC Chairman for them.



### **Section 3 – Publicity**

3.1 Information on the By-election was published on the websites of the EAC, HAD and the Independent Commission Against Corruption (“ICAC”) throughout the election period for general reference of candidates, electors and the public. Press release was also issued to publicise the nomination period and the polling day. These measures helped enhance the transparency of and public interest in the By-election.

3.2 Apart from the publicity measures mentioned in paragraph 3.1 above, HAD also placed advertisements on local newspapers to invite nominations for the By-election. Appeal letters were also issued to electors before the commencement of the nomination period to encourage the registered electors of the villages concerned to participate in the By-election.

## **Section 4 – Nomination of Candidates**

### ***The Nomination Period***

4.1 The nomination period started on 21 March 2017 and ended on 3 April 2017. Candidates were required to hand in their nomination forms to the relevant ROs in person. At the close of the nomination period, the ROs had received a total of three nominations.

### ***Validly Nominated Candidates***

#### *Validity*

4.2 After vetting the nominations, the relevant ROs determined that all the three nominations for the ReR elections were valid.

#### *Uncontested elections*

4.3 Having examined the nominations, the ROs declared that a candidate each for the ReR elections for Tseung Kwan O in the Sai Kung District, Luen Yick Fishermen Village in the Tai Po District and Tin Liu in the Tsuen Wan District were elected uncontested as there was only one validly nominated candidate for each vacancy. The names of the aforesaid candidates who were returned uncontested in the By-election were published in the Gazette on 13 April 2017 and are shown at **Appendix IV**.

4.4 As no poll would have to be conducted, the briefing for candidates scheduled for 7 April 2017 was cancelled.

4.5 As the ReRs were returned uncontested, each of the electors concerned was informed by a notice that no poll would be conducted for their villages on 30 April 2017.

## **Section 5 – The Complaints**

### ***Complaints-handling Period***

5.1 The complaints-handling period started on 21 March 2017 (i.e. commencement of the nomination period), and ended on 18 May 2017 (i.e. 45 days after the close of the nomination period) since the By-election was uncontested and concluded on 3 April 2017.

### ***Complaints-handling Parties***

5.2 The parties involved in the handling of complaints relating to the By-election included the EAC, the ROs, Police and ICAC. The EAC, supported by the EAC Secretariat, would deal with cases that were within its jurisdiction and not covered by any statutory provisions involving criminal sanction.

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

### ***Number and Nature of Complaints***

5.4 By the end of the complaints-handling period on 18 May 2017, no complaint had been received by any of the complaints-handling parties.

## **Section 6 – Review and Recommendation**

6.1 The three validly nominated candidates were uncontested in this By-election as only one valid nomination was received for each of the three vacancies. This indicated a possibility that the electors concerned were less enthusiastic about competing as candidates for the vacant seats in the three EVs with moderate electoral sizes ranging from 80 to 201.

6.2 Recommendation: The EAC considers that the HAD should make continuous efforts to encourage electors to exercise their civic duty and participate in the RR elections as candidates through strengthened publicity measures.

## **Section 7 – Acknowledgement**

7.1 Although the By-election was uncontested, the EAC wishes to extend its gratitude to HAD, particularly those staff serving as ROs and AROs for their part in determining the validity of nominations and in making the necessary preparations for the By-election.

7.2 The EAC is thankful to the Registration and Electoral Office which was responsible for drafting this report and co-ordinating the handling of complaints for the By-election.

## **Section 8 – The Way Ahead**

8.1 HAD is planning the conduct of another round of By-election in December 2017 to fill RR vacancies that may arise subsequent to this By-election.

8.2 The EAC would like to recommend that this report be made public, at a time when the Chief Executive thinks appropriate, to uphold the principle of transparency.





# **APPENDICES**

**Rural By-election (April 2017)**  
**Details of Vacancies**

<b>Causes of Vacancy</b>		<b>District</b>	<b>Rural Committee</b>	<b>Name of Village</b>	<b>Type of Rural Representative</b>	<b>Date of Gazettal of Vacancy</b>
(A)	Resigned	Sai Kung	Hang Hau	Tseung Kwan O	ReR	14.10.2016
(B)	Deceased	Tai Po	Tai Po	Luen Yick Fishermen Village	ReR	23.12.2016
		Tsuen Wan	Ma Wan	Tin Liu	ReR	21.10.2016

Note:

ReR: Resident Representative

**Rural By-election (April 2017)**  
**Breakdown of Number of Resident Representatives to be Returned**  
**(By District)**

<b>District</b>	<b>No. of Resident Representatives</b>
Sai Kung	1
Tai Po	1
Tsuen Wan	1
<b>Total</b>	<b>3</b>

**Rural By-election (April 2017)  
Appointment of Returning Officers and  
Assistant Returning Officers**

The following officers were appointed as Returning Officers, Assistant Returning Officers, Assistant Returning Officer (Ballot Paper Sorting Station) and Assistant Returning Officer (Legal) of the captioned By-election:

**(I) Returning Officers**

<b><u>Name</u></b>	<b><u>Post</u></b>
Ms LUI Siu-chu, Andy	District Officer (Tai Po)
Miss YIP Kam-ching, Jenny	District Officer (Tsuen Wan)
Mr KWOK Chung-kai, Peter	Assistant District Officer (Sai Kung)1

**(II) Assistant Returning Officers**

<b><u>Name</u></b>	<b><u>Post</u></b>
Ms WONG Yu-hang, Anita	Senior Liaison Officer (2) (Tai Po)
Mr HUEN Yeuk-hon, John	Senior Liaison Officer (1) (Tsuen Wan)
Miss MAK Wai-man, Sandy	Senior Liaison Officer (1) (Sai Kung)

**(III) Assistant Returning Officer (Ballot Paper Sorting Station)**

<b><u>Name</u></b>	<b><u>Post</u></b>
Ms IP Wai-ming, Phoebe	Senior Liaison Officer (1) 3, Home Affairs Department

**(IV) Assistant Returning Officer (Legal)**

<b><u>Name</u></b>	<b><u>Post</u></b>
Ms CHENG Tai-ngar, Dorothy	Senior Government Counsel, Department of Justice

**Rural By-election (April 2017)  
List of Duly Elected Candidates in  
Uncontested Resident Representative Elections**

<b>District / Rural Committee</b>	<b>Name of Village</b>	<b>Name of Candidate</b>
<b>Sai Kung</b>		
Hang Hau	Tseung Kwan O	CHAN, PUI KAN
<b>Tai Po</b>		
Tai Po	Luen Yick Fishermen Village	SHEK, SZE YAU
<b>Tsuen Wan</b>		
Ma Wan	Tin Liu	CHAN, MEI FUK