

CHAPTER 1

OVERVIEW

Section 1 - Introduction

1.1 The term of office of Rural Representatives (“RRs”) is four years, and the term of office of the RRs elected in 2015 will expire on 31 March 2019. The fifth ordinary election was held in January 2019 to return 695 Resident Representatives (“ReRs”), 789 Indigenous Inhabitant Representatives (“IIRs”) and 56 Kaifong Representatives (“KFRs”) for a term of four years from 1 April 2019 to 31 March 2023.

1.2 Under the Rural Representative Election Ordinance (Cap. 576) (“RREO”), election of RRs is provided for in designated Rural Areas. There are four types of Rural Areas, namely, (1) Existing Village (“EV”); (2) Indigenous Village (“IV”); (3) Composite Indigenous Village (“CIV”) (i.e. composed of two or more IVs); and (4) Market Towns (“MTs”) in Cheung Chau and Peng Chau. Between one to five IIRs at most will be elected for an IV/CIV depending on the number of IIR seats for the respective Villages. ReRs will be elected for EVs and only one ReR is to be elected for each Village. For Cheung Chau and Peng Chau MTs, each elector may elect up to 39 and 17 KFRs respectively.

1.3 The primary functions of the IIRs are to deal with affairs relating to the lawful traditional rights and interests, the traditional way of

life of the indigenous inhabitants of his/her Village, and to reflect views on affairs of the Village on behalf of the indigenous inhabitant of the Village concerned. As for the ReRs and KFRs, their function is to reflect views on the affairs of the EV/MT on behalf of the residents of the EV/MT.

Section 2 - Ordinances and Subsidiary Legislation Governing the Election

1.4 The 2019 Rural Ordinary Election (“ROE”) was conducted in compliance with the law. The ordinances governing this Election are as follows:

- (a) the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”), which empowers the Electoral Affairs Commission (“EAC”) to perform its various functions in supervising the conduct of the RR elections and matters incidental thereto;
- (b) the RREO, which provides the legal basis for the conduct of the election such as the classification of Rural Areas, composition and functions of RRs, the procedures for election of RRs and other related matters; and
- (c) the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”), which prohibits election-related corrupt and illegal conduct, and is administered by the

Independent Commission Against Corruption (“ICAC”).

1.5 These ordinances are supplemented by five subsidiary legislations which provide the detailed procedures for the conduct of the election. They are:

- (a) the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) (“EAC (ROE) (RRE) Reg”), which sets out the procedures for registration of eligible persons as electors for the elections held under the RREO;
- (b) the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) (“EP (RRE) Reg”), which provides detailed procedures governing the conduct of the RR elections;
- (c) the Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B), which sets out the maximum amount of election expenses that can be incurred by or on behalf of a candidate at a RR election;
- (d) the Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576A), which sets out the procedures for hearing and ruling by Revising Officers concerning the registration of electors for the RR elections;
and

- (e) the Rural Representative (Election Petition) Rules (Cap. 576B), which sets out the procedures for lodgement of election petitions against the result of a RR election to the High Court.

Section 3 - Legislative Amendments

1.6 After the 2015 ROE, the following ordinances and subsidiary legislation have been amended and are applicable to this Election.

Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015

Election Expenses and Election Donations

1.7 The Government introduced the Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015 to the Legislative Council (“LegCo”) for making necessary technical amendments to various pieces of electoral legislation on 11 December 2015, including the alignment of the deadlines for submitting the return and declaration of election expenses and election donations for all candidates in the same RR election.

1.8 The Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015 was passed by the LegCo on 2 June 2016. The amendments came into effect on the day of publication in the Gazette on 10 June 2016.

Amendment Regulations Made by the Electoral Affairs Commission

Amendments to Voter Registration

1.9 The Constitutional and Mainland Affairs Bureau issued the Consultation Document on Enhancement of Voter Registration System to consult members of the public on a series of proposed measures to enhance the Voter Registration system on 26 November 2015. In light of the outcomes of the public consultation, the EAC made amendments to three regulations under the EACO. Amongst which, the amendments made to the EAC (ROE) (RRE) Reg are as follows:

- (a) to advance the statutory deadline for applying for change of registration particulars to align with the deadline for new voter registration (i.e. 16 July of each year); and
- (b) to use surface mail instead of registered post for sending inquiry letters and other election-related notifications issued by the Electoral Registration Officer (“ERO”).

1.10 The Amendment Regulations were tabled at the LegCo on 27 January 2016 for negative vetting and came into effect on 18 March 2016.

1.11 Besides, in view that the majority views received during the above consultation were in support of introducing address proof requirement for voter registration, the Government decided to adopt a

gradual approach and implement the arrangement of requiring address proofs for applications for change of principal residential address first. As such, the EAC made amendments to three regulations under the EACO. Amongst which, the amendments made to the EAC (ROE) (RRE) Reg are as follows:

- (a) for ReR and KFR elections, electors are required to submit address proofs when applying for change of principal residential address;
- (b) the statutory deadline for applying for change of principal particulars¹ in respect of all the ReR, KFR and IIR elections be advanced from 16 July to 16 June of each year to allow sufficient time to process the applications; and
- (c) if an elector of the IVs or CIVs has only provided his/her correspondence address instead of the principal residential address to the ERO, the correspondence address must be recorded in the relevant register.

1.12 The Amendment Regulations were tabled at the LegCo on 25 October 2017 for negative vetting and came into effect on 1 February 2018.

¹ “Principal particulars”, according to s19A(13) of the EAC (ROE) (RRE) Reg, means:

- (a) for the compilation of the EVs Provisional Register (“PR”) or the MTs PR, the name or principal residential address of the applicant; or
- (b) for the compilation of the IVs and CIVs PR, the name of the applicant.

Amendments to Polling Arrangements

1.13 In light of the incident of having electors able to collect ballot papers by producing photocopies of their Hong Kong Permanent Identity Cards (“HKIDs”) in the 2016 LegCo General Election, the EAC made five Amendment Regulations on 19 June 2017 to amend the five Regulations under the EACO and to implement the EAC’s recommendation in its Report on the 2016 LegCo General Election. Amongst them, the amendments made to the EP (RRE) Reg are as follows:

- (a) to specify that a Presiding Officer (“PRO”) must not give a ballot paper to a person unless the PRO is satisfied, by inspecting the original of that person’s identity document (typically his/her HKID²), that he/she is the person registered in the Final Register (“FR”);
- (b) to cater for the possibility that electors might not be able to produce the original of their HKIDs, a number of alternative measures have been put in place, such that the PRO may still issue ballot paper(s) to an elector upon inspecting the document(s) set out below, which bears the holder’s name, photograph and HKID number, and is commonly accepted as proof of identity:

² For ReR and KFR electors, the elector’s identity document is typically a HKID; whereas for IIR electors, the elector’s identity document also refers to any other document issued to the elector that is acceptable to the ERO apart from a HKID according to s 2(1) of the RREO.

- (i) a document issued by the Commissioner of Registration acknowledging that the elector has applied:
 - (A) to be registered under the Registration of Persons Ordinance (Cap. 177); or
 - (B) for a new HKID issued under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177A) and is awaiting its issuance;
- (ii) a valid Hong Kong Special Administrative Region (“HKSAR”) Passport issued to the elector under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539);
- (iii) a valid HKSAR seamen’s identity book issued to the elector under regulation 3 of the Immigration Regulations (Cap. 115A);
- (iv) a valid document of identity for visa purposes issued to the elector under regulation 3 of the Immigration Regulations; or
- (v) a document evidencing the elector’s report to a police officer of the loss or destruction of his/her identity document (commonly referred to as “a memo of lost property”), together with the original of a valid passport or similar travel document (not being one referred to in (i) – (iv) above) issued to him/her showing his/her name and photograph, and a copy of his/her HKID in paper form showing his/her

name, photograph and HKID number; and

- (c) to specify that for an elector in a Dedicated Polling Station (“DPS”) situated in a prison applying for ballot paper(s) is required to produce the document issued by the Commissioner of Correctional Services showing the elector’s name, photograph and prisoner registration number allocated by the Commissioner to the elector for identification purposes.

1.14 The Amendment Regulations were tabled at the LegCo on 28 June 2017 for negative vetting and came into effect on 1 December 2017. When the above Amendment Regulations were under scrutiny, a Subcommittee was formed to discuss the amendments concerned. Having considered the justifications summarised by the Government in accordance with Members’ comments raised during the Subcommittee meeting, the EAC agreed to make amendment proposals regarding the Amendment Regulations mentioned in paragraph 1.13 above in order to refine the requirement of identity document to be produced when an elector applies for ballot paper(s). Amongst which, the amendments made to the EP (RRE) Reg are as follows:

- (a) to relax the document requirement in paragraph 1.13(b)(v) above, such that an elector should still be allowed to collect a ballot paper by producing the memo of lost property and the original of a valid passport or similar travel document

showing his/her name and photograph, without presenting a copy of his/her HKID in paper form at the same time;

- (b) to set out the identity document to be accepted in a clearer manner, that is HKID, Certificate of Exemption issued by the Commissioner of Registration and for the IIR elections, the passport or identity document issued by the relevant authority of other country or territory accepted by the ERO for the purpose of voter registration; and
- (c) to include a specific reference to the acknowledgement of application for the HKID (this is because a person who lost the acknowledgement of application for the HKID will similarly be unable to produce his/her HKID in applying for ballot papers).

1.15 The Amendment Regulations mentioned in paragraph 1.14 above were tabled at the LegCo on 10 October 2018 for negative vetting and came into effect on 10 December 2018.

Section 4 - Guidelines on Election-related Activities

1.16 The EAC is empowered under section 6(1)(a) of the EACO to issue electoral guidelines to facilitate the conduct and supervision of an election. The purpose of issuing electoral guidelines is to ensure that all public elections are conducted in an open, fair and honest manner. The electoral guidelines provide guidance in layman's language on

compliance with the relevant electoral legislation. They also provide a code of conduct based on the principle of fairness and equality for conducting election-related activities.

1.17 The EAC has at all times made its best endeavours to refine the electoral arrangements. Before each ordinary election, the EAC will update the electoral guidelines. The updating is done on the basis of the existing electoral guidelines, taking into account amendments to the electoral legislation as well as the experience of previous elections. Before the issuance of each set of guidelines, a public consultation will be conducted in accordance with the EACO, during which representations on the Proposed Guidelines are invited from members of the public and all parties concerned. A public forum, at which the EAC will listen to views from members of the public, will also be held. The views received during the public consultation period will be taken into account before the EAC work out the Final Guidelines and publish it.

1.18 The EAC started updating the Guidelines on Election-related Activities in respect of the Rural Representative Election (“the Guidelines”) applicable to the 2019 ROE in November 2017. The Proposed Guidelines was prepared on the basis of the latest version of the Guidelines (October 2014 edition) and by making reference to other electoral guidelines published between 2015 to 2016, the legislative amendments made in respect of the RR elections as mentioned in Section 3 above, the operational experience gained in previous elections as well as adjustments made in response to the related suggestions raised by

members of the public and various parties.

**Section 5 - Preparation of the Proposed Guidelines on
Election-related Activities in respect of the Rural
Representative Election for Public Consultation**

1.19 As compared with the Guidelines issued in October 2014, the total number of chapters in the Proposed Guidelines increased from 17 to 19 as some contents relating to the “Registration of Electors and Voting System” as well as “Polling and Counting Arrangements” have been grouped under the newly added individual chapters. The major changes made in the Proposed Guidelines include:

(I) Changes caused by amendments to electoral legislation

- (a) specifying the use of ordinary surface mail, instead of registered post, for sending all inquiry letters and notifications to electors;
- (b) specifying the requirement to submit documentary evidence proving the principal residential address upon an application for change of that address by an elector for EV/MT;
- (c) specifying the advancement of the statutory deadline for electors to report on change of principal particulars;
- (d) setting out precisely the types of documents that an elector should produce before a ballot paper can be issued to him/her; and

- (e) aligning the deadlines for submitting the election return and declaration of election expenses and election donations for all candidates in the same election.

(II) Changes made in the light of operational experience from and suggestions received in previous elections

- (a) setting out clearly the residence requirement for registration as electors for EVs and MTs, and change in eligibility for registration upon change of the electors' principal residential address;
- (b) specifying the need for the ERO to take checking measures to ensure the accuracy of electors' particulars in the registers;
- (c) setting out clearly the electoral arrangements in the law in case of the death or disqualification of a validly nominated candidate during different periods of an election;
- (d) updating the Guidelines to reflect the introduction of the Confirmation Form for signing by the candidate with a view to assisting the Returning Officer ("RO") in the exercise of his/her statutory power to discharge his/her duties under the nomination procedure;
- (e) setting out the arrangements for Candidates' Briefing and reminding candidates to observe the special needs of persons with disabilities;
- (f) updating the Guidelines to set out the various ways of casting the vote that may be directed by the Director of

Home Affairs (“DHA”) in case computer counting method is used;

- (g) reminding any person or organisation publishing materials to appeal directly or indirectly to electors to vote or not to vote for a candidate or candidates of certain organisations to observe the legislative requirements for incurring election expenses on the behalf of candidates since the materials may be capable of being understood as referring to certain identified candidates;
- (h) reminding candidates and web surfers that the statutory definition of election advertisements (“EAs”) is very wide and encompasses anything published publicly by any means, including a message published through internet platforms for promoting the election of a candidate or prejudicing the election of other candidates;
- (i) reminding any person who intends to stand as a candidate at the election to remove all publicity materials published by him/her in the Rural Areas concerned prior to the election period before he/she has been nominated as a candidate or has publicly declared an intention to run for the election. Otherwise, any such unremoved publicity material may be regarded as an EA;
- (j) reminding candidates to follow the application guidelines issued by the Lands Department for temporary occupation of government land for holding electioneering activities;

- (k) updating the guidelines issued by the Office of the Privacy Commissioner for Personal Data to remind candidates to adopt security measures when transferring personal data of electors to election agents or other contractors for electioneering purpose;
- (l) requesting candidates to respect the electors' privacy when using their contact information for canvassing and reminding them to use the "bcc" function of email or other proven means to prevent inadvertent disclosure of the email addresses when distributing EAs to electors over email;
- (m) reminding the office bearers of building organisations not to abuse their positions in the organisations to give unfair treatment to any candidate in the conduct of electioneering or canvassing activities in the buildings concerned, especially when the office bearers themselves are candidates in the election;
- (n) elaborating on the requirement of the fair and equal treatment principle to be observed by licensed broadcasters in producing and conducting election-related and news reporting programmes, and reminding the print media to ensure that any news reporting or references made in their publications should not give unfair publicity to any particular candidate in accordance with the fair and equal treatment principle;

- (o) updating the administrative procedures in approving applications for the conduct of exit polls and the enhanced measures to be adopted to ensure the fairness of election;
- (p) reminding candidates of the need of apportionment of expenses between election-related purposes and any other purposes;
- (q) reminding candidates, or any person or organisation acting as an agent for the candidate(s) to comply with all the legislative requirements in seeking or soliciting election donations and to adopt the suggested good practice in Appendix O of the Guidelines; and
- (r) setting out clearly the guidelines for giving consent of support when the office title of the supporter providing the consent and/or the name of the organisation concerned are mentioned.

1.20 In accordance with section 6(2) of the EACO, the EAC conducted a 30-day public consultation from 12 June to 11 July 2018. As in the past, a “Message from the Chairman” enclosed in the Proposed Guidelines highlighted the major changes set out in paragraph 1.19 above and explained the consultation mechanism, hence providing a more focused basis for the public to give their views. During the consultation period, members of the public could submit their written representations on the Proposed Guidelines to the EAC. The EAC held a public forum on 21 June 2018 from 7:00 pm to 8:00 pm at the Sha Tin Lung Hang Estate Community Centre to receive views from the attendees. A total

of 12 persons attended the above public forum. The EAC had considered the views of the 32 written representations and oral representations received during the public consultation period before finalising the Guidelines.

Section 6 - Issue of the Final Guidelines

1.21 After considering all the views received during the public consultation period, the EAC further made a number of amendments to the Proposed Guidelines.

1.22 Among the views received by the EAC, many of them were about the voting system and voter registration of the Rural Representative Election (“RRE”), as conducting review of primary legislation was outside the purview of the EAC, the EAC had referred such views to the Government for consideration.

1.23 Besides, during the consultation period, there were suggestions received from members of the public to extend the polling hours of the KFR elections. Having examined the feasibility of the suggestion, the Home Affairs Department (“HAD”) recommended to change the polling hours from 9:00 a.m. - 8:00 p.m. to 8:30 a.m. - 9:30 p.m., i.e. to extend a total of two hours. The EAC considered that many residents of the Islands District had to commute to the urban area daily, extension of polling hours could enable them to have sufficient time to return to the outlying islands to vote. Hence, the revised polling hours were

incorporated into the Final Guidelines accordingly.

1.24 The EAC published the Final Guidelines on 15 October 2018. To enable members of the public to view the Guidelines online or obtain a copy, the Guidelines was uploaded onto the EAC's website on the same day and distributed at the Home Affairs Enquiry Centres and the Registration and Electoral Office ("REO"). In addition, each candidate of the election was provided with the Guidelines in the form of CD-ROM for reference at the time they submitted the nomination form.

Section 7 - The Scope of the Report

1.25 The EAC is required under section 8(1) of the EACO to submit a report on the election to the Chief Executive ("CE") within three months of the conclusion of the RRE.

1.26 This report describes how this Election was conducted and supervised by the EAC at various stages. In addition, it gives a detailed account of the preparatory work, the implementation of the electoral arrangements and the handling of complaints. It also puts forth the EAC's recommendations for improvements in future elections after reviewing the effectiveness of the electoral arrangements and taking into account the experience gained from this Election.

CHAPTER 2

CLASSIFICATION OF RURAL AREAS

Section 1 - Types and Numbers of Rural Areas and Rural Representatives

2.1 The RREO classifies 709 villages and two MTs into the following four types of Rural Areas according to their different nature, and those villages can at the same time be an EV and an IV/CIV:

(a) Existing Villages

EVs are villages with physical boundaries as shown on maps, rather similar to the District Council (“DC”) constituencies in the DC election or geographical constituencies in the LegCo election. There were 695 EVs in the 2019 ROE, as identified in Schedule 1 to the RREO.

(b) Indigenous Villages

IVs refer to the IVs existed in 1898 or branched off IVs existed in 1898, and they are shown in the “Index of Villages for Electing IIRs” kept by the DHA. There were 588 IVs in the 2019 ROE, as identified in Schedule 2 to the RREO. These IVs are not identified by physical boundaries.

(c) *Composite Indigenous Villages*

CIVs are composed of IVs with comparatively small population. There were 15 CIVs in the 2019 ROE, as identified in Schedule 3 to the RREO. The 15 CIVs are composed of 32 IVs and, incidentally, they are also EVs.

(d) *Market Towns*

MTs are the township traditionally set up in Cheung Chau and Peng Chau. They have physical boundaries as shown on maps, rather similar to the EVs. In the 2019 ROE, the two MTs were Cheung Chau and Peng Chau respectively, as identified in Schedule 3A to the RREO.

A chart illustrating the above types of Rural Areas is at **Appendix I**.

2.2 The number of RRs to be returned for each EV, IV, CIV and MT is specified in Schedules 1-3A to the RREO. For the total number of 1 540 RRs, 695 ReRs represent the residents of EVs, 789 IIRs represent the indigenous inhabitants of IVs or CIVs, and 56 KFRs represent the residents of MTs. A detailed breakdown of the numbers of Rural Areas and RRs by administrative district (“district”) is at **Appendix II**.

Section 2 - Boundaries of Existing Villages and Market Towns

2.3 The boundaries of EVs and MTs are delineated by the DHA. Based on the boundaries of EVs and MTs delineated for the 2015 ROE, the proposed boundary maps for the 2019 ROE were drawn up by the respective District Officers (“DOs”) of the HAD and issued for public inspection from 26 September to 16 October 2017. The proposed boundary maps of EVs and MTs were displayed at the HAD Headquarters, the respective District Offices and on notice boards in villages and MTs in the districts, and disseminated to the Heung Yee Kuk (“HYK”) and the relevant Rural Committees (“RCs”), DC members and area committees. The proposed boundary maps were also uploaded onto the RRE dedicated website for public inspection. At the end of the public inspection period, a total of 43 objections, involving 41 villages, were received. The DOs concerned carefully examined these objections and accepted 23 of them. Thereafter, the revised maps of the 23 villages concerned were displayed from 27 December 2017 to 16 January 2018 for further consultation. During the consultation period, one objection, involving one village, was received. The objection was not accepted.

2.4 A full set of the boundary maps was kept in the custody of the DHA and uploaded onto the RRE dedicated website. Each relevant DO also kept a copy of the boundary maps relating to the district under his/her purview in the respective District Office for public viewing.

Section 3 - Index of Indigenous Villages and Composite Indigenous Villages

2.5 According to sections 2 and 4 of the RREO, the information relating to all IVs and CIVs is contained in an Index kept by the DHA. All villages named in this Index belong to IVs/CIVs.

CHAPTER 3

REGISTRATION OF ELECTORS

Section 1 - Eligibility for Registration as an Elector

3.1 The eligibility for registration as an elector is stipulated under section 15 of the RREO. For the EV or MT, an elector has to satisfy the following requirements:

- (a) he/she is a resident³ of the EV or MT and has been a resident therein for the three years immediately before the date of application for registration. (In the case of a prisoner, for the purpose of this residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above residence requirement immediately before serving the sentence and has been maintaining his/her principal residential address in that EV or MT throughout the period of imprisonment);
- (b) he/she is aged 18 years or above as at 20 October in the year of publication of the FR; and
- (c) he/she is a Hong Kong permanent resident.

³ To be a resident of the EV/MT means that the person's principal residential address (i.e. the address of the dwelling place constituting the person's sole or main home) must be within the boundary of the concerned EV/MT.

3.2 Electors for EVs or MTs are required to comply with the residence requirement for registration. In addition to the three-year residence requirement, the electors must continue to reside in the EV or MT so registered. If a registered elector for EVs or MTs (ReR or KFR elections) no longer resides in the Village or MT for which he/she is registered, or his/her residential address in the Village or MT is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her name is still on the FR, the person concerned will commit an offence if he/she votes at the election. Voting right in an election is restricted to eligible elector having continued residence within the same registered Village or MT. If the elector has moved to another residential address in the same EV or MT, his/her eligibility to vote will still be valid. If the elector has moved to reside in another EV or MT, his/her eligibility to vote for the original EV or MT will be invalid. In order to be eligible to vote, he/she has to apply for change of principal residential address timely and should submit address proof to confirm that he/she has been a resident of that EV or MT for at least three years immediately before making the application.

3.3 For an IV or a CIV, an elector has to satisfy the following requirements:

- (a) he/she is an indigenous inhabitant⁴ of the Village or a spouse or a surviving spouse of an indigenous inhabitant of that Village;
- (b) he/she is aged 18 years or above as at 20 October in the year of publication of the FR;
- (c) at the time of applying to be registered, he/she satisfies the ERO that he/she:
 - (i) holds an identity document; or
 - (ii) has:
 - (A) applied for a new identity card; or
 - (B) requested the alteration of the identity card or the issue of a new identity card,

in replacement of the identity card previously issued

⁴ According to s 2 of the RREO, "indigenous inhabitant" means-

- (a) in relation to an IV that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means-
 - (i) a person who was in 1898 a resident of the Village; or
 - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);
- (b) in relation to an IV that branched off from an IV that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means-
 - (i) a person-
 - (A) who was at the time of the branching off a resident of the first-mentioned IV; and
 - (B) who was an indigenous inhabitant of the second-mentioned IV; or
 - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);
- (c) in relation to a CIV, means-
 - (i) a person who was in 1898 a resident of any of the villages of which the Village is composed; or
 - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i).

to him/her; and

- (d) at the time of applying to be registered:
 - (i) if the identity document held by, or previously issued to, him/her is an identity card, informs the ERO of the identifying number of the identity card;
or
 - (ii) if the identity document held by him/her is not an identity card, provides the ERO a copy of the identity document.

Whether the person is a permanent resident in Hong Kong or a resident of an EV with the same name as that of the IV does not affect his/her eligibility to be registered as an elector for an IV.

3.4 As the eligibility for registration as an elector and the voting right for the EVs (ReR elections) and IVs/CIVs (IIR elections) are different, a registered elector of an IV must meet the residence requirement for an EV in order to be eligible to vote at an election for the EV.

Section 2 - The Registration Period

3.5 DHA is the ERO of the RRE. According to the statutory deadline of applications for new registration as stipulated in section 9(1) of the EAC (ROE) (RRE) Reg, i.e. 16 July 2018, the HAD received a

total of 16 339 applications, among which, 9 032 are for the ReR elections, 6 591 are for the IIR elections and 716 are for the KFR elections.

3.6 According to the statutory deadline of applications for change of principal particulars⁵ in the existing FR as stipulated in section 19A(12) of the EAC (ROE) (RRE) Reg, i.e. 16 June 2018, the HAD received a total of 792 applications, amongst which 687 are for the ReR elections, 7 are for the IIR elections and 98 are for the KFR elections.

3.7 According to the statutory deadline of applications for change of other particulars in the existing IV and CIV FR as stipulated in section 20(7) of the EAC (ROE) (RRE) Reg, i.e. 16 July 2018, the HAD received a total of 3 003 applications.

Section 3 - Publication of Provisional Register and Objections and Claims

3.8 After the end of the registration period, a PR for the EVs, IVs/CIVs and MTs, recording the personal particulars of 86 432 electors of EVs, 109 154 electors of IVs/CIVs and 9 542 electors of MTs, was published on 27 August 2018 for public inspection until 9 September 2018. For this purpose, a full copy of the PR was kept in the office of

⁵ “Principal particulars”, according to s19A(13) of the EAC (ROE) (RRE) Reg means:

- (a) for the compilation of the EVs PR or the MTs PR — the name or principal residential address of the applicant; or
- (b) for the compilation of the IVs and CIVs PR — the name of the applicant.

the DHA and the relevant District Offices would keep those parts of the PR which were related to their districts. Details were announced in the Gazette published by the ERO on 27 August 2018.

3.9 In accordance with sections 23 to 25 of the EAC (ROE) (RRE) Reg, any person who considers that a registered person is not eligible to be registered as an elector, or ineligible to be registered in the separate division of the FRs of EV, IV and CIV or MT in which his/her name was recorded, may serve a notice of objection in the specified form in person at the office of the ERO or the office of the relevant Assistant ERO (i.e. the relevant DO). If any person, whose principal residential address is in Hong Kong, has applied for registration as an elector but whose name is not recorded in the PR, or his/her name was included in the omissions list, or has a claim against his/her particulars in the PR, he/she may use the specified form to serve a notice of claim to the office of the ERO or the office of the relevant Assistant ERO in person. For a person whose principal residential address is not in Hong Kong and wishes to lodge a claim relating to IV or CIV, he/she may use the specified form to serve the notice of claim in person, by post, by facsimile transmission, by electronic means (within the meaning of section 2(1) of the Electronic Transactions Ordinance (Cap. 553) and authenticated by a digital signature within the meaning of that section) or to authorise another person in writing to serve the notice on his/her behalf. Copies of the specified forms can be obtained from the office of the ERO or relevant Assistant EROs, or downloaded from the RRE dedicated website. The arrangements of lodging notices of objection and claim for the 2019 ROE

were announced by the ERO in the Gazette published on 27 August 2018. Such objections and claims must be lodged during the public inspection period (i.e. from 27 August to 9 September 2018⁶).

3.10 Cases of objections and claims are reviewed by the Revising Officer. The Revising Officer is a magistrate appointed by the Chief Justice. By the close of the aforesaid public inspection period, 584 objections and 15 claims had been received by the ERO. 228 objections were later withdrawn in front of the Revising Officers. These cases were heard by a team of six Revising Officers in the Yuen Long Town East Community Hall, On Ting/Yau Oi Community Centre, Ta Kwu Ling Community Hall, Princess Alexandra Community Centre and Kowloonbay International Trade and Exhibition Centre from 3 to 21 September 2018. Afterwards, 18 requests for review of the Revising Officers' ruling were received and the Revising Officers then reviewed these cases and reheard them during the period from 26 September to 2 October 2018. The final outcome was that 95 objections were allowed and 261 objections were dismissed, while two claims were allowed and 13 claims were dismissed. A detailed breakdown is shown in **Appendix III**.

3.11 Under sections 27 and 28 of the EAC (ROE) (RRE) Reg, the ERO may make corrections to entries in the PR before compiling the FR. Those made under section 27 of the regulation concerning the requests

⁶ As 8 and 9 September 2018 are outside the ordinary business hours of the ERO or the relevant Assistant ERO, the objector must deliver the notice of objection in person to the ERO or the relevant Assistant ERO not later than 6 p.m. on 7 September 2018 (Friday). If a notice of claim is to be delivered in person, it must be delivered to the ERO or the relevant Assistant ERO not later than 6 p.m. on 7 September 2018 (Friday).

from electors to amend their personal particulars or the part of the register in which the particulars should be recorded. These corrections 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 2018 PR under section 28 of the regulation is at **Appendix IV**.

Section 4 - Publication of the Final Register

3.12 After the Revising Officers' rulings and the relevant corrections to the entries in the PR had been made, the ERO published the 2018 FR on 19 October 2018. The numbers of electors for EVs, IVs/CIVs and MTs as shown in the 2018 FR are 86 384, 109 092 and 9 542 respectively. As in the case of the PR, a full copy of the FR is kept in the ERO's office and the relevant parts of the FR are kept in the respective District Offices.

CHAPTER 4

PUBLICITY

Section 1 - General

4.1 A large scale publicity campaign on the 2019 ROE commenced in early May 2018. The whole promotion plan aims to:

- (a) draw the attention of the general public to the Election;
- (b) furnish the indigenous villagers (including those who are living outside Hong Kong) and EV/MT residents with detailed information about this Election, such as the eligibility for registration as electors and standing as candidates in the Election, the polling dates, polling and counting arrangements of the IIR, ReR and KFR elections;
- (c) appeal to eligible persons 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; and
- (d) promote clean and fair election.

4.2 As not only local indigenous villagers but also those who are living abroad can also participate in the Election, various publicity events and work were carried out locally and in places abroad.

Section 2 - Local Publicity

4.3 The HAD launched an extensive voter registration drive from 14 May to 16 July 2018.

4.4 Publicity letters, pamphlets and posters on the Election were distributed through the District Offices, HYK, RCs, village offices, youth groups and women's organisations. Apart from setting up mobile voter registration stations in the Rural Areas and arranging mobile broadcasting vans for the villagers in the New Territories districts, the HAD also published advertisements in several local newspapers during the period from voter registration until the polling days and put up banners, displayed posters and notices in the Rural Areas.

4.5 During the period from May 2018 to January 2019, not only Announcements in the Public Interest ("APIs") in Cantonese, Putonghua and English were broadcast on the television and the radio, posters were displayed and video broadcasting of APIs were arranged to publicise the voter registration exercise, change of registered particulars, nomination of candidates and polling arrangements, etc. at lobbies and compartments of the East Rail, West Rail, Ma On Shan line and Light Rail, as well as the pier for Central to Peng Chau and the ferries plying between Central and Cheung Chau/Mui Wo.

4.6 Before the polling day, the HAD issued press releases from time to time to inform the public of important matters at different stages of the ROE.

Section 3 - Overseas Publicity

4.7 All the overseas Economic and Trade Offices of the HKSAR Government have helped to keep overseas Hong Kong communities in the picture by displaying and disseminating the publicity materials, and issuing press releases on the RRE. HYK and RCs 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 Hong Kong communities could also receive the information about the 2019 ROE from the overseas edition of Hong Kong newspapers.

Section 4 - Publicity on the Internet

4.8 In order to have a wider reach to the community (in particular the youth) to be registered as electors in the 2019 ROE, online advertisements on the homepage of Yahoo were published from 14 May to 15 July 2018. Advertisements on nomination of candidates and polling days were also published on Yahoo from 9 to 21 November 2018 and from 23 December 2018 to 19 January 2019 for a total of four weeks.

4.9 To obtain information about the 2019 ROE and the forms for voter registration and nomination forms for candidates, the public could visit the dedicated website for the RRE (www.had.gov.hk/rre). The website of the EAC (www.eac.hk) also displayed information about the relevant legislation and Guidelines on the ROE. For information

relating to the provisions of the ECICO, the public could visit the website of ICAC (www.icac.org.hk).

Section 5 - Publicity by ICAC

4.10 In order to remind candidates, election agents and helpers to abide by the law, ICAC conducted a total of 16 briefings for them to explain specifically on the major provisions of the ECICO through the co-ordination of the District Offices/HAD and rural organisations. In addition, 18 seminars were arranged for members of the elderly centres in the rural community to promote the clean election messages.

4.11 The ICAC also produced an Information Booklet (in both printed and CD-ROM versions) introducing the legal requirements and common problems in conducting election activities as reference for all candidates and their election agents. In addition, the ICAC has set up a Clean Election Enquiry Hotline to handle public enquiries on the ECICO.

4.12 The ICAC leaflets on “anti-vote-rigging” and “Guidelines for Electors” were produced and distributed to electors through activities of the ICAC and HAD. A poster with the theme of “Support Clean Rural Elections” was also produced and displayed in the District Offices, village offices, public facilities as well as the local and overseas government offices. The ICAC also held a total of 19 roving exhibitions in the Rural Areas to disseminate clean election messages.

4.13 The ICAC also adopted an integrated approach of traditional and new media to reach out to both local and overseas electors. Clean election messages were extensively publicised through various media such as online advertisements, radio APIs, short videos broadcast on infotainment channels of public transports and government buildings as well as printed advertisements on newspapers and newsletters of district organisations. Moreover, the ICAC set up a dedicated website with all the education and publicity materials uploaded for public reference.

CHAPTER 5

NOMINATION OF CANDIDATES

Section 1 - Eligibility for Nomination of Candidates

5.1 The eligibility for nomination of candidates is stipulated under sections 15 and 22 of the RREO. In respect of ReR or KFR elections, to be eligible for nomination as a candidate, a person must:

- (a) be 21 years of age or over;
- (b) be a Hong Kong permanent resident;
- (c) be registered, and eligible to be registered, as an elector for the EV or the MT;
- (d) be a resident of the EV or the MT, and has been such a resident of the Village or the MT for the six years immediately preceding the nomination;
- (e) not be disqualified from voting at the election by virtue of section 14 of the RREO; and
- (f) not be disqualified from being nominated as a candidate at the election, or from being elected as a ReR for the Village or a KFR for the MT by virtue of section 23 of the RREO or any other law.

5.2 In respect of IIR elections, to be eligible for nomination as a candidate, a person must:

- (a) be an indigenous inhabitant of the IV/CIV;
- (b) be 21 years of age or over;
- (c) be a Hong Kong permanent resident;
- (d) ordinarily reside in Hong Kong;
- (e) be registered, and eligible to be registered, as an elector for the IV/CIV;
- (f) not be disqualified from voting at the election by virtue of section 14 of the RREO; and
- (g) not be disqualified from being nominated as a candidate at the election, or from being elected as an IIR for the Village by virtue of section 23 of the RREO or any other law.

Section 2 - The Nomination Period

5.3 The nomination period started on 9 November 2018 and ended on 22 November 2018. Candidates must hand in their nomination forms to the respective ROs in person. At the close of nomination, the ROs received a total of 1 858 nominations, consisting of 759 for the ReR elections, 1 016 for the IIR elections and 83 for the KFR elections.

Section 3 - Validly Nominated Candidates

5.4 Of the 1 858 nominations received, 17 were withdrawn before close of nomination and another six were determined as invalid by the ROs. The remaining 1 835 nominations were determined as valid by the ROs, consisting of 744 for the ReR elections, 1 009 for the IIR elections and 82 for the KFR elections. There were no validly nominated candidates for 95 EVs and 10 IVs, involving 106 Village Representative (“VR”) seats in total.

Uncontested elections

5.5 Among the 1 835 valid nominations, 997 candidates were returned uncontested (including 467 for the ReR elections, 513 for the IIR elections and 17 for the KFR election). The election results were published in the Gazette on 6 December 2018.

5.6 After the close of nomination, one of the two candidates contesting in an IIR election passed away. The remaining candidate was therefore returned uncontested and the election result was published in the Gazette on 28 December 2018. As such, the number of candidates who were returned uncontested increased to 998. The results of uncontested ReR, IIR and KFR elections are shown at **Appendices V (A), (B) and (C)** respectively.

Contested elections

5.7 There were 836 validly nominated candidates who needed to contest in the elections (277 for the ReR elections, 494 for the IIR elections and 65 for a KFR election). Their names and relevant particulars (i.e. principal residential address and relevant village/MT) were also published in the Gazette on 6 December 2018.

Elections that failed

5.8 The elections for 95 EVs and 10 IVs, involving 95 ReR seats and 11 IIR seats, had failed as there was no validly nominated candidate. The lists of EVs and IVs where the elections had failed were published in the Gazette on 6 December 2018 and are shown at **Appendices VI (A) and (B)** respectively.

Section 4 - Briefing for Candidates

5.9 The EAC Chairman conducted a briefing for the candidates of the 2019 ROE on 29 November 2018 at the HYK Building. The briefing was attended by the Deputy Director and the Assistant Director of the HAD, and the representatives of the ICAC and the Department of Justice (“DoJ”).

5.10 In the briefing session, the EAC Chairman reminded the candidates and their agents of the major provisions of the relevant electoral legislation and the Guidelines which they should observe, and

the need to co-operate with the departments concerned to ensure that the election be conducted in an open, fair and honest manner. He stressed that the EAC and the government departments concerned would strictly enforce the legislation and the Guidelines.

5.11 Before the briefing session, the ROs and Assistant ROs (“AROs”), under the witness of the candidates or their agents, drew lots to determine the order in which the candidates’ names would appear on the ballot papers, and the designated spots to be allocated to the candidates for display of their EAs.

Section 5 - Introduction to Candidates

5.12 “Introduction to Candidates” leaflets containing relevant information about the candidates, their photographs and election platforms were sent by the HAD to each elector of the relevant village/MT 10 days before the polling day.

CHAPTER 6

POLLING AND COUNTING ARRANGEMENTS

Section 1 - Polling Days and Polling Hours

6.1 With reference to the actual situation and experience in the 2015 ROE, the number of polling days for the VR Elections in the 2019 ROE was reduced from three to two. The polls were arranged to take place on the two consecutive Sundays of 6 and 13 January 2019. The KFR Election was still scheduled separately for 20 January 2019 because of the different voting and counting arrangements.

6.2 The polling hours for the VR elections ran from 12:00 noon to 7:00 p.m. (seven hours), same as those in previous elections. As for the KFR election, having regard to the representations received during the public consultation on the Proposed Guidelines on Election-related Activities in respect of the RRE about the polling hours and the traffic conditions for the outward bound electors to return to the MT to vote, the polling hours were extended from 9:00 a.m. - 8:00 p.m. to 8:30 a.m - 9:30 p.m. (extended from 11 hours to 13 hours). A longer period of polling hours was set to allow ample time for the electors in the MT to cast their votes. For security reasons, the DPSs situated in penal institutions had shorter polling hours (details in paragraph 6.6). The polling dates for the respective VR and KFR Elections were published in the Gazette by the Secretary for Home Affairs (“SHA”) on 19 October

2018. The polling hours and the locations of the designated polling stations, DPSs, Ballot Paper Sorting Station (“BPSS”) and counting stations for the respective VR and KFR elections were published in the Gazette by the DHA on 6 December 2018.

Section 2 - The Voting System

6.3 The voting system adopted for the RRE is the “first past the post” system, with details as follows:

- (a) contested ReR election for EV: each registered elector for an EV may vote for one candidate;
- (b) contested IIR election for CIV: each registered elector for a CIV may vote for one candidate;
- (c) contested IIR election for IV: each registered elector for an IV may vote for one to up to five candidates depending on the number of IIR seats of that IV; and
- (d) contested KFR election for the Cheung Chau MT: each registered elector for the Cheung Chau MT may vote for up to 39 candidates.

The candidate who obtains the largest number of votes will be elected. In the case of an IV or a MT, the next vacancy will be filled by the 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 obtain the same number of votes, the RO will draw lots to determine which candidate/candidates should be elected to fill the remaining vacancy/vacancies.

Section 3 - Polling and Counting Stations

6.4 The HAD had identified suitable venues in the nine districts in the New Territories for setting up 129 polling stations and 20 counting stations. To ensure better supervision and effective use of manpower resources, 40 out of the 129 polling stations were clustered polling stations (i.e. a number of polling stations were set up in the same venue 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:

<u>District</u>	<u>Number</u>
Islands	15
Kwai Tsing	1
North	16
Sai Kung	3
Sha Tin	8
Tai Po	27
Tsuen Wan	10
Tuen Mun	8
Yuen Long	41
Total	129

6.5 Besides, as a contingency measure, the DHA had designated 36 reserve polling stations for this Election in case any original designated polling stations could not be used on the polling day.

Dedicated Polling Arrangements for Imprisoned, Remanded and Detained Electors

Dedicated Polling Stations

6.6 To enable registered electors who were imprisoned or remanded by the Correctional Services Department (“CSD”) to cast their votes on the polling days, the HAD set up DPSs in 10 and 13 penal institutions for use by the VR Elections on 6 and 13 January 2019 respectively. There was no need to set up DPS in the penal institutions for the KFR Election conducted on 20 January 2019. For security reasons, the polling hours of the DPSs were from 1:00 p.m. to 4:00 p.m, same as those in previous elections. A DPS was set up by the HAD at the Mei Tin Community Hall in Sha Tin on the above three polling days for registered electors who were remanded or detained by the law enforcement agencies (“LEAs”) (other than the CSD). Having regard that the LEAs might arrest persons who happened to be registered electors any time on the polling days, the opening hours of this DPS were synchronised with the ordinary polling stations (i.e. from 12:00 noon to 7:00 p.m. for the VR Elections on 6 and 13 January 2019, and from 8:30 a.m. to 9:30 p.m. for the KFR Election on 20 January 2019).

6.7 The venue set-up at all the DPSs was basically the same as that of an ordinary polling station except that the materials used were specially designed for security reasons.

6.8 The polling hours and the designation of polling and counting stations (including DPSs) were published in the Gazette on 6 December 2018 by the DHA.

Ballot Paper Sorting Station

6.9 For the VR Elections conducted on 6 and 13 January, a BPSS was set up by the HAD at the Hin Keng Neighbourhood Community Centre for sorting the ballot papers received from the DPSs according to the respective elections of the villages and the sorted ballot papers were delivered to the counting station of relevant RCs for counting of votes. For the KFR Election conducted on 20 January, since only the Cheung Chau MT was contested, no BPSS was set up and the ballot box of the DPS concerned would be delivered to the counting station at the Cheung Chau Sports Centre directly after the close of poll.

6.10 For the VR Elections conducted on 6 and 13 January, in order to enhance the efficiency of counting, special arrangements were made in respect of the delivery of ballot box for the DPS at the Mei Tin Community Hall as follows:

- (a) if no electors were to cast vote in the DPS at the Mei Tin Community Hall, the ballot box would be delivered to the BPSS. The ARO (BPSS) would open the empty ballot box from the DPS and inform the ROs concerned of the result and that no ballot paper would be delivered to their counting stations; or
- (b) if elector(s) did cast vote(s) in the DPS at the Mei Tin Community Hall, the ballot box would be delivered to the BPSS for sorting of ballot paper(s) before delivery to the relevant counting station(s).

Central Command Centre

6.11 A Central Command Centre (“CCC”) was set up at the HAD’s office at the Yau Ma Tei Carpark Building to monitor the overall polling and counting process on each polling day and to ensure the smooth operation of the polling and counting stations as well as the BPSS. The District Office of the nine districts in which a poll was conducted for contested villages/MT served as the District Command Centre (“DCC”) on the relevant polling days.

Section 4 - Polling and Counting Staff

6.12 Staff of the Home Affairs Bureau, the HAD, the Leisure and Cultural Services Department and the REO were recruited as polling and counting staff, and were deployed to different polling and counting

stations on the polling days according to the manpower needs. Besides, the CCC and the DCCs were mainly operated by the staff of the HAD.

Section 5 - Polling Notices

6.13 A polling notice was sent to each elector concerned 10 days before the relevant polling days, notifying him/her of the date, time and location of the polling station in connection with the election for the relevant village/MT. In cases where the candidates were uncontested or the elections had failed, notices were also sent to inform the electors concerned that they were not required to go to the polling station to cast vote.

Section 6 - Appointment of Returning Officers, Assistant Returning Officers, Assistant Returning Officers (Ballot Paper Sorting Station) and Assistant Returning Officers (Legal)

6.14 In accordance with section 54 of the RREO, the EAC appointed nine DOs and five Assistant DOs (“ADOs”) of the nine New Territories Districts as the ROs, and 10 ADOs and 22 members of their staff as the AROs. Besides, three staff members from the HAD were appointed as the AROs (BPSS) and six Government Counsel of the DoJ were appointed as the AROs (Legal). The appointment of the ROs as required under the electoral legislation was published in the Gazette on 19 October 2018. A list of the ROs and the AROs is at **Appendix VII**.

Section 7 - Training of Polling and Counting Staff

6.15 To ensure that the staff who had been appointed as polling and counting staff were competent in discharging their duties, the HAD conducted a total of six general training sessions from 18 to 20 December 2018. To help the staff familiarise themselves with the rules and operational procedures as well as their respective roles and duties, operational manuals, training DVDs and PowerPoint notes on polling and counting arrangements were issued to them for easy reference. Hands-on practices on different tasks were arranged in the training sessions to facilitate the polling and counting staff to gain more operational experience. In addition, “tips at your fingertips” with essential points on polling and counting arrangements were also issued to the PROs and the Counting Supervisors as quick reference for performing their duties. Since the staff of the New Territories District Offices were responsible for co-ordinating the operation of the relevant counting stations, the HAD visited the relevant District Offices from October to November 2018 and particularly provided training and briefings to familiarise them with the setting and specific operation of the counting stations as well as the counting arrangements well in advance. Besides, the ROs also organised separate briefings for their electoral staff on each polling day to ensure that they understood the operational details of the poll and count. In view that computer counting would be adopted for the KFR Election, two training sessions with hands-on practice were conducted on 15 and 18 January 2019 to familiarise all the counting staff concerned with the arrangements and workflow of computer counting.

CHAPTER 7

THE POLLS

Section 1 - Polling Dates and Polling Hours

7.1 The 2019 ROE was conducted on three consecutive Sundays in January 2019. The polls for the VR Elections, involving 301 villages and 397 seats, were held on 6 and 13 January. The polling hours started at 12:00 noon and ended at 7:00 p.m. on the two polling days. As for the KFR Election for the Cheung Chau MT, the poll was held on 20 January and the polling hours ran from 8:30 a.m. to 9:30 p.m. For security reasons, the poll at the DPSs set up in the penal institutions were conducted from 1:00 p.m. to 4:00 p.m. on the three polling days.

Section 2 - Logistical Support and Polling Arrangements

7.2 On the above three polling days, all the polling stations so designated were opened for electors to cast vote as scheduled. Alternative polling stations were also designated by the HAD for use by persons with mobility difficulties as the polling stations originally allocated were inaccessible to them. The CCC at the HAD's office and the DCCs set up in the districts concerned were operated in parallel to provide the necessary support.

7.3 A Complaints Centre, operated by the staff of the EAC Secretariat, was set up at the REO office in the Harbour Centre to receive and process complaint calls from members of the public throughout the polling hours on each polling day.

7.4 To combat triad influence and forestall triad intrusion into electoral activities, the senior officers of the HAD, the ICAC and the Police had formed a task force before the Election and met on a regular basis to co-ordinate information and mapped out strategies to fight crime and corruption together. On the polling days, these departments also communicated closely with one another. Duty officers of the ICAC were stationed at its Headquarters, and the Police also set up its own command centres at the Police Headquarters and relevant Regional Headquarters.

7.5 The set-up of all polling stations was basically the same, except for the number of ballot paper issuing desks which varied according to the number of electors to be served. A clustered polling station was set up to group the polling stations for different Rural Areas together in a single venue (e.g. a school), separating one another by rooms or partitions.

7.6 For the VR Elections, the colours of the ballot papers were red for the IIR Elections and white for the ReR Elections. Correspondingly, ballot boxes also had two different colours, red for casting the IIR ballot papers and white for casting the ReR ballot papers. Electors with voting

entitlement in different elections were given cardboards in different colours: red for those entitled to vote in the IIR Elections, white for those entitled to vote in the ReR Elections, and red-and-white-striped for those entitled to vote in both the IIR and ReR Elections. For a polling station serving a village where both the IIR and ReR Elections were held, there were two separate copies of registers of electors: one in red colour for the IIR Elections and the other in white colour for the ReR Elections. Cross references were made in these registers by the staff to ensure that those entitled to have two ballot papers would be issued the correct number of ballot papers. For the KFR Election for the Cheung Chau MT, the ballot papers were orange in colour and the ballot boxes were in blue. There was one set of copy of register of electors in the polling station.

7.7 An elector had to mark the ballot paper inside the voting compartment by using the “✓” chop provided in the polling station. The elector was required to fold the ballot paper after marking so that the choice on the ballot paper was concealed, and then to put the folded ballot paper into the ballot box.

7.8 A No Canvassing Zone (“NCZ”) and a No Staying Zone (“NSZ”) were specified by the RO concerned outside each polling station or each clustered polling station. Police officers were deployed to maintain law and order at the polling stations.

Section 3 - Exit Polls

7.9 The HAD received one application from the Dynamic Island for conducting exit polls on the three polling days. The HAD considered and approved the application according to the established principles set out in Chapter 14 of the Guidelines. The organisation signed the declaration according to the rules and complied with the terms of the declaration and the Guidelines. The name of the organisation approved for conducting exit polls and other information were uploaded onto the RRE dedicated website on 2 January 2019 and were also displayed at a prominent place outside the relevant polling stations for public inspection.

Section 4 - Voter Turnout Rates

7.10 For this VR Elections, the total number of registered electors for all the contested elections was 85 452, which was 0.17% lower than that in 2015 (85 597). Of these, 51 955 were electors for the IIR Elections and 33 497 were electors for the ReR Elections. For the KFR Election for the Cheung Chau MT, the total number of registered electors was 7 104, which was 6.70% higher than that in 2015 (6 658).

7.11 On voters' turnout, a total of 21 329 electors for the ReR Elections (i.e. 63.67%) and 31 282 electors for the IIR Elections (i.e. 60.21%) had turned up to cast their votes on the two polling days for the VR Elections. As for the KFR Election, 3 553 electors of the Cheung

Cheung Chau MT (i.e. 50.01%) cast their votes on the third polling day. Altogether, 36 imprisoned or remanded electors cast votes at the DPSs on the three polling days. The overall turnout rate of this VR Elections was 61.57% while the one in 2015 was 63.35%. The turnout rate of this KFR Election for the Cheung Chau MT was 50.01% while the one in 2015 was 54.63%. A detailed breakdown of the overall daily turnout rates of the ReR, IIR and KFR Elections are at **Appendices VIII (A) and (B)**.

Section 5 - Elections which had Failed and By-elections

7.12 As mentioned in paragraph 5.4 above, the ROs concerned declared that the Elections for 95 EVs and 10 IVs had failed. 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 For the VR Elections, the counting work of the IIR and ReR Elections for the villages within the same RC was centrally conducted in the same counting station. For the KFR Election, one counting station was set up for the Cheung Chau MT. Each counting station was supervised by the relevant RO. For the counting station of each RC, a reserve counting station was designated by the DHA to serve as a replacement or additional counting station in the event that the original counting station, for any reason, could no longer function properly.

Section 2 - Counting Methods

VR Elections

8.2 The VR Elections were conducted on 6 and 13 January 2019. In the case of a single-seat election (e.g. ReR Elections), the method of manual counting was adopted for the counting of votes. Ballot papers were sorted into different transparent plastic boxes corresponding to the choices marked thereon and, thereafter, counted the number of valid votes obtained by each candidate.

8.3 As for the case of IIR Elections with multiple seats, where the number of candidates contesting was not too large and the number of plastic boxes for the voting combinations of candidates was of a manageable size, the manual counting method would also be adopted (the example at **Appendix IX** shows the voting permutations in an election of five candidates contesting for three vacancies). If the number of plastic boxes for the voting combinations was too large for manual counting to be handled efficiently, the vocal counting method would be adopted. The choices marked on the ballot papers would be called out by the counting staff one by one and the votes given to each candidate were recorded on a white board displayed at the counting station by a series of the five-stroke Chinese character “正”, with each stroke representing one vote and a Chinese character “𠄎” representing five votes.

KFR Election

8.4 Considering the large number of electors, representatives to be elected and candidates involved in the KFR election, in order to shorten the time required for counting of votes, computer counting method was adopted in this Election through the use of “double-manual-input” method for counting of votes, which means choices marked on each ballot paper would be keyed into two separate computers by two counting staff respectively, and the system would accept the data only if two sets of data keyed in were identical. The computer system would calculate the number of votes obtained by each candidate according to the data

accepted (details in paragraphs 10.16 and 10.17 below).

8.5 In the event of failure of the computer system, an alternative “roundtable counting” method would be adopted to manually count and record on a counting form the votes obtained by each of the candidates. Counting staff would sit around a counting table and the number of staff to be deployed to record the votes would correspond exactly to the number of candidates. Each of them would be responsible for recording the votes given to the candidate specifically assigned to him/her.

Section 3 - Counting Procedures

VR Elections

8.6 After the close of poll of the VR Elections, the sealed ballot boxes would be delivered to the relevant counting stations under police escort for the conduct of counting. The time for transporting the ballot boxes from the polling stations to the respective counting stations would vary depending on the distances between the villages concerned and the counting stations. For those villages located relatively remote, it would take a longer time for transportation.

8.7 The ballot boxes of all DPSs would be delivered to the BPSS at the Hin Keng Neighbourhood Community Centre for sorting by the IIR and ReR Elections of each village before they were delivered to the counting station of the relevant RCs for counting.

8.8 Given that no vote was cast in the DPS at the Mei Tin Community Hall on the two polling days, in accordance with the operational procedure mentioned in paragraph 6.10 above, the ballot box from the DPS was first delivered to the BPSS. The ARO (BPSS), after opening the ballot boxes from the DPS and confirming that there was no ballot paper therein, immediately informed the ROs concerned of the result and that no ballot paper would be delivered to their counting stations.

8.9 After the respective ballot boxes had arrived at their respective counting stations, the ROs concerned opened and emptied the ballot boxes for the count to commence. To protect the secrecy of votes, the ballot papers delivered from the BPSS were mixed with the ballot papers from the ordinary polling stations of relevant villages at the counting stations before counting.

KFR Election

8.10 For the KFR Election for the Cheung Chau MT conducted on 20 January 2019, there was only one polling station set up at the Cheung Chau Sports Centre and the polling station was also designated as the counting station. Therefore, no delivery of ballot boxes was required. The polling station was converted into a counting station immediately after the close of poll. Since it was not necessary to set up any DPS in the penal institutions, there was no ballot box from such DPS to be delivered to the counting station at the Cheung Chau Sports Centre.

8.11 Notwithstanding no vote was cast in the DPS at the Mei Tin Community Hall, in accordance with the operational procedure mentioned in paragraph 6.9 above, the ballot box was delivered to the counting station at the Cheung Chau Sports Centre directly. The counting commenced immediately after the RO opened the ballot box from that DPS and confirmed that there was no ballot papers therein.

Observation of the Count and Other Counting Procedures

8.12 Candidates, their election agents and counting agents could observe the count in a designated area while members of the public and the media were allowed to observe the counting process in the public area of the counting stations. The candidates and agents of the KFR Election were also allowed to observe the data key-in process of the computer counting in a designated area.

8.13 If the counting staff identified any questionable ballot papers during the counting process, they would handle these ballot papers separately and pass them to the ROs concerned to determine their validity in front of the candidates and their agents who were present at the counting stations. A summary of the rejected ballot papers determined by the ROs with reasons for rejection is at **Appendix X**.

8.14 After completion of the counts and determination of the questionable ballot papers (if any), the ROs would notify the candidates and agents who were present at the counting stations of the initial

counting results. The candidates and agents could make a request for a re-count at this juncture. If there was no request for re-count, the ROs concerned would announce the election results on the spot.

Section 4 - Declaration of Result

8.15 The election results were declared by the ROs concerned at respective counting stations after completion of the counts. The results of the contested Elections were published in the Gazette on 11, 18 and 25 January 2019 respectively.

8.16 The full lists of successful and unsuccessful candidates (including the candidates returned uncontested and those villages for which the Elections were declared as failed) are at **Appendices XI (A), (B) and (C)**.

Section 5 - EAC Visits

8.17 The EAC Chairman and Members visited a number of polling and counting stations on each of the polling days. Altogether, they visited a total of 11 polling stations, one BPSS, and three counting stations on the three polling days. On the first polling day, i.e. 6 January 2019, they met to observe the BPSS at the Hin Keng Neighbourhood Community Centre before meeting with the media to brief them on the latest progress of the poll and answer their questions. Then they proceeded to observe the operation of the counting station at

the Yuen Long Sports Centre in the evening. On the second polling day, i.e. 13 January 2019, the EAC Chairman and Members paid separate visits to the polling stations of different villages, and then met to visit the counting station at the Sai Kung Central Lee Siu Yam Memorial School. For the KFR Election held on the last polling day, i.e. 20 January 2019, the EAC Chairman and Member visited the polling-cum-counting station situated at the Cheung Chau Sports Centre to observe the poll and count.

8.18 The EAC closely monitored the events on the polling days and found the overall arrangements for polling and counting satisfactory.

Section 6 - Visits by Government Officials

8.19 Mr Lau Kong-wah, SHA, and Miss Tse Siu-wa, Janice, DHA, visited the polling station at the Ta Ku Ling Ling Ying Public School on the first polling day. Mrs Tse Ling Kit-ching, Cherry, Permanent Secretary for Home Affairs, and the DHA, visited the polling station at the Fanling Public School and joined the EAC Chairman and Members afterwards to visit the counting station at the Sai Kung Central Lee Siu Yam Memorial School on the second polling day. For the KFR Election held on the last polling day, the SHA and the DHA visited the polling station at the Cheung Chau Sports Centre for the Cheung Chau MT.

CHAPTER 9

COMPLAINTS

Section 1 - A General View

9.1 The complaints-handling mechanism is one of the means adopted by the EAC to safeguard the fairness and integrity of the electoral system. Some complaints revealed the deficiencies in certain aspects of the electoral arrangements and helped the EAC make better arrangements for future elections.

9.2 The complaints-handling mechanism also acts as a mutual check among candidates and through complaints, they would better understand the requirements of the electoral legislation and the Guidelines. The EAC is committed to handling complaints received fairly and efficiently.

Section 2 - The Complaints-handling Period

9.3 The complaints-handling period for the 2019 ROE started from 9 November 2018, i.e. the day when the nomination period commenced, and ended on 6 March 2019, i.e. 45 days after the last polling day on 20 January 2019.

Section 3 - The Complaints-handling Parties

9.4 A total of five designated parties were responsible for handling complaints during the complaints-handling period. They were the EAC, the ROs, the Police, the ICAC and the PROs (who discharged the duties on the polling days only). Complainants could lodge their complaints with any of the above parties. Each of these parties had their respective areas of responsibilities depending on the nature of the complaints. With the support of the EAC Secretariat, the EAC dealt with cases that were within its jurisdiction and not covered by any statutory provisions involving criminal liability. The division of work for other parties was as follows:

- (a) the ROs were responsible for handling complaint cases of a minor nature under the authority delegated to them by the EAC, e.g. those relating to entitlement to vote, EAs, electioneering activities conducted in private and public premises, use of sound amplifying devices, etc.;
- (b) the Police handled cases that involved possible criminal liability, e.g. breaches of the EP (RRE) Reg and criminal damage of EAs;
- (c) the ICAC attended to cases that involved possible breaches of the ECICO, the Prevention of Bribery Ordinance (Cap. 201) and the ICAC Ordinance (Cap. 204);

and

- (d) the PROs handled complaints received at the polling stations on the polling days and took action on the spot regarding cases which required immediate attention, e.g. use of sound amplifying devices in the vicinity of the polling stations, unlawful activities carried out in the NCZs or NSZs, etc.

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

Section 4 - The Number and Nature of Complaints

9.6 By the end of the complaints-handling period on 6 March 2019, a total of 169 complaints were directly received from the public by the five parties mentioned above. Of these, the ROs received the largest number of complaint cases for a total of 67. Details of the number of complaints are as follows:

<u>Complaints-handling Party</u>	<u>No. of Complaints Directly Received from the Public</u>
EAC	14 cases
ROs	67 cases
Police	16 cases
ICAC	46 cases
PROs	26 cases
<hr/>	
Total:	169 cases

9.7 The majority of the complaints were related to corruption/bribery/treating/undue influence/duress (50 cases), entitlement to vote (34 cases) and nomination and candidature (33 cases). Fewer complaints were received in the 2019 ROE as compared with the last Election. A breakdown of the complaints by receiving party and nature is shown at **Appendices XII (A) – (F)**.

Section 5 - Complaints Received on Polling Days

9.8 On the three polling days, a total of 40 complaint cases were received, of which 26 were received by the PROs and were mostly related to the electors' entitlement to vote (e.g. names not included in the FR). For those complaints that could be resolved on the spot (e.g. illegal canvassing in NCZs), they had been expeditiously dealt with and resolved. For the more complicated cases, they would either take a longer time to handle or need to be referred to relevant departments for investigation and

follow-up actions. A breakdown of the complaint cases directly received from the public by receiving party on the polling days is shown at **Appendix XIII**.

Section 6 - The Outcome of Investigations

9.9 During the complaints-handling period, the EAC and the ROs received 14 cases and 78 cases respectively (**Appendices XII (B) and (C)**). As at 15 March 2019, of the cases which have been dealt with, no case was found substantiated by the EAC, while 5 cases were found substantiated by the ROs. A total of 5 warning letters had been issued to the infringing parties. A breakdown of the outcome of investigations for the EAC and ROs is shown at **Appendices XIV (A) and (B)**. There are still 10 cases under investigation by the ROs.

9.10 The Police received a total of 50 cases (**Appendix XII (D)**). As at 15 March 2019, investigation of 12 cases has been completed and a breakdown of the outcome of investigations is at **Appendix XIV (C)**. There are still 38 cases under investigation.

9.11 The ICAC received a total of 55 cases (**Appendix XII (E)**). As at 15 March 2019, investigation of 2 cases has been completed and a breakdown of the outcome of investigations is at **Appendix XIV (D)**. There are still 53 cases under investigation.

Section 7 - Election Petition

9.12 Regarding the nomination of candidates, the Court received two election petitions and the details are as follows:

- (a) On 1 February 2019, Mr CHU Hoi-dick, Eddie, one of the candidates of the ReR Election for Yuen Kong San Tsuen in Yuen Long, lodged an election petition (Case Number: HCAL 311/2019) against the RO for the Rural Area and the candidate returned at the Election on the grounds that material irregularities occurred in relation to the Election as a result of the decision of the RO that his nomination was invalid; and

- (b) On 12 March 2019, Mr SO Chi-wah, one of the candidates of the IIR Election for Kau Sai San Tsuen in Sai Kung, lodged an election petition (Case Number: HCAL 688/2019) against the candidate Mr SHEK Kam-ho, who was returned at the Election on the grounds that Mr SHEK was not an indigenous inhabitant of the Village and alleged there were indigenous villagers who were ineligible to be registered as electors cast their votes in the Election. Therefore, material irregularities occurred in relation to the Election.

9.13 As at the production of this report, the cases mentioned above are yet to be dealt with by the Court.

CHAPTER 10

REVIEW AND RECOMMENDATIONS

Section 1 - General Remark

10.1 The EAC considers that the 2019 ROE has been conducted in an open, fair and honest manner, and is satisfied with the overall arrangement of the Election. In line with the established practice, the EAC has conducted a comprehensive review of all aspects of the electoral procedures and arrangements with a view to improving the conduct of future elections. The EAC's review findings and the related recommendations are set out in the ensuing paragraphs.

Section 2 - Operational Matters

(A) Polling Days and Polling Hours

10.2 The 2019 ROE was conducted on three consecutive Sundays, in which VR Elections were conducted on the two consecutive Sundays on 6 and 13 January 2019, and elections for villages within the same RC were conducted on the same Sunday. When compared with the Elections in 2015, the polling days for the VR Elections were further reduced from three days to two days. Because of the different voting arrangements between the VR and KFR elections, the KFR Election was therefore held on the subsequent Sunday (i.e. 20 January 2019). To

ensure the smooth conduct of the VR Elections which were to be held on two polling days, the HAD had made detailed plans for manpower deployment and logistic arrangements. In particular, the scope of recruitment of polling and counting staff was expanded. Apart from civil servants serving in the Home Affairs Bureau, the HAD and the Leisure and Cultural Services Department, those serving in the REO were also recruited. To ensure sufficient manpower to carry out the polling and counting duties, the HAD also actively encouraged its staff who had not taken part in elections in the past to take up the electoral duties.

10.3 As regards the polling hours, the arrangements for the VR Elections were the same as in past elections (i.e. from 12:00 noon to 7:00 p.m.). For the KFR Election, as mentioned in paragraph 6.2 above, having considered the representations received during the public consultation period on the Proposed Guidelines and other relevant views received by the HAD, the EAC has accepted the HAD's recommendation to extend the polling hours of the KFR elections for the convenience of electors for MTs (Cheung Chau or Peng Chau) who need to commute back to the MTs for the polls. As such, the polling hours were extended from originally 9:00 a.m. - 8:00 p.m. to 8:30 a.m. - 9:30 p.m. (i.e. extended for a total of two hours), allowing ample time for electors for the KFR elections to cast their votes. However, the polling hours of DPSs set up in penal institutions for both VR and KFR elections remained unchanged for security reason (i.e. from 1:00 p.m. to 4:00 p.m.).

10.4 **Recommendation:** The EAC notes that the HAD has carefully planned and made preparations on the three polling days and, in particular, to cope with the difficulties arising from the reduction of polling days for the VR Elections from three days in 2015 to two days this year. The EAC finds the relevant arrangements satisfactory, noting that all three polling days, including the one for the KFR Election, have run smoothly and orderly, and the ROE has been completed successfully. Besides, for the KFR Election, the EAC notes that the new polling hours have been generally well received by the electors and considers the same arrangement should continue to be adopted in future KFR elections.

(B) Incorrect Marking of a Polling Station on the Location Map Attached to Polling Notices for Village Representative Elections

10.5 The Yuen Long Sheung Che Tsuen VR Election was held on 13 January 2019. The RO had received a complaint from an elector on 2 January 2019, pointing out that the marking of the polling station on the location map attached to her polling notice was incorrect and the location shown on the map was not the location of the polling station designated for the Village (i.e. Sheung Che Public School (Former Site)). After receipt of the complaint, the HAD had immediately checked the polling notices for the Sheung Che Tsuen IIR and ReR Elections and confirmed that the name and address of the polling station on the polling notice were accurate, save that the vacant lot in front of the Sheung Che Public School (Former Site) was incorrectly marked as the polling station on the location map. Concurrently, the HAD also checked the polling notices

for the Ta Shek Wu Tsuen IIR Election, for which another part of the Sheung Che Public School (Former Site) was designated as the polling station for that Village, and discovered that the same problem also appeared on polling notices concerned.

10.6 According to section 29(2) of the EP (RRE) Reg, electors of contested Rural Areas will receive a polling notice, notifying them of the date, time and place of the poll at least 10 days before the polling day. Pursuant to this statutory requirement, the HAD sent the polling notices for the VR Elections to all registered electors on 27 December 2018. After discovering the above problem, the HAD issued the revised polling notice to the 806 affected electors on 3 January 2019. The HAD had also responded to the complainant on 9 January 2019 by notifying her of the printing error on the location map and that the maps had been revised and issued to all electors concerned, and also apologised for the incident.

10.7 **Recommendation:** The EAC considers that the incorrect marking of the polling station on the location map in this Election was an isolated incident. Given that the incorrect location marked was adjacent to the correct location, and the HAD had taken prompt action to send out the revised polling notices with correct location map to the affected electors and to clarify the matter, the incident should not have any impact on the election. Notwithstanding this, since the provision of location map of polling station aims to ensure that electors clearly know the whereabouts of their polling stations, the EAC considers that the HAD should carefully verify all particulars contained in the polling notices

under the established proofreading procedure in order to ensure accuracy before sending them out. Regarding this, the EAC enjoins the HAD to, with the experience gained, review and improve the proofreading procedure, and also to remind the officers concerned to be vigilant in the production of polling notices in order to prevent recurrence of similar incidents.

(C) Counting Arrangements for Village Representative Elections

10.8 As in the past, the counting of votes of the IIR and ReR Elections for villages within the same RC was conducted centrally in the same counting station and the RO concerned was responsible for the counting arrangements and monitoring of the count. As the ballot box(es) of each village would arrive at the counting station at different times after the close of poll, the counting staff would arrange counting of votes for villages which ballot boxes had already arrived at the counting station, and notify the candidates, election agents and counting agents of the village concerned through the Public Address (“PA”) system to arrive at the relevant counting table to observe the count, to proceed to the specified location to monitor the determination of questionable ballot papers (if any), and to hear about the initial counting results and to confirm whether there is any request for re-count. After the above procedures were completed, the RO would declare the formal election results of the village concerned in the counting station in accordance with section 66 of the EP (RRE) Reg, which is also announced through the PA system.

10.9 The VR Elections covered by the Tai Po RC of the Tai Po District were conducted on 6 January 2019 and the counting station designated for the VR Election concerned was the Tai Po Hui Sports Centre. After the close of poll, the ballot boxes of the villages concerned were all delivered to the Tai Po Hui Sports Centre for counting of votes. According to the arrangement of the counting station, counting staff would, with reference to the stage of counting for individual VR Election, inform the respective candidates and agents present in the counting station to go to the specified location to observe the counting procedures: (1) at the designated counting table to observe the sorting of ballot papers and counting of votes; (2) at the Questionable Ballot Paper Determination Table to observe the determination of questionable ballot papers (if any); and (3) at the “front stage” to hear about the initial counting results. Besides, the formal election results would also be announced by the RO at the “front stage” through the PA system. If candidates or agents concerned did not arrive at the “front stage” to hear about the initial counting results within the specified time, the RO would formally announce the election results through the PA system.

10.10 Upon completion of the sorting and counting of ballot papers, and also the determination of questionable ballot papers for the Tai Po Tai Hang IIR Election, the counting staff informed the relevant candidates and agents through the PA system to meet with the RO in accordance with the established workflow at the “front stage” within five minutes. Since no relevant candidate or agent had arrived at the “front stage” within five minutes to hear about the initial counting results of that

IIR Election, the RO announced the formal election results through the PA system forthwith. Thereafter, one of the candidates of that IIR Election made a request to the RO for re-count. He indicated that he took the “front stage” in the announcement made through the PA system earlier as the “front of the counting table”. He further claimed that in the previous VR Election, the RO informed the candidates of the initial counting results in front of the counting table and hence he did not proceed to the “front stage” as announced through the PA system this time for meeting the RO. After careful consideration and with legal advice sought, the RO decided not to accede to the candidate’s request for re-count and explained to all candidates of the IIR Election that she had already notified the candidates and agents about the arrangement for listening to the initial counting results through the PA system, and that she had formally announced the election results according to the law.

10.11 In view of the incident, the HAD immediately contacted other ROs who were still conducting the count in the counting stations in the same evening to remind them that they must clearly inform the candidates of the specified location for listening to the initial counting results and to ensure that the candidates were aware of the counting workflow. To avoid recurrence of similar incidents, the HAD introduced improvement measures to the subsequent VR Elections held on 13 January, unified the area in each counting station for candidates and agents to hear about the initial counting results without using the “front stage” as a designated area. Besides, the number of announcements to be made through the PA system was changed from once to twice. If no candidate or agent turned

up to hear about the initial counting results or make an request for re-count after the time limit specified in the two announcements made through the PA system, the RO would then announce the formal election results according to the law. After implementation of the above improvement measures, the count for the VR Elections held on 13 January ran smoothly and there was no recurrence of similar incidents.

10.12 **Recommendation:** According to the legal advice as stated in paragraph 10.10 above, when the RO has announced the counting results and that a candidate is duly elected according to the law, the counting process is completed. The EAC does not see any arguments to the contrary querying the above legal advice. Even if a candidate has any query, he/she can only question the election concerned by lodging an election petition in accordance with section 39(1) of the RREO.

10.13 The EAC is given to understand that, for the VR Elections held on 6 January, only the above counting station concerned has designated the “front stage” for the candidates and agents to hear about the initial counting results. And concerning this new arrangement (which is different from previous VR Elections), since both of the candidates or agents had not been informed of the exact location of the “front stage” in advance, this might have caused confusion. As such, the HAD had immediately reviewed the counting arrangements and improved the procedures after the incident to avoid recurrence of similar incidents that evening and on the subsequent polling day. The EAC recommends that the HAD should review every step of the detailed arrangements in the

counting workflow thoroughly in the preparation for future elections, and to display the counting workflow set out on notice boards outside the counting stations for the reference by candidates and agents. In general, major changes to counting procedures must be co-ordinated centrally in order to ensure the accurate transmission of information.

(D) Receiving the Ballot Papers in Kaifong Representative Election

10.14 Having regard to the large electorate size of the KFR elections, the HAD has implemented new arrangements in this Election for the receiving of ballot papers by electors so as to shorten the time required for them to cast their votes. Under the new arrangements, polling staff were stationed at the entrance of the polling station to request every elector to produce his/her identity document upon his/her arrival, and to give the elector a coloured card according to his/her identity document number. That coloured card would match with the colour of the signboard (bearing a certain range of identity card number) put up at the ballot paper issuing desk where the elector should collect his/her ballot paper. An explanatory notice concerning the above measure was also displayed on the notice board outside the polling station to inform electors of the new arrangements.

10.15 **Recommendation:** The EAC considers that the new measure relating to collection of ballot papers by electors could help speed up the process of electors proceeding to the correct ballot paper issuing desk to wait for collection of their ballot paper(s), effectively shorten the time

required for electors to cast their votes and make the conduct of the poll running more smoothly. The EAC is of the view that the same arrangement should continue to be adopted in future KFR elections.

(E) Counting Arrangements for Kaifong Representative Election

10.16 Considering the large number of the electorate, representatives to be elected and candidates for KFR elections, the HAD had introduced computer counting arrangements for the 2015 KFR Elections to shorten the time required for counting of votes. For the computer counting system used last time, manual initial screening was required to sort out ballot papers to be scanned by the Optical Mark Recognition (“OMR”) machines from those required to be processed manually (e.g. choices on ballot papers are not clear as the marking was too lightly coloured). For the latter, the choices marked on the ballot papers would be manually keyed into the computer system. For the KFR Election for the Cheung Chau MT last time, the HAD had deployed a total of 28 counting teams comprising 56 counting staff (two forming a team). Each member of the team would take turn to input the choices of every ballot paper into the same computer (i.e. every two persons shared one computer), and the system would only accept the data if the two sets of information input by the two counting staff respectively were identical. The computer system then calculated the number of votes obtained by each candidate based on the data captured by the OMR machines as well as those keyed in by the double-manual-input process.

10.17 However, after reviewing the OMR machines and the corresponding counting arrangements adopted in the last Election, the HAD considered it necessary to explore other options to enhance the efficiency of counting. Having carefully studied and considered the overall counting arrangements, in particular the time required for initial screening, the HAD did not use the OMR machines to scan the ballot papers in this Election and had changed to the double-manual-input method solely for counting the votes, i.e. choices marked on each ballot paper would be keyed in two separate computers by two counting staff respectively, and the system would accept the data only if two sets of data keyed in were identical. The counting arrangements for this Election effectively reduced the time required for initial screening of ballot papers to be scanned by the OMR machines, and it was also more efficient for each counting staff to have their own computer to input data. Moreover, in order to enable the counting work to be conducted speedily and effectively, the HAD had increased the number of counting staff for this KFR Election for the Cheung Chau MT, a total of 100 counting staff divided into 50 counting teams (two forming a team) were deployed for the relevant data input. Comparing with the last Election, the manpower involved was almost doubled and the number of computers was also increased from one for every two staff to one for each staff. Candidates, election agents and counting agents could observe the whole process of inputting choices marked on the ballot papers into the computers in the designated area, ensuring an open and transparent counting process.

10.18 **Recommendation:** The EAC considers it necessary and appropriate for the KFR elections to adopt computer counting arrangements. For the first time, computer counting solely by double-manual-input method was adopted in this Election, coupled with additional manpower, the counting time required was significantly shorter than that in the last Election. On the whole, the EAC considers the counting process satisfactory and is pleased to note that the computer counting system was well received by candidates and members of the public who observed the counting process on the spot. The EAC is of the view that the HAD should continue to consider using computer counting in future KFR elections and explore other counting systems with higher efficiency.

CHAPTER 11

ACKNOWLEDGEMENT

11.1 The smooth conclusion of the 2019 ROE was attributable to the dedication and concerted efforts of all parties involved.

11.2 The EAC would like to thank the following bureaux and departments for their support and assistance:

Correctional Services Department

Customs and Excise Department

Department of Justice

Food and Environmental Hygiene Department

Government Logistics Department

Home Affairs Bureau

Hong Kong Economic and Trade Offices of the Commerce and Economic Development Bureau

Hong Kong Observatory

Hong Kong Police Force

Hongkong Post

Housing Department

Immigration Department

Independent Commission Against Corruption

Information Services Department

Lands Department

Leisure and Cultural Services Department

Marine Department

Official Languages Division of the Civil Service Bureau
Official Receiver's Office
Registration and Electoral Office

11.3 The EAC is thankful to the HAD for its dedicated efforts and contribution at all stages throughout the 2019 ROE.

11.4 The EAC is grateful to the officers serving as ROs, AROs, and polling and counting staff who conscientiously performed their duties and dutifully followed the relevant operational procedures as well as the staff of the REO for drafting this report, preparing the EAC visit programme and co-ordinating the handling of complaints.

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

11.6 The EAC would like to thank members of the media for substantially enhancing the transparency of the Election by giving the key events a wide and in-depth coverage.

11.7 The EAC extends its appreciation to candidates, canvassers and members of the public for complying with the electoral legislation and the Guidelines.

11.8 The EAC would like to thank electors who turned up to cast their votes. They fulfilled their civic responsibility through their earnest participation.

CHAPTER 12

LOOKING FORWARD

12.1 At the time of finalising the report, the HAD is planning the Rural By-election to be held on 16 June 2019 for the villages of which elections have been declared as failed in the ROE held in January 2019 and other villages in which representative vacancies have arisen subsequent to the ROE.

12.2 The EAC remains committed to fulfilling its mission of safeguarding the integrity of public elections in Hong Kong. It will continue with its efforts in keeping a vigilant watch over various elections to ensure that openness, fairness and honesty are upheld in the conduct of every election. The EAC welcomes positive and constructive comments to bring about improvements in the electoral arrangements for future elections.

12.3 The EAC recommends that this report be made public, at a time the CE thinks appropriate, so that members of the public will have a clear understanding of how the EAC conducted and supervised the 2019 ROE.

