

## 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.

