

## CHAPTER 1

### OVERVIEW

#### Section 1 - Introduction

1.1 The term of office of Rural Representative (“RR”) is 4 years, and the term of office of the RRs elected in 2019 will expire on 31 March 2023. The sixth ordinary election was held in January 2023 to return 695 Resident Representatives (“ReRs”), 789 Indigenous Inhabitant Representatives (“IIRs”) and 56 Kaifong Representatives (“KFRs”) for a term of 4 years from 1 April 2023 to 31 March 2027.

1.2 Election of RR for designated Rural Areas is provided for under the Rural Representative Election Ordinance (Cap. 576) (“RREO”). There are four types of Rural Areas in Hong Kong, namely, (1) Existing Village (“EV”); (2) Indigenous Village (“IV”); (3) Composite Indigenous Village (“CIV”) (i.e. a Village composed of two or more IVs); and (4) Market Town (“MT”) on Cheung Chau and Peng Chau. For each EV, only one ReR is to be returned. For IVs or CIVs, one to a maximum of five IIRs is/are to be returned depending on the number of IIRs of the respective Villages. As 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 as well as the traditional way

of life of the indigenous inhabitants of their Village, and to reflect views on affairs of the Village on behalf of the indigenous inhabitants 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 2023 Rural Ordinary Election (“ROE”) was governed by the following ordinances:

- (a) the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”), which empowers the Electoral Affairs Commission (“EAC”) to perform its various functions in the conduct and supervision of the RR Election (“RRE”) and any matters arising from the elections;
- (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 the 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. This ordinance is administered by the Independent Commission Against

Corruption (“ICAC”).

1.5 The above ordinances are complemented by the following five pieces of subsidiary legislation which stipulate the detailed procedures for the conduct or operation of the election:

- (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 RRE 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 RRE;
- (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 an RRE;
- (d) the Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576A), which sets out the procedures for hearing and ruling by Revising Officers (“RevOs”) concerning the registration of electors for the RRE; and

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

### **Section 3 - Legislative Amendments**

1.6 The following ordinances and subsidiary legislation have been amended after the 2019 ROE, and they are applicable to this Election.

#### ***Electoral Legislation (Miscellaneous Amendments) Ordinance 2019***

1.7 The Government introduced the Electoral Legislation (Miscellaneous Amendments) Bill 2018 to the Legislative Council (“LegCo”) on 11 July 2018 with a view to enhancing the voter registration arrangements and the electoral procedures. The major amendments relating to the RRE include the following:

- (a) increasing the maximum penalties for offences relating to voter registration and improving the claims and objections mechanism of voter registration;
- (b) including former and retired magistrates in the pool of eligible candidates for appointment of RevOs;

- (c) introducing an exception to exempt a third party (other than a candidate or his/her election expense agents) from the criminal liability under section 23(1) of the ECICO if he/she has published an election advertisement (“EA”) on the Internet and the election expenses thus incurred are merely electricity and/or Internet access charges; and
- (d) cancelling the stamping arrangements for ballot papers under specified circumstances to the effect that in case a validly nominated candidate is deceased or disqualified before the date of the election, instead of stamping the ballot paper, his/her name and other related information on the ballot paper will be crossed out and a corresponding notice will be displayed in a prominent place of each polling station.

1.8 The Electoral Legislation (Miscellaneous Amendments) Bill 2018 was passed by the LegCo on 16 January 2019. The amendments came into effect on the day of publication in the Gazette (i.e. 25 January 2019). The ordinance is cited as the Electoral Legislation (Miscellaneous Amendments) Ordinance 2019.

***Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2019***

1.9 The Government introduced the Electoral Legislation (Miscellaneous Amendments) Bill 2019 to the LegCo on 20 March 2019 in order to refine the voter registration arrangements and the electoral procedures. The amendments relating to the RRE include the following:

- (a) raising the limits, as set out in the simplified relief mechanism, i.e., de minimis arrangement, under section 37A of the ECICO, for rectifying minor errors or omissions for the RRE to \$600 so as to facilitate candidates in rectifying the minor errors or omissions in their election returns; and
- (b) revising the threshold, as specified under section 37(2)(b) of the ECICO, for candidates' submission of invoices and receipts giving particulars of the expenditure in their election returns from \$100 to \$500 for all public elections, so as to help alleviate the workload of candidates throughout the election and when preparing their election returns.

1.10 The Electoral Legislation (Miscellaneous Amendments) Bill 2019 was passed by the LegCo on 28 November 2019. The amendments came into effect on the day of publication in the

Gazette (i.e. 6 December 2019). This ordinance is cited as the Electoral Legislation (Miscellaneous Amendments) (No. 2) Ordinance 2019.

***Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) (Amendment) Regulation 2021***

***Electoral Procedure (Rural Representative Election) (Amendment) Regulation 2021***

1.11 To improve the voter registration arrangements and electoral procedures of the RRE and to align the electoral arrangements of the RRE with those of other public elections, the EAC amended two sets of regulations under the EACO on 16 August 2021. The amendments include the following:

- (a) enhancing the compilation and inspection of the registers of electors to maintain the transparency of the inspection mechanism of the registers of electors while protecting the electors' privacy. The enhancement measures include:
  - (i) restricting access to the parts of registers containing electors' linked information (i.e. their names and addresses) only to the press subscribing to the Government News and Media Information System,

political parties, Heung Yee Kuk (“HYK”) and validly nominated candidates; and

- (ii) allowing access by the Rural Committees (“RCs”), residents of EVs, indigenous inhabitants of IVs or CIVs and residents of MTs to the extracts of the register of the specific Rural Area/EV/IV or CIV/MT concerned, so as to facilitate the residents in reporting irregularities or tracing electors’ lineage for lodging claims or objections;
- (b) extending the address proof requirement to new voter registration applications in ReR and KFR elections;
  - (c) revising the voter registration deadlines, including the deadline for new registration applications, so as to allow sufficient time for vetting the address proof of new voter registration applications. In addition, the deadlines relevant to inquiries have also been revised;
  - (d) revising the requirements on disclosure of personal data, which include:
    - (i) for IIR elections, replacing the requirement for a candidate to provide his/her principal residential address with the requirement to provide an address as required in the nomination form for IIR elections.



Such an address will be published in the Gazette;

- (ii) for ReR and KFR elections, continuing to require the candidates to provide their principal residential address in the nomination form, but only part of the principal residential address, including the region, district, and name of the village/MT concerned, will be published in the Gazette; and
- (iii) lifting the requirement for the RO to disclose the identity card number of the election agent to candidates;
- (e) enabling the Home Affairs Department (“HAD”) to set up polling-cum-counting stations, amending the definition of “Presiding Officer” (“PRO”) and adding a new defined term of “Officer-in-charge”, which refers to the officer in charge of a station in relation to the counting of votes, and specifying the duties and authorities of the Officer-in-charge of a counting station;
- (f) allowing the use of electronic poll register (“EPR”) in RRE. The amendments include:
  - (i) specifying the manner of making a record on the final register (“FR”) electronic copy upon issuance of the

ballot paper(s) to an elector so as to accommodate the use of EPR;

- (ii) specifying that the FR in printed form (if used) should be sealed in packets at the close of poll, and that the FR (whether in printed or electronic form) should be retained for at least 6 months after a poll before destruction; and
  
- (iii) introducing new provisions to enable the creation of the FR electronic copy or extract for polling purposes; stipulating the permitted uses of the FR electronic copy or extract; granting the EAC the authority to allow access to the FR electronic copy or extract for specific purposes (such as for technical maintenance and for the issuance of ballot papers); and providing for the offences in relation to accessing the FR electronic copy or extract without lawful authority, damaging data or information contained therein, or tampering therewith;
  
- (g) empowering the PROs to set up a special queue for electors in need (including persons aged 70 or above, pregnant women and persons who are not able to queue for a long time or have difficulty in queuing because of illness, injury, disability or dependence on mobility aids); and

- (h) empowering the Director of Home Affairs (“DHA”) to require schools and non-government organisations receiving grants from the Government to make available their premises for use as polling stations and/or counting stations.

1.12 The Amendment Regulations were tabled at the LegCo on 25 August 2021 for negative vetting and came into operation on 1 January 2022.

### ***Personal Data (Privacy) (Amendment) Ordinance 2021***

1.13 A large number of doxxing cases (i.e. extensive leaking of personal data) have taken place in society since June 2019, where personal data were dispersed and reposted on online platforms. Therefore, the Government tabled the Personal Data (Privacy) (Amendment) Bill 2021 to the LegCo on 21 July 2021 to stipulate doxxing as a criminal offence. The Personal Data (Privacy) (Amendment) Bill 2021 was passed by the LegCo on 29 September 2021 and came into effect on 8 October 2021.

1.14 The amended ordinance applies to the doxxing acts of disclosing personal data contained in the registers of electors of Rural Areas. According to section 64(3A) of the amended Personal Data (Privacy) Ordinance (Cap. 486) (“PD(P)O”), a person commits an offence if he/she (as a discloser) discloses any personal data relating to a person (as a data

subject) contained in any register of electors or in any extract of any register of electors without the relevant consent of the data subject with an intent to cause any specified harm<sup>1</sup> to, or being reckless, as to whether any specified harm would be (or would likely be) caused to the data subject or any family member of the data subject. The discloser will be liable on summary conviction to a fine of \$100,000 and to imprisonment for 2 years. According to section 64(3C) of the amended PD(P)O, if the disclosure causes specified harm to the data subject or any family member of the data subject, and satisfies the elements of the offence under section 64(3A), the discloser will be liable on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 5 years.

### ***Rural Representative Election (Amendment) Ordinance 2022***

1.15 The Government introduced the Rural Representative Election (Amendment) Bill 2022 to the LegCo on 18 May 2022 in order to improve the arrangements of the RRE. The amendments include the following:

- (a) introducing the requirement for a person elected as an RR to sign a written oath to uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region (“HKSAR”) before holding office, and providing for the consequences of declining or neglecting to take the

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<sup>1</sup> In accordance with section 64(6) of the PD(P)O, “specified harm”, in relation to a person, means (a) harassment, molestation, pestering, threat or intimidation to the person; (b) bodily harm or psychological harm to the person; (c) harm causing the person reasonably to be concerned for the person’s safety or well-being; or (d) damage to the property of the person.

oath or being in breach of the oath;

- (b) limiting the inspection of omissions list (“OL”) published for the purpose of an RRE to specified persons only;
- (c) extending the interpretation of EA to cover a document published by a candidate during an election period that gives details of the work done by the candidate in the capacity of a member of the Election Committee; and
- (d) rectifying the names of three RCs as appeared in the RREO and the District Councils Ordinance (Cap. 547) to align with the respective names registered under the Societies Ordinance (Cap. 151).

1.16 The Rural Representative Election (Amendment) Bill 2022 was passed by the LegCo on 6 July 2022. All the amendments came into effect in phases from the day of publication in the Gazette (i.e. 15 July 2022).

#### **Section 4 - Guidelines on Election-related Activities**

1.17 Under section 6(1)(a) of the EACO, the EAC is empowered 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, honest and fair manner. The

EAC will update the electoral guidelines before each election. On the basis of the existing guidelines, revisions are made taking into account changes in electoral laws and experience drawn from previous elections. The electoral guidelines are not law, and cover the following two aspects: (1) to explain in simple language the subsisting electoral laws so as to remind candidates and other stakeholders of the provisions and requirements under the electoral laws; and (2) to promulgate a code of conduct based on the principle of fairness and equality with regard to election-related activities not stipulated by the law.

1.18 The EAC has at all times made its best endeavours to refine the electoral arrangements. Under normal circumstances, 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. The EAC will also hold public forum(s) to listen to views from members of the public. The views received during the public consultation period will be taken into account before the EAC works out and publishes the Final Guidelines.

1.19 The EAC started updating the Guidelines on Election-related Activities in respect of the Rural Representative Election (“the Guidelines”) applicable to the 2023 ROE in November 2021. The Proposed Guidelines was prepared on the basis of the edition issued in October 2018 to reflect the amendments made to the legislation in relation to the RRE as mentioned in this Chapter. The Proposed Guidelines was

also updated by making reference to the amendments made to other guidelines on election-related activities published between September 2019 and January 2022, as well as the operational experience gained in previous elections and 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 for Public Consultation**

1.20 The major amendments between the latest Guidelines and the edition issued in October 2018 are detailed at **Appendix I**.

1.21 In accordance with section 6(2) of the EACO, the EAC conducted a 30-day public consultation from 11 July to 9 August 2022. As in the past, a “Message from the Chairman” enclosed in the Proposed Guidelines highlighted the major changes set out at **Appendix I** 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 July 2022 from 7:00 pm to 8:00 pm at Lung Hang Estate Community Centre in Sha Tin to collect views from the attendees. A total of 34 persons attended the above public forum. The EAC received 17 written representations and oral representations during the public consultation period.

## **Section 6 - Issue of the Final Guidelines on Election-related Activities**

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

1.23 Taking into account the public's views on voter registration, the EAC made corresponding revisions to the Final Guidelines by listing out in detail the documents accepted by the HAD as valid address proof. Besides, during the consultation period, some members of the public expressed concerns about whether participation in election meetings would contravene the law. After due consideration, the EAC reiterated the definition of candidates in the corresponding provisions of the Final Guidelines and reminded members of the public to refer to the relevant sections on election expenses.

1.24 The EAC published the Final Guidelines on 14 October 2022 and informed the public through a press release. The Guidelines were uploaded onto the EAC's website and made available for public viewing at the Registration and Electoral Office ("REO") and Home Affairs Enquiry Centres on the same day.

## **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 the HAD conducted this Election at various stages under the supervision of the EAC. In addition, it gives a detailed account of the electoral 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 taking into account the experience gained from this Election and reviewing the effectiveness of the electoral arrangements.

## 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 2 MTs into the following 4 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 geographical constituencies in the LegCo election. There were 695 EVs in the 2023 ROE, as identified in Schedule 1 to the RREO.

(b) **Indigenous Villages**

IVs refer to the IVs which existed in 1898 or branched off from the IVs which 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 2023 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 relatively small population. There were 15 CIVs in the 2023 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 2023 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 II**.

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 III**.

## **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 2019 ROE, the proposed boundary maps for the 2023 ROE were drawn up by the respective District Officers (“DOs”) of the HAD and issued for public inspection from 23 September to 5 October 2021. 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 HYK, the relevant RCs, District Council members and Area Committees. The proposed boundary maps were also uploaded onto the RRE website for public inspection. At the end of the public inspection period, a total of 26 objections, involving 32 villages, were received. The DOs concerned carefully examined these objections and accepted 13 of them, involving the boundaries of 15 EVs. Thereafter, the revised maps of the 15 villages concerned were displayed from 17 December 2021 to 6 January 2022 for further consultation. During the consultation period, one objection, involving one village, was received. The objection was not accepted.

2.4 The DHA kept a full set of the boundary maps and each relevant DO also kept a copy of the boundary maps of the district under his/her purview in the respective District Offices for public viewing. The set of the boundary maps was also uploaded onto the RRE website for the public to view online.

### **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 that index belong to IVs/CIVs.

## CHAPTER 3

### VOTER REGISTRATION

#### Section 1 - Eligibility Requirement for Electors

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

- (a) he/she is a resident of the EV or MT<sup>2</sup> and has been a resident therein for the three years immediately before the date of application for registration. (In the case of a prisoner, with regard to the residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above-mentioned 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

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<sup>2</sup> Being 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 EV/MT concerned.

- (c) he/she is a Hong Kong permanent resident.

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 keep residing in the EVs or MTs for which they have been 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 has been 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 FRs, the person concerned will commit an offence if he/she votes at the election. The right to vote in the election concerned is restricted to an eligible elector having continuously resided in the Village or MT for which he/she has been registered. 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 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 submit an 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 inhabitant<sup>3</sup> 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 Electoral Registration Officer (“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,

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<sup>3</sup> According to session 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).



in replacement of the identity card previously issued 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 - Registration Period

3.5 The DHA is the ERO for the RRE. As at 16 June 2022, the statutory deadline of applications for new registration as stipulated in section 9(1) of the EAC (ROE) (RRE) Reg, the HAD received a total of 9 807 applications for new voter registration, among which 6 279 were for the ReR elections, 3 296 were for the IIR elections and 232 were for the KFR elections.

3.6 As at 16 June 2022, the statutory deadline of applications for change of principal particulars<sup>4</sup> in the existing FR as stipulated in section 19A(12) of the EAC (ROE) (RRE) Reg, the HAD received a total of 1 166 applications for change of principal particulars, among which 1 056 were for the ReR elections, 17 were for the IIR elections and 93 were for the KFR elections.

3.7 As at 16 June 2022, the statutory deadline of applications for change of other particulars in the existing IVs and CIVs FR as stipulated in section 20(7) of the EAC (ROE) (RRE) Reg, the HAD received a total of 1 043 applications for change of other particulars.

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<sup>4</sup> “Principal particulars”, according to section 19A(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.

### **Section 3 - Publication of Provisional Register and Objections and Claims**

3.8 A registered elector of the ReR and KFR elections must be a resident of the relevant EV/MT, and has been a resident of the EV/MT therein for the 3 years immediately before the date of application for registration. With effect from 1 January 2022, applicants for new voter registration in ReR and KFR elections must submit their address proof, so that the HAD can verify more reliably the addresses provided by the applicants.

3.9 Meanwhile, in order to enhance the accuracy of the registers of electors, the HAD implemented a series of checking measures, which include performing verification checks on registered residential addresses of electors with the Housing Department, Hong Kong Housing Society and REO, and following up on cases of undelivered polling notices for the 2019 ROE by conducting site inspections. In the event of a suspected case, an inquiry would be made to the relevant elector in accordance with the relevant electoral law. Besides, the HAD also issued letters to all registered electors (including those in IIR elections, ReR elections and KFR elections) requesting them to update their registration particulars.

3.10 After the end of the registration period, a provisional register (“PR”) for the EVs, IVs/CIVs and MTs, recording the personal particulars of 81 087 electors of EVs, 110 535 electors of IVs/CIVs and 9 013 electors of MTs, was published on 26 August 2022 for public

inspection until 9 September 2022. For this purpose, a full copy of the PR was kept in the office of 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 26 August 2022.

3.11 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 EVs, IVs and CIVs or MTs 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 EROs (i.e. the relevant DOs). 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 is included in the OL, 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 who wishes to lodge a claim relating to IVs or CIVs, he/she may use the specified form to serve the notice of claim in person, by post, by facsimile transmission, by electronic means (the notice of claim shall be an electronic record authenticated by a digital signature according to the meaning of section 2(1) of the Electronic Transactions Ordinance (Cap. 553)) 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 website. The arrangements of lodging notices of objection and claim for the 2023 ROE were announced by the ERO in the Gazette published on 26 August 2022. Such objections and claims must be lodged during the public inspection period (i.e. from 26 August to 9 September 2022).

3.12 Cases of objections and claims are reviewed by the RevO. The RevO is a magistrate appointed by the Chief Justice. By the close of the aforesaid public inspection period, 128 objections and 1 claim were received by the ERO. Among them, 1 objection was later withdrawn with the approval of the RevOs. These cases were heard by a team of three RevOs in the Princess Alexandra Community Centre, Yuen Long Town Hall, Luen Wo Hui Community Hall and Tai Wo Neighbourhood Community Centre respectively from 6 to 23 September 2022. Afterwards, 24 requests for review of the RevOs' rulings were received and the cases concerned were then reviewed and reheard by the RevOs from 27 to 30 September 2022. The final outcome was that 39 objections were allowed, 88 objections were dismissed and 1 claim was dismissed. A detailed breakdown is shown at **Appendix IV**.

3.13 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. Approval by the RevO is not required for corrections made under section 27 of the regulation concerning the requests from electors of IVs and CIVs to correct or change their principal residential addresses or add to or remove from the relevant entry their principal residential addresses.

Those made under section 28 of the regulation concerning the removal, addition or correction of entries require the RevO's approval. A detailed breakdown of the corrections made by the ERO in the 2022 PR under section 28 of the regulation is at **Appendix V**.

#### **Section 4 - Publication of the Final Register**

3.14 After the RevOs' rulings and the relevant corrections to the entries in the PR had been made, the ERO published the 2022 FR on 20 October 2022. The numbers of electors for EVs, IVs/CIVs and MTs as shown in the 2022 FR are 80 800, 110 288 and 8 990 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 - Introduction

4.1 A large scale publicity campaign on the 2023 ROE commenced in late April 2022, which aimed 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) remind electors of the new arrangements introduced in this ROE, including the deadlines for applications for change of registered particulars, extension of the address proof requirement to new voter registration applications in ReR elections and KFR elections, arrangements for inspection of registers of electors, points to note in marking ballot papers, determination of questionable ballot papers and special polling arrangements for

registered electors who are unable to cast their votes at their ordinary polling stations (“OPSs”) on the polling days due to local isolation measures.

- (d) 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;
- (e) promote clean and fair election; and
- (f) remind registered electors to update their registration particulars.

4.2 As indigenous villagers living both locally and abroad can participate in the Election, various publicity activities and work were carried out locally and overseas.

## **Section 2 - Local Publicity**

4.3 The HAD launched an extensive voter registration drive from 22 April to 16 June 2022.

4.4 Publicity letters, pamphlets and posters on the Election were distributed through the District Offices of the respective Rural Areas, HYK, RCs, village offices, youth groups and women’s organisations. Apart



from publicising to villagers by setting up mobile voter registration stations in the Rural Areas and arranging mobile broadcasting vans in the New Territories districts, the HAD also published advertisements in several local newspapers, displayed publicity posters at bus stops and compartments of Light Rail in various districts in the New Territories during the period from voter registration until the polling days, and put up banners, posters and notices in the Rural Areas.

4.5 During the period from April 2022 to January 2023, besides broadcasting of Announcements in the Public Interest (“APIs”) in Cantonese and English on the television, and APIs in Cantonese, Putonghua and English on the radio, posters were also displayed and APIs broadcast at lobbies and compartments of the East Rail and Tuen Ma Line, ferries plying between Central and Cheung Chau/Peng Chau/Mui Wo/Lamma Island, as well as publicity facilities of public bodies in each district, to publicise the voter registration exercise, change of registered particulars, nomination of candidates and polling arrangements, etc.

4.6 Before the polling days, 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 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 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 information about the 2023 ROE through the overseas edition of Hong Kong newspapers.

### **Section 4 - Publicity on the Internet**

4.8 In order to facilitate a wider reach to the community (in particular the youth) and appeal for active participation in the 2023 ROE, advertisements on online platforms were published from 29 April 2022 to 15 January 2023 to publicise important information such as the voter registration campaign, change of registration particulars, nomination of candidates, polling days and opening hours of polling stations.

4.9 By publishing posts and videos on social media, including the Facebook page and the Information Services Department (ISD) YouTube channel etc., the Home and Youth Affairs Bureau and HAD appealed to eligible persons to register as electors, stand as candidates and vote, and especially remind voters of points to note on voting.

4.10 To obtain information about the 2023 ROE and the forms for voter registration and nomination forms for candidates, the public could visit the website for the RRE ([www.had.gov.hk/rre](http://www.had.gov.hk/rre)). Also, the website of the EAC ([www.eac.hk](http://www.eac.hk)) contains the guidelines applicable to this Election, which cover the relevant legislation. For information relating to the provisions of the ECICO, the public could visit the website of the ICAC ([www.icac.org.hk](http://www.icac.org.hk)).

### **Section 5 - Publicity by ICAC**

4.11 In order to remind candidates, election agents and campaigners to abide by the relevant law, the ICAC conducted a total of 18 briefing sessions for the 27 RCs in Hong Kong to explain the key points and points to note of the ECICO through the co-ordination of the District Offices/HAD. In addition, 19 seminars were arranged for the elderly centres in the rural districts to promote the clean election messages to the elderly electors.

4.12 The ICAC also produced leaflets on “Clean Rural Elections Information Booklet” and “Reminder to Candidates on Election Return” introducing the legal requirements to be noted in conducting election activities and points to note in completing the election return respectively for reference by candidates and their election agents. In addition, the ICAC set up a Clean Election Enquiry Hotline to handle public enquiries on the ECICO.

4.13 Through leaflets, online advertisements and promotional facilities on public transport, the ICAC reminded the public to ensure that they were eligible to register as an elector before applying for registration and voting at the election. Leaflets on “Reminder to Electors” were produced and mailed to electors together with the polling notices issued by the HAD.

4.14 The ICAC produced a series of eight posters and distributed them to villages, MTs, elderly centres and non-governmental organisations, and encouraged their display at prominent locations; and another poster with the theme of “Support Clean Rural Elections” was also displayed in the New Territories District Offices, village offices, public facilities as well as the local and overseas Government offices. The ICAC also mailed publicity materials containing information about clean elections to rural households for wider publicity.

4.15 Besides, the ICAC adopted an integrated approach of traditional and new media promotional strategy to reach out to both local and overseas electors. Clean election messages were extensively publicised online through radio broadcasts, advertisements at public transport (including buses, subways, light rail and ferries), piers, publicity facilities of public bodies, and newspapers, etc. A thematic website containing educational and publicity materials was launched 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 a resident of such Village or MT for 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 (for the definition of “ordinarily residing in Hong Kong”, please refer to paras. 3.5 to 3.7 of the Guidelines);
- (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, which started on 4 November 2022 and

ended on 17 November 2022, was gazetted on 21 October 2022 by the DHA. Persons running for candidature were required to submit their nomination forms in person to the relevant Returning Officers (“ROs”) during the nomination period. By the close of nomination, the ROs received a total of 1 737 nominations, including 713 for the ReR Elections, 936 for the IIR Elections and 88 for the KFR Elections.

### **Section 3 - Validly Nominated Candidates**

5.4 Of the 1 737 nominations received, 9 were withdrawn before the close of nomination and another 4 were determined as invalid by the ROs. The remaining 1 724 nominations, including 709 for the ReR Elections, 931 for the IIR Elections and 84 for the KFR Elections, were determined as valid by the ROs. There were no validly nominated candidates for 100 EVs and 14 IVs, and 115 Village Representative (“VR”) seats were involved in total.

#### *Uncontested elections*

5.5 Among the 1 724 valid nominations, 1 099 candidates were returned uncontested (including 494 for the ReR Elections, 588 for the IIR Elections and 17 for the KFR Election). The results of the uncontested elections were published in the Gazette on 1 December 2022.

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 23 December 2022. As such, the number of candidates who were returned uncontested increased to 1 100. The results of uncontested ReR, IIR and KFR Elections are shown at **Appendices VI (A), (B) and (C)** respectively.

#### *Contested elections*

5.7 There were 623 validly nominated candidates who needed to contest in the Elections (215 contesting for the ReR Elections, 341 for the IIR Elections and 67 for the KFR Election). Their names and addresses<sup>5</sup> were also published in the Gazette on 1 December 2022.

#### *Elections that failed*

5.8 The Elections for 100 EVs and 14 IVs, involving 100 ReR seats and 15 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 1 December 2022 and are shown at **Appendices VII (A) and (B)** respectively.

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<sup>5</sup> For an election of ReR or KFR, the address is the relevant particulars of the candidate's principal residential address contained in the candidate's nomination form; for an election of IIR, the address is the candidate's address contained in the candidate's nomination form. For details, please refer to the notes on completion of the nomination form.



## **Section 4 - Briefing for Candidates**

5.9 The EAC organises a briefing session for validly nominated candidates at each RRE for the purpose of providing them with important information of the election and reminding them and their election agents of the essential requirements under the relevant electoral law and guidelines. On the same occasion, the RO will conduct lots drawing to determine the candidate number or the order of candidates on the ballot paper and to allocate a set of designated spots for display of EAs.

5.10 The ROs and Assistant Returning Officers (“AROs”) of the 183 contested Rural Areas determined the candidate number to appear on the ballot papers and the allocation of the designated spots for display of EAs by means of lots drawing at the places specified by the ROs (including the conference room of the New Territories District Offices or Community Halls) on 23 November 2022. Having regard to the need to maintain social distancing amid the Coronavirus Disease 2019 (“COVID-19”) epidemic, the EAC conducted the briefing session for candidates online, with live broadcast on television and the Internet for public viewing. Besides, a live broadcast of the briefing session was also provided at the Grand Theatre of the HYK Building in Sha Tin for the candidates and their election agents. Major topics covered in the briefing session included the appointment and roles of each type of agents, polling and counting arrangements, measures in response to COVID-19, requirements for the conduct of electioneering activities, prevention of corrupt and illegal conduct, requirements pertaining to EAs and election

expenses, and matters requiring attention in the use of personal data of voters for electioneering purposes. The representative from the ICAC also gave a briefing on the ECICO. Besides, the representative from the HAD briefed the candidates on the new mandatory requirement for the RRE to sign and return the written oath. Information of the briefing was uploaded onto the RRE website for reference by candidates and the public.

## **Section 5 - Introduction to Candidates**

5.11 In accordance with section 29 of the EP (RRE) Reg, the polling notices, together with the Introduction to Candidates, were sent to each elector no later than 10 days before the polling day by the HAD. The Introduction to Candidates contained the name, photograph, electoral message and other details of each candidate to facilitate voters in making an informed choice when casting their votes. For the sake of environmental protection, paper derived from sustainable forests and environmentally friendly ink were used for printing these documents.

5.12 To assist the visually impaired in reading the contents of the Introduction to Candidates, the HAD appealed to candidates to provide a computer-typed text version of their profiles for uploading onto the RRE website so that persons with visual impairment could access the information using computer-assisted software.

## CHAPTER 6

### POLLING AND COUNTING ARRANGEMENTS

#### Section 1 - Polling Dates and Polling Hours

6.1 With reference to the actual situation and experience in the 2019 ROE, the number of polling days for the VR Elections in the 2023 ROE was reduced from two to one and the poll was arranged to take place on 8 January 2023. The KFR Election was scheduled for 15 January 2023 because of different voting and counting arrangements.

6.2 The polling hours for the VR Elections ran from 12:00 noon to 7:00 pm (7 hours in total), same as those in previous elections. As for the KFR Election, the polling hours were extended in the 2019 ROE. Considering that this arrangement was generally welcomed by the electors, the polling hours remained from 8:30 am to 9:30 pm (13 hours in total) in this ROE. 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 dedicated polling stations (“DPSs”) situated in penal institutions had shorter polling hours (details in para. 6.8). The polling dates for the respective VR and KFR Elections were published in the Gazette by the Secretary for Home and Youth Affairs (“SHYA”) on 21 October 2022. 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 1 December 2022. For the special polling stations set up for electors who were unable to cast their votes at OPSs on the polling days due to local isolation measures, the polling hours ran from 12:00 noon to 5:00 pm. The locations and the polling hours of the relevant special polling stations were published in the Gazette on 23 December 2022.

## **Section 2 - Voting System**

6.3 The voting system adopted for the RRE is the “first past the post” voting 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: depending on the number of IIRs for the individual IV, each registered elector for an IV may vote for one to a maximum of five candidates; 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 highest number of votes will be elected. In the case of an IV or MT, the next vacancy will be filled by the candidate who gets the next highest 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 shall determine the result of the election by drawing lots and the candidate(s) on whom the lot falls is/are to be returned to fill the remaining vacancy/vacancies.

### **Section 3 - Polling and Counting Stations**

6.4 Regarding the VR Elections conducted on 8 January 2023, the HAD had identified suitable venues in eight districts in the New Territories<sup>6</sup> for setting up 110 polling-cum-counting stations. To ensure better supervision and effective use of manpower resources, 34 out of the 110 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-cum-counting stations were mainly schools, community halls, village offices and indoor recreation halls. The number of polling stations in each district is shown below:

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<sup>6</sup> Among the nine districts in the New Territories, the Kwai Tsing District did not require the setting up of polling and counting stations in this ROE as there was no contested Rural Area in the district.

<b><u>District</u></b>	<b><u>Number</u></b>
Islands	10
North	18
Sai Kung	6
Sha Tin	7
Tai Po	22
Tsuen Wan	3
Tuen Mun	5
Yuen Long	39
<b>Total</b>	<b>110</b>

For the KFR Election conducted on 15 January 2023, the HAD set up a polling-cum-counting station at the Cheung Chau Sports Centre (“CCSC”) with 48 voting compartments.

6.5 Besides, as a contingency measure, the DHA designated 29 reserve polling stations for this Election in case any original designated polling stations could not be used on the polling day.

### ***Safety Measures Against COVID-19***

6.6 After consultation with the Centre for Health Protection (“CHP”), the HAD implemented a number of measures to prevent the spread of COVID-19 in the polling and counting stations, which included requiring all polling and counting staff to wear surgical masks or other protective equipment recommended by the CHP;

prohibiting staff with fever symptoms from performing electoral duties; erecting transparent partitions on ballot paper issuing desks to separate staff and electors; requiring candidates, their agents and electors to wear their own masks, clean their hands with sanitisers and have their body temperature checked before entry to any polling or counting stations; and ensuring that electors maintain proper social distancing. Electors with fever symptoms would be directed to a special voting compartment to vote. The special voting compartment would be disinfected by staff after each use, and the polling station would also be disinfected with cleaning supplies when necessary.

***Special Polling Arrangements for Electors Who were Unable to Cast Their Votes at Ordinary Polling Stations on Polling Days due to Local Isolation Measures***

6.7 The HAD set up the Penny's Bay special polling station ("PBSPS") at the Penny's Bay Community Isolation Facility ("PBCIF") for the VR Elections conducted on 8 January 2023, and for the KFR Election conducted on 15 January 2023, other than the PBCIF, the HAD also set up a special polling station at the Ex-Buddhist Wai Yan Memorial College on Cheung Chau (Wai Yan special polling station "WYSPS"), for electors who were unable to cast their votes at OPSs on the polling days due to the following situations:

- (a) under isolation in community isolation facilities;

- (b) undergoing home isolation; and
- (c) under isolation in hotels/guest houses.

Electors in need could call the dedicated reservation hotline of the HAD from 9:00 am on 2 January 2023 to 8:00 pm on 7 January 2023 (for the VR Elections) and from 9:00 am on 9 January 2023 to 8:00 pm on 14 January 2023 (for the KFR Election) to apply for making the relevant arrangements. The HAD arranged for the relevant electors to vote at the PBSPS or WYSPS after verification of their identities. One-stop services were also provided, including arranging designated vehicles to transport the relevant electors to the PBSPS to cast their votes etc. As for electors who were already under isolation in the PBCIF (applicable to the VR Elections and the KFR Election) or undergoing home isolation on Cheung Chau (applicable to the KFR Election only) on the polling days, they might make their applications before noon on the polling days. At the close of poll, the PROs would place each ballot paper into the ultraviolet light disinfection chambers for disinfection under the observation of the candidates or their agents present, then re-sealed and delivered them to the respective polling stations under police escort. The candidates or their agents might accompany the PROs to deliver the sealed receptacles. Ballot papers cast at the PBSPS and WYSPS were mixed with those cast at the OPSs before counting.



### ***Special Polling Arrangements for Imprisoned, Remanded and Detained Electors***

6.8 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 8 and 2 DPSs in penal institutions for the VR Elections on 8 January 2023 and the KFR Election on 15 January 2023 respectively. For security reasons, the polling hours of the DPSs remained the same as in previous elections from 1:00 pm to 4:00 pm. A DPS was set up by the HAD at the Mei Tin Community Hall in Sha Tin on the two polling days mentioned above for registered electors who were remanded or detained by the law enforcement agencies (“LEAs”) other than the CSD to cast their votes. Since LEAs might arrest persons who were registered electors at any time on the polling days, the opening hours of the DPS were the same as those of the OPSs (i.e. from 12:00 noon to 7:00 pm for the VR Elections on 8 January 2023, and from 8:30 am to 9:30 pm for the KFR Election on 15 January 2023).

6.9 The polling hours and the designated polling and counting stations (including the DPSs) were published in the Gazette on 1 December 2022 by the DHA.

### ***Ballot Paper Sorting Station***

6.10 For the VR Elections conducted on 8 January, a BPSS was set up by the HAD at the Hin Keng Neighbourhood Community Centre in Sha

Tin for sorting the ballot papers received from the DPSs according to the respective elections of the villages and the sorted ballot papers would be delivered to the relevant counting stations for counting of votes. For the KFR Election conducted on 15 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 CCSC directly after the close of poll.

6.11 For the VR Elections conducted on 8 January 2023, in order to enhance the efficiency of counting, as in the previous ROE, arrangements were made for the delivery of ballot boxes of the DPS at the Mei Tin Community Hall as follows:

- (a) if no electors were to cast votes 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 relevant Officers-in-charge of the counting stations of the result and that no ballot paper would be delivered to their counting stations;  
or
- (b) if any electors did cast their votes in the DPS at the Mei Tin Community Hall, the ballot box would be delivered to the BPSS for sorting of ballot papers before delivery to the relevant counting stations.

### *Central Command Centre*

6.12 A Central Command Centre (“CCC”) was set up at the HAD’s office at the Pioneer Centre in Mong Kok 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 Offices of the districts in which a poll was conducted for contested villages/MT served as the District Command Centres (“DCCs”) on the relevant polling days.

### **Section 4 - Polling and Counting Staff**

6.13 Starting from the 2015 ROE, electoral staff were mainly recruited from the Home Affairs Bureau (“HAB”), HAD and Leisure and Cultural Services Department (“LCSD”). The scope of recruitment was expanded to include civil servants from the REO in the 2019 ROE. Taking into consideration the reduction of polling days for the VR Elections from two to one, the HAD further expanded the scope of recruitment of electoral staff. As in other public elections, serving civil servants from all government bureaux/departments (“B/Ds”) were recruited to perform electoral duties, with a view to ensuring a smooth election process. In addition, the CCC and the DCCs were mainly operated by the staff of the HAD and the respective District Offices. A total of 12 326 applications were received in the recruitment exercise of electoral staff for the 2023 ROE. Having regard to the actual operational

needs on the polling days, the HAD appointed around 2 300 and 300 civil servants as electoral staff for the VR Elections and the KFR Election respectively.

6.14 The HAD would consider the operational needs of individual polling stations and the electoral staff's work experience in previous public elections when assigning them to polling stations, and deploy electoral staff to work at polling stations in their preferred districts wherever possible.

## **Section 5 - Polling Notices**

6.15 In accordance with section 29 of the EP (RRE) Reg, a polling notice was sent by the HAD to each elector concerned at least 10 days before the relevant polling days. The package sent to each elector included the polling notice (setting out the polling date, time and polling station), a location map of the polling station, a brief voting instruction, Introduction to Candidates and an ICAC leaflet, etc. The polling notice contained a note specifying that if any elector allocated to the polling station has any difficulty of access, he/she may apply to the HAD for re-allocation to vote at an alternative polling station with barrier-free access. When an alternative polling station has been allocated as such to the elector, he/she may vote only at that barrier-free polling station. In cases where the candidates were uncontested or the elections had failed, notices were also sent to the electors concerned to inform them that they were not required to cast vote.

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

6.16 In accordance with section 54 of the RREO, the EAC appointed 9 DOs and 3 Assistant District Officers (“ADOs”) of the nine New Territories Districts as the ROs, and 9 ADOs and 21 staff members as the AROs. Besides, 2 staff members from the HAD were appointed as the AROs(BPSS) and 4 Government Counsels of the Department of Justice (“DoJ”) were appointed as the AROs(Legal). The appointment of the ROs as required under the electoral legislation was published in the Gazette on 21 October 2022. A list of the ROs is at **Appendix VIII**.

6.17 On 24 October 2022, the EAC Chairman held a briefing session for ROs and AROs, which was also attended by representatives of the HAD, DoJ and ICAC. The EAC Chairman highlighted a number of key electoral arrangements to ROs and AROs, including the nomination procedures, appointment of agents, polling arrangements, legislative provisions and guidelines governing election expenses, and handling of complaints. The representative of the ICAC also briefed the participants on the major provisions of the ECICO.

6.18 In addition, the HAD also held a briefing session for ROs and AROs on 28 December 2022 introducing the arrangements for polling,

counting and handling of questionable ballot papers to help them fully understand the various electoral arrangements.

## **Section 7 - Training of Polling and Counting Staff**

6.19 The HAD conducted various types of training, including briefing sessions and on-site simulated training for staff working in the polling and counting stations, to enhance their understanding of each work procedure to ensure a smooth election process.

6.20 Given the important roles played by PROs and DPROs in the elections, the HAD held three briefing sessions at Tung Cheong Street Community Hall in Tai Po from 1 to 5 December 2022 and eight sessions of drills at Mei Tin Community Hall and Hin Keng Neighbourhood Community Centre in Sha Tin from 2 to 12 December 2022 to provide a two-day training session for PROs and DPROs to explain to them the key arrangements of this RRE. The training covered the set-up of the polling and counting stations, the polling and counting procedures, the handling of questionable ballot papers, complaints and crisis handling, the importance of clean elections and the anti-epidemic arrangements. Sharing session by PROs with profound experience in electoral work was also provided. PROs and DPROs could familiarise themselves with all the important aspects through hands-on practices, including the distribution of important message cards to electors of the ReR and KFR Elections about the

residency requirement, as well as the special counting procedures for Villages with multiple seats.

6.21 In addition, the HAD held three briefing sessions at Queen Elizabeth Stadium in Wan Chai from 19 to 21 December 2022 to familiarise PROs, DPROs and all electoral staff of the OPSs with their duties on the polling days, including the set-up of polling stations, polling and counting procedures, drills for staff as well as practices on completing statistical returns.

6.22 For this Election, with the set-up of special polling stations for electors who were unable to cast their votes at the OPSs due to local isolation measures, representatives of the Department of Health (“DH”) were invited by the HAD to conduct training for the staff to prepare them for the implementation of measures against COVID-19 at the special polling stations. At the same time, the HAD also arranged on-site drills for the electoral staff to rehearse the polling procedure of the special polling stations, disinfection of ballot papers after the close of poll, and workflow of delivering ballot papers to the counting stations.

6.23 The HAD also organised a general briefing for electoral staff of the DPSs and BPSS to explain to them the workflow. All the electoral staff were also required to attend an on-site rehearsal of their electoral duties on the set-up days, i.e. one day before the polling days. The ROs/AROs also visited some polling stations on the set-up days to ensure that the set-up and rehearsal were conducted smoothly.

6.24 Besides, the HAD updated the operational manuals and prepared a simplified version for PROs and Deputy Presiding Officers (“DPROs”) to facilitate their reading. The HAD also produced staff training videos on different types of elections, which included demonstrations of the polling and counting arrangements and recommendations on how to handle common problems encountered.

6.25 Through extensive training provided by the HAD, the co-ordination and response capabilities of the electoral staff were enhanced so as to make full and thorough preparations for the Elections.



## **CHAPTER 7**

### **THE POLLS**

#### **Section 1 - Operation on the Polling Days**

7.1 The 2023 ROE was conducted on two consecutive Sundays in January 2023. The poll for the VR Elections was held on 8 January, involving 220 villages and 286 seats. The polling hours started at 12:00 noon and ended at 7:00 pm. As for the KFR Election for the Cheung Chau MT, the poll was held on 15 January and the polling hours ran from 8:30 am to 9:30 pm. For security reasons, the polls at the DPSs set up in the penal institutions were conducted from 1:00 pm to 4:00 pm on the two polling days. For the special polling stations set up for electors who were unable to cast their votes at the OPSs on the polling days due to local isolation measures, the polling hours ran from 12:00 noon to 5:00 pm.

#### **Section 2 - Logistical Support**

7.2 On the above two polling days, all the polling stations so designated were opened for electors to cast their votes as scheduled. In this Election, a total of 109 polling stations were accessible to electors with mobility difficulty or using wheelchairs, representing 98% of the total number of polling stations. Alternative polling stations were designated by the HAD for use by electors who found it difficult to access the polling

stations originally allocated to them.

7.3 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). The polling stations were situated in different rooms or separated by partitions in the same room.

7.4 In 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 the FR: one in red colour for the IIR Elections and the other in white colour for the ReR Elections. Cross references were made between these registers by the staff to ensure that those entitled to have two ballot papers would be issued the correct number of ballot papers. In the KFR Election, the ballot papers were orange in colour and the ballot boxes were in blue. There was also one copy of the FR in the polling station.

7.5 An elector had to mark the ballot paper(s) inside the voting compartment by using the “✓” chop issued in the polling station. The elector was required to fold the ballot paper(s) immediately after marking it/them to conceal the choice thereon, and then to put the folded ballot paper(s) into the ballot box(es).

7.6 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 the polling stations to maintain law and order.

7.7 The CCC at the HAD’s office at the Pioneer Centre and the DCCs set up in the districts concerned were operated in parallel to provide the necessary support.

7.8 On the polling days, the Police set up its own command centres at the Police Headquarters and relevant Regional Headquarters. Police officers were deployed to the CCC and polling stations to provide immediate support. Duty officers of the ICAC were also stationed at its Headquarters, Regional Offices, the CCC and polling stations to handle enquiries and complaints related to the ECICO in an expeditious manner.

7.9 A Complaints Centre (“CC”) was set up at the REO’s office at the Harbour Centre to handle complaints from the public. Complainants could lodge complaints by telephone, fax or email. The CC, which operated throughout the polling hours, was manned by staff of the EAC

Secretariat. Details of the work of the CC and the complaints received on the polling days and during the complaints-handling period are set out in **Chapter 10**.

7.10 To combat triad influence and forestall triad intrusion into electoral activities, 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 map out strategies to fight crime and corruption together.

### **Section 3 - Exit Polls**

7.11 The HAD had not received any application for conducting exit polls for this Election.

### **Section 4 - Voter Turnout**

7.12 For these VR Elections, the total number of registered electors for all contested elections was 58 609, which was 31.41% lower than that in 2019 (85 452). Among them, 37 337 were electors for the IIR Elections and 21 272 were electors for the ReR Elections. As for the KFR Election for the Cheung Chau MT, the total number of registered electors was 6 796, which was 4.34% lower than that in 2019 (7 104).

7.13 Regarding the voter turnout, a total of 12 967 electors for the ReR Elections (i.e. 60.96%) and 20 088 electors for the IIR Elections (i.e. 53.80%) cast their votes on the polling day of the VR Elections. As for the KFR Election, 2 567 electors of the Cheung Chau MT (i.e. 37.77%) cast their votes on the polling day of the KFR Election. On the two polling days, 16 imprisoned or remanded electors and 20 electors cast their votes at the DPSs and special polling stations respectively. The overall voter turnout of these VR Elections was 56.40%, while that in 2019 was 61.57%. The voter turnout of this KFR Election for the Cheung Chau MT was 37.77%, while that in 2019 was 50.01%. A detailed breakdown of the voter turnout of the ReR, IIR and KFR Elections is at **Appendices IX (A) and (B)**.

## **Section 5 - Elections that Failed and By-elections**

7.14 As mentioned in paragraph 5.8 above, the ROs concerned declared that the Elections for 100 EVs and 14 IVs had failed. As a result, the HAD would have to conduct by-elections for these villages later.

## CHAPTER 8

### THE COUNTS

#### Section 1 - Counting Methods

8.1 For the VR Elections, all polling stations (except for PBSPS and DPSs) were converted into counting stations after the close of poll where the votes for the Rural Areas concerned would be counted and the counting results would be announced to the candidates and their agents present. For the KFR Election, the polling station in the Cheung Chau MT was converted into a counting station to count the votes inclusive of those from the PBSPS, WYSPS and DPSs. While the counting work of each counting station was supervised by the PRO in the VR Elections, such duty was discharged by the relevant RO in the KFR Election. Besides, for each counting station, 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.

#### *VR Elections*

8.2 The VR Elections were conducted on 8 January 2023. 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 the number of valid votes obtained by each candidate was counted thereafter.

*KFR Election*

8.3 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 and to enhance the efficiency of vote counting and consolidation of election results, computer counting continued to be adopted in this Election by using “double-manual-input” method, under which choices marked on each ballot paper would be manually input into computers by two counting staff separately, and the system would accept the data only if two sets of data input were identical. The computer system would calculate the number of votes obtained by each candidate according to the data accepted.

8.4 In the event of severe failure of the computer system leading to a shutdown, 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 to record the votes and the number of such staff to be deployed 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 2 - Counting Procedures**

### *VR Elections*

8.5 Except for the PBSPS and DPSs, all polling stations in the VR Elections were immediately converted into counting stations after the close of poll at 7:00 pm, for the counting of votes in the same venue.

8.6 For the PBSPS, after the close of poll (i.e. at 5:00 pm), the staff first disinfected the ballot papers in an ultraviolet light chamber before sorting and delivering them to the counting stations of the respective villages for counting. As for the DPSs in penal institutions, after the close of poll (i.e. at 4:00 pm), the ballot boxes of all DPSs were delivered to the BPSS at the Hin Keng Neighbourhood Community Centre for sorting according to their respective Rural Areas before they were delivered to the relevant counting stations for counting.

8.7 Since no vote had been cast in the DPS at the Mei Tin Community Hall on the polling day, in accordance with the operational procedure mentioned in paragraph 6.11 above, the ballot box there was first delivered to the BPSS for the ARO(BPSS) to open and confirm that there was no ballot paper therein. The ARO(BPSS) then informed the PROs of the relevant counting stations of the result and that no ballot paper would be delivered to their counting stations.

8.8 To protect the secrecy of votes, the ballot papers delivered from



the PBSPS and BPSS were mixed with the ballot papers from the OPSs of relevant villages at the counting stations before counting.

### *KFR Election*

8.9 For the KFR Election for the Cheung Chau MT held on 15 January 2023, there was only one polling station set up at the CCSC which was also designated as the counting station. After the close of poll at 9:30 pm, the polling station was immediately converted into a counting station for counting. For the ballot papers from WYSPS, the staff there first disinfected the ballot papers in an ultraviolet light chamber before delivery to the counting station at the CCSC for counting. As for the DPSs in the penal institutions, after the close of poll (i.e. at 4:00 pm), the ballot boxes were directly delivered to the counting station at the CCSC.

8.10 Notwithstanding that no vote had been cast at the PBSPS and DPS at the Mei Tin Community Hall, the relevant ballot boxes were also directly delivered to the counting station at the CCSC. After the RO opened the relevant ballot boxes and confirmed that there were no ballot papers inside, the counting process began immediately.

### *Observation of the Count and Other Counting Procedures*

8.11 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 their agents of the KFR Election were also allowed to observe the data input process of computer counting in a designated area.

8.12 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 PROs (for the VR Elections)/RO (for the KFR Election) concerned to determine their validity in front of the candidates and their agents who were present at the counting stations. The number of uncounted ballot papers and the reasons for not counting them after determination by the PROs/RO are at **Appendix X**.

8.13 After completion of the counts and determination of the questionable ballot papers (if any), the PROs/RO would notify the candidates and their agents who were present at the counting stations of the initial counting results. The candidates and their 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.

### **Section 3 - Declaration of Election Results**

8.14 The election results were declared by the ROs concerned after completion of the counts, and were published in the Gazette on 13 January (for the VR Elections) and 20 January (for the KFR Election) 2023 respectively.

8.15 The full lists of successful and unsuccessful candidates (including the candidates returned uncontested) in the ReR Elections, IIR Elections and KFR Elections are at **Appendices XI (A), (B) and (C)** respectively.

## CHAPTER 9

### VISITS

#### Section 1 - EAC Visits before Polling Days

9.1 On 12 December 2022, the EAC Chairman and Members attended the simulated rehearsal on counting procedures held at Mei Tin Community Hall in Sha Tin. Apart from observing the training session, they also shared words of encouragement with the electoral staff.

9.2 The EAC Chairman and Members observed the electoral preparatory and set-up work prior to the two polling days. On 7 January 2023, i.e. the day before the first polling day, they visited a container polling station at Sok Kwu Wan Basketball Court on Lamma Island. On 11 January 2023, i.e. before the second polling day, they also visited the WYSPS on Cheung Chau together.

#### Section 2 - EAC Visits on Polling Days

9.3 The EAC Chairman and Members visited a number of polling and counting stations on each of the polling days. They visited the polling/counting stations of all the districts in the New Territories with elections on the two polling days including seven polling stations, one BPSS, and two counting stations. On the first polling

day, i.e. 8 January 2023, the EAC and Ms Eureka CHEUNG, Deputy Director of Home Affairs (“DDHA”)(1) observed the BPSS at the Hin Keng Neighbourhood Community Centre before meeting with the media to brief them on the latest progress of the poll. In the evening, together with Miss Alice MAK, SHYA, Ms Shirley LAM, Permanent Secretary for Home and Youth Affairs (“PSHYA”), Mr Clarence LEUNG, Under Secretary for Home and Youth Affairs (“USHYA”) and Mrs Alice CHEUNG, DHA, the EAC visited the counting station at the S.T.F.A. Leung Kit Wah Primary School in Tseung Kwan O and unsealed the ballot boxes.

9.4 For the KFR Election held on the second polling day, i.e. 15 January 2023, the EAC Chairman and Members, together with Ms Eureka CHEUNG, DDHA(1), visited the polling-cum-counting station at the CCSC to observe the poll and count, and also unseal the ballot boxes.

### **Section 3 - Visits by Government Officials on Polling Days**

9.5 Miss Alice MAK, SHYA, Ms Shirley LAM, PSHYA, and Mrs Alice CHEUNG, DHA visited the polling station at the Fanling Public School in the North District on the first polling day.

9.6 For the KFR Election held on the second polling day, Miss Alice MAK, the SHYA, Mr Clarence LEUNG, USHYA, and Mrs Alice CHEUNG, DHA visited the polling station at the CCSC for the Cheung Chau MT.

## **CHAPTER 10**

### **COMPLAINTS**

#### **Section 1 - Introduction**

10.1 The complaints-handling mechanism is one of the means adopted by the EAC to safeguard the fairness and integrity of elections. Some complaints may reveal deficiencies in certain aspects of the electoral arrangements and help the EAC make better arrangements in future elections.

10.2 The complaints mechanism also facilitates mutual monitoring among candidates, through which they may better understand the requirements of the electoral law and the Guidelines. The EAC is committed to handling complaints received fairly and effectively.

#### **Section 2 - Complaints-handling Period**

10.3 The complaints-handling period for the 2023 ROE started on 4 November 2022, i.e. the day when the nomination period commenced, and ended on 1 March 2023, i.e. 45 days after the last polling day on 15 January 2023.

### **Section 3 - Complaints-handling Parties**

10.4 Altogether five parties were responsible for handling complaints during the complaints-handling period, including the EAC, the ROs, the Police, the ICAC and the PROs (who discharged duties on the polling days only). Each of these parties had their respective areas of responsibilities depending on the nature of the complaints:

- (a) the EAC was responsible for handling complaint cases generally not covered by any statutory provisions involving criminal liability;
- (b) 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 EAs, dispute over electioneering activities, use of sound amplifying devices, etc.);
- (c) the Police handled cases involving possible criminal offences, e.g. breaches of the EP (RRE) Reg and criminal damage of EAs, etc.;
- (d) the ICAC handled cases involving possible breaches of the ECICO, the Prevention of Bribery Ordinance (Cap. 201) and the ICAC Ordinance (Cap. 204); and
- (e) the PROs handled complaints received at the polling

stations on the polling days and took action on those cases which require immediate attention, e.g. unlawful activities which occurred in the polling stations.

Complainants could lodge their complaints with any of the above parties, and cases would be referred to the party concerned.

10.5 The EAC Secretariat took on the role of the co-ordinator for collating complaint-related statistical information from other parties and compiling consolidated reports for submission to the EAC during the complaints-handling period.

#### **Section 4 - Number and Nature of Complaints**

10.6 The complaints-handling period ended on 1 March 2023. A total of 134 complaints were directly received from the public by the aforementioned five parties. Details are as follows:

<b><u>Complaints-handling Party</u></b>	<b><u>No. of Complaints Directly Received from the Public</u></b>
EAC	19 cases
ROs	54 cases
Police	12 cases
ICAC	36 cases
PROs	13 cases
	<hr/>
Total:	134 cases



10.7 Fewer complaints were received in the 2023 ROE as compared with the last Election. The majority of the complaints were related to corruption/bribery/treating/duress/undue influence (44 cases), entitlement to vote (20 cases) and nomination and candidature (18 cases). A breakdown of the complaints by receiving party and nature is at **Appendices XII (A) – (F)**, and a breakdown of the outcome of investigations by classification is at **Appendices XIV (A) – (D)**.

### **Section 5 - Complaints Received on Polling Days**

10.8 On the two polling days, as mentioned in paragraph 7.9 above, a CC was set up at the REO's office in the Harbour Centre to handle complaints. The CC was operated by staff of the EAC Secretariat. The ROs also set up command centres at their offices to receive and handle complaints. The PROs received complaints at the polling stations and handled the complaints on the spot as far as possible. Moreover, designated police officers were on duty in the police stations territory-wide to attend to complaints. Designated ICAC officers also manned a complaint hotline to deal with incoming calls on the polling days.

10.9 On the two polling days, a total of 29 complaint cases were received, of which 13 were received by the PROs and were mostly related to the electors' entitlement to vote (e.g. names not included in the FR). The complaints involving on the spot incidents, such as canvassing in NCZs, noise disturbance to electors caused by loudspeakers, etc. had been

expeditiously dealt with and resolved. For the more complicated cases, they would take a longer time to handle or have to be referred to relevant authorities 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 at **Appendix XIII**.

## **Section 6 - Outcome of Investigations**

### **EAC and ROs**

10.10 As at 1 March 2023 (i.e. when the complaints handling period ended), the EAC and the ROs received 20 cases and 70 cases respectively (including cases directly received from the public and cases referred from other government departments/organisations/officers, details of which are at **Appendices XII (B) and (C)**). Of the cases which have been dealt with, none was found substantiated by the EAC, while 3 cases were found substantiated by the ROs. A total of 6 warning letters have been issued to the infringing parties.

10.11 A breakdown of the outcome of investigations by classification as at 31 March 2023 is at **Appendices XIV (A) and (B)**.

### **Police and ICAC**

10.12 Out of the 25 cases handled by the Police (**Appendix XII (D)**),

none was found substantiated for the time being. The ICAC handled 45 cases (**Appendix XII (E)**) and none was found substantiated for the time being. There are still 41 cases under investigation by the Police and ICAC.

10.13 A breakdown of the outcome of investigations by classification as at 31 March 2023 is at **Appendices XIV (C) and (D)**.

### **Section 7 - Election Petition**

10.14 According to section 43(1) of the RREO, an election petition questioning an election must be lodged with the Court of First Instance during the period of 2 months following the date on which the RO has published the result of the election in the Gazette. No election petitions regarding the 2023 ROE have been lodged by 13 March 2023 (VR Elections)/20 March 2023 (KFR Election) (i.e. the deadlines for lodging election petitions).

## CHAPTER 11

### REVIEW AND RECOMMENDATIONS

#### Section 1 - Introduction

11.1 The EAC considers that the 2023 ROE has been conducted in an open, honest and fair manner, and is generally satisfied with the various arrangements and the related work 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 - Review and Recommendations

##### (A) Recruitment of Electoral Staff

11.2 The 2023 ROE was held on two consecutive Sundays, with the number of polling days for the VR Elections reduced from two days in 2019 to one day<sup>7</sup>. Since the polling arrangement of the KFR Election was different from that of the VR Elections, the KFR Election was scheduled to be held on the subsequent Sunday after the VR Elections. Given that the poll of all VR Elections was held on the same day, the number of polling stations to be set up increased from some 60 per polling day in the last

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<sup>7</sup> The number of polling days for the VR Elections was gradually reduced from 12 days in 2003 to 10 days in 2007, 4 days in 2011, 3 days in 2015, 2 days in 2019, and then to 1 day in 2023.

Election to 110 in this Election, resulting in a surge in workload on the polling day. Therefore, the number of electoral staff required for the day almost doubled. To ensure sufficient staff could be recruited for the Elections, unlike the previous practice of recruiting only serving civil servants from the HAB, HAD, LCSD and REO, the HAD expanded the scope of recruitment of electoral staff to all government B/Ds in the 2023 ROE.

11.3 The HAD invited serving civil servants through various government B/Ds in June 2022 to apply for appointment as electoral staff. Departmental Secretaries or supervisors of the applicants are required to endorse on the application forms and give consent to release the applicants temporarily from their daily work to attend training programmes to be conducted before the Elections and perform election-related duties.

11.4 To handle the large number of applications, the HAD specially set up an online application system for completion and submission of application forms by applicants in the intra-government network to save considerable data entry work arising from receiving paper-based application forms. Appointment letters could also be issued to successful applicants through the system to simplify the administrative procedures and significantly reduce the time taken for the recruitment. The newly introduced electronic system operated smoothly throughout the process and effectively enhanced the efficiency in processing the applications and the entire recruitment process. It also facilitated the communication of the HAD with the applicants and the relevant B/Ds.

11.5 The online application system received and processed over 12 300 applications from more than 70 government B/Ds within one month, and about 2 600 staff were successfully recruited to assist with the electoral work on the polling days. Many of them were experienced in other public elections and provided valuable human resources for this Election.

11.6 **Recommendation:** The EAC considers that the smooth completion of this Election owed much to the staunch support and active participation of government B/Ds which nominated suitable public servants to serve as electoral staff and gave consent to temporary release of the officers from their daily work to attend the related training programmes and perform electoral duties. The EAC recommends that the HAD could continue to expand the scope of recruitment of electoral staff to all government B/Ds in future elections.

11.7 The EAC is pleased to see the online application system operated smoothly and recommends that the HAD should, in the light of the actual operation of the online application system, consider refining the workflow and arrangements at various stages, and continue to receive online applications when recruiting electoral staff in future ROEs.

**(B) Online Briefing Session for Candidates**

11.8 The EAC organises a briefing session for validly nominated candidates at each RRE to provide them with important information of the election and remind them and their election agents of the essential requirements under the relevant electoral laws and guidelines. On the

same occasion, the RO will conduct lots drawing to determine the candidate number or the order of candidates on the ballot paper and to allocate a set of the designated spots for display of EAs.

11.9 For the 2023 ROE, having regard to the need to maintain social distancing amid the COVID-19 epidemic, the HAD separated the lots drawing session and the briefing session for candidates, with the former conducted at the places specified by the ROs (including conference rooms of District Offices or community halls in the New Territories) and the latter conducted online where candidates or their election agents could attend via the Internet. Besides, they could also choose to view live broadcast of the briefing at the Grand Theatre of the HYK Building in Sha Tin.

11.10 During the online briefing session, in addition to explanation given by the EAC Chairman on the important issues of the elections, representatives from the ICAC and HAD also introduced the ECICO and the new mandatory requirement for the RR-elect to sign and return a written oath respectively. Moreover, the online briefing included a Q&A session for candidates and their election agents to submit questions through the online platform. As for candidates and their election agents who attended the live broadcast at the Grand Theatre of the HYK Building in Sha Tin, questions could be posed on the spot to be input and submitted to the relevant platform with the assistance of HAD staff. The online briefing for candidates was broadcast live on television and the Internet for public viewing, and relevant information of the briefing was uploaded onto the RRE website for reference by candidates and the public.

11.11 **Recommendation:** The EAC is of the view that the briefing for candidates should continue to be held in future elections, as it helps candidates and their election agents better understand the relevant electoral laws, the major requirements of the electoral guidelines issued by the EAC, and the important points to note for electioneering activities. Considering the smooth operation of the online briefing for candidates in the 2023 ROE and that the online mode of the briefing sessions facilitates participation/viewing of the candidates, their election agents/campaign teams and the public via the Internet at a location convenient to them, the EAC considers that online briefing sessions should be an option in future elections even after the epidemic has subsided. On the other hand, the provision of live broadcast at a physical location is also a facilitation measure for the rural communities.

**(C) Training, Rehearsals and Practice Sessions for Electoral Staff**

11.12 In this ROE, the scope of recruitment of electoral staff was expanded for the first time to all government B/Ds. A total of about 2 600 serving civil servants were recruited as electoral staff for polling/counting stations, of whom about 70% had no past experience in the RRE. The RRE is different from other public elections in terms of the eligibility to vote, number of ballot papers to be issued to an elector and ballot paper issuance process. Moreover, a host of new arrangements were introduced in this Election, including the polling-cum-counting arrangement (i.e. conversion of polling stations into counting stations after the close of poll), safety measures against the spread of COVID-19, special polling stations set up due to local isolation measures, etc. The HAD particularly enhanced training for electoral staff in this Election. An easy-to-



understand approach to explain in depth the voting system and major electoral arrangements was adopted in the training to implement the above new arrangements and ensure that electoral staff were familiarised with their duties. The major training included:

- (a) for the first time, three sessions of briefings and eight sessions of drills were held for PROs and DPROs to explain the key arrangements for this Election and procedures for handling questionable ballot papers, with introduction by relevant departments to participants on crisis management methods and importance of clean elections. The HAD also invited PROs with profound experience in electoral work to share their experience during the sessions. Through practice sessions and simulated activities, PROs and DPROs could familiarise themselves with the details of the procedures and arrangements, and have a better understanding of the contingency measures to be taken in case of emergency;
- (b) three one-day briefing sessions and group drill programmes were held for all polling staff. Training topics included hands-on practice on the issuance of ballot papers, simulated activities, measures to tackle unexpected incidents, compilation of statistical returns, demonstration and rehearsal of the work before commencement and after the close of poll, etc. Through hands-on practice, the polling staff could have a better understanding of their respective posts and familiarise themselves with the workflow of the polling stations; and

- (c) a briefing and drill session was held respectively for staff of the DPSs, BPSS and the special polling stations which are new to this Election. The sessions included demonstration and rehearsal of preparations before the commencement of poll and collation of electoral documents after the close of poll, as well as hands-on practice on the issuance of ballot papers, etc. The drill for the special polling stations even included demonstrations by the DH on the wearing of protective clothing and the disinfection of ballot papers after the close of poll, with a view to enabling the polling staff to perform their duties efficiently on the polling day, and delivering the ballot boxes and electoral documents to the BPSS or relevant counting stations for counting as soon as possible.

11.13 As polling-cum-counting arrangement was adopted for the first time for the VR Elections in this ROE, the above training programmes included topics related to counting in addition to polling procedures so as to familiarise the electoral staff concerned with the workflow of both polling and counting stations, and make them better understand the duties they have to execute.

11.14 On account of the uniqueness of the counting work of the KFR Election, to ensure a smooth counting process, the HAD enhanced training for the counting staff concerned, including:

- (a) an in-depth training-cum-simulated rehearsal session was arranged for Counting Supervisors and Assistant Counting Supervisors to ensure that they were capable of supervising Counting Officers and Counting Assistants in the execution of their duties; and
- (b) a briefing session plus on-site simulated rehearsal of the entire counting process was arranged for all staff working at the counting station. Mock ballot papers were provided to enhance the authenticity of the rehearsal to reinforce work knowledge and skills of the counting staff.

11.15 The HAD also organised a half-day simulated rehearsal for the ROs and AROs to demonstrate the setting up of polling and counting stations, entire polling and counting procedures, compilation of statistical returns and determination of questionable ballot papers, etc. to familiarise them with the relevant procedures so that they could supervise the polling and counting staff in the effective execution of their duties.

11.16 To help electoral staff refresh and reinforce their knowledge of every detail of the workflow, the HAD uploaded the training videos to the website of Cyber Learning Centre Plus, and continued to provide operational manuals to them. On the day preceding the polling day, apart from the usual venue set-up work, both polling and counting staff were also required to participate in a rehearsal to get prepared for the polling and counting duties.

11.17 **Recommendation:** Given that many electoral staff in this ROE participated in the RRE work for the first time, the EAC considers that the

smooth conduct of the Election demonstrates the importance of sufficient training and rehearsals. Among other things, the EAC considers it important to strengthen the hands-on practice for the PROs and DPROs so that they can better understand and grasp the responsibilities and duties they have to fulfil. All in all, for this Election, the time and variety of training for electoral staff has been increased, providing them with more hands-on practice opportunities to better understand and grasp the duties required. The EAC is satisfied with the appropriate arrangements made by the HAD in this aspect.

11.18 The EAC recommends that the HAD should continue to strengthen training for staff working at polling and counting stations in future RRE, especially by enhancing the relevance of the training programmes and the authenticity of the rehearsals. For example, considerations may be given to arranging staff to play the roles they will take up on the polling days during rehearsals, and using mock ballot papers with similar size as the genuine ones for practice purposes, so as to reinforce their work knowledge and skills and to enhance the effectiveness of the practice.

11.19 Moreover, the EAC expresses its gratitude to all the Heads of B/Ds for their understanding of and approval for temporary release of the officers concerned to attend training and rehearsals arranged by the HAD. The EAC hopes that the B/Ds would, like what they did in this Election, grant temporary release to their staff to attend training and rehearsals in future elections.

**(D) Convening Crisis Management Meeting**

11.20 As in the past ROEs, the HAD drew up a detailed contingency plan to deal with incidents where the election might be obstructed, disrupted, undermined or seriously affected<sup>8</sup> to such extent that necessitated the consideration of postponement or adjournment of the election, the poll or the count.

11.21 In addition to the contingency plan, the HAD, after making reference to the experience of other public elections, convened for the first time a crisis management meeting before the polling days of the ROE to strengthen inter-departmental collaboration and communication, thereby enhancing the capability to respond to contingencies.

11.22 The crisis management meeting was held on 28 December 2022. The meeting, chaired by the EAC Chairman, was attended by the EAC Members, representatives from the HAD, DoJ, the Police, ICAC, ISD and REO, as well as the ROs of various districts in the New Territories. The EAC was briefed by relevant departments and units on their evaluation of different situations, relevant preparations and co-ordination efforts, the electoral situation of various villages or MT, and the deployment for the polling days (including enhanced logistic support, security, and corresponding arrangements and measures for the election). A crisis management meeting would also be held on the polling days if necessary.

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<sup>8</sup> These incidents included inclement weather; riot, open violence or occurrences of danger to public health or safety; and occurrences of material irregularity relating to the poll or the count.

11.23 **Recommendation:** The EAC fully recognises the need to conduct inter-departmental crisis management meetings. In particular, the ROs' latest assessments of the electoral situation of their respective districts were very helpful to the EAC and relevant departments, in a way that not only enhanced understanding of the electoral situation of different villages or MTs, but also enabled the departments/units to adjust their deployment in case of need. The EAC is of the view that crisis management meetings should continue to be held in future ROEs, as they can effectively strengthen the communication among relevant departments, thus enhancing the capability to respond to contingencies.

**(E) Number of Polling Days and Polling-cum-Counting Arrangements for the ROE**

11.24 The number of polling days of the VR Elections was reduced from two days in the last Election to one day. The arrangement had taken into account the experience of the past ROEs and the actual situation in 2023, and also the advantage on publicity when all VR elections are held on the same day. Meanwhile, the KFR Election was scheduled to be held on the subsequent Sunday after the VR Elections following the past practice. As such, there were a total of two polling days for these two Elections.

11.25 In the VR elections of the past ROEs, after the close of poll, the ballot boxes of all polling stations would be delivered to the counting stations of the respective RCs for central counting. As the time required for delivery of ballot boxes from a polling station to the respective counting station varies with the distance between the respective polling station and

the counting station, it takes longer for ballot boxes to be delivered from the more remote polling stations to the central counting station. In the VR Elections, unlike the counting arrangements in the past VR elections, all polling stations, except for the PBSPS and the DPSs in penal institutions, were converted into counting stations after the close of poll.

11.26 This new arrangement reduced the time and procedures required for delivery of ballot boxes from the polling stations to the relevant counting stations, and avoided the risks of the delivery of ballot papers, so as to enable the count to start as soon as possible and speed up the counting process, while reducing the health risks associated with crowds gathering at the central counting station amid the COVID-19 epidemic.

11.27 **Recommendation:** The EAC notes that the HAD has carefully planned and made preparations for the work on the two polling days to, in particular, overcome the challenges arising from the reduction of polling days of the VR Elections by, for example, recruiting and training sufficient electoral staff, identifying suitable venues as polling-cum-counting stations, and arranging sufficient electoral materials, etc. The two polling days of the ROE ran smoothly and orderly, and the rural community generally welcomes the polling-cum-counting arrangements for the VR Elections. For the above reasons, the EAC considers that in the future, the VR elections should continue to be held on the same day with the polling-cum-counting arrangements be remained in place.

**(F) Special Polling Stations Set Up in Light of COVID-19 Epidemic**

11.28 It is vital to safeguard the voting rights of electors. Considering that electors might be unable to cast their votes at OPSs due to the relevant legislative requirements amid the COVID-19 epidemic, the HAD, with the approval and assistance of the Health Bureau (“HB”) and relevant departments, set up the PBSPS for the VR Elections and KFR Election and the WYSPS on Cheung Chau for the KFR Election. The arrangements were applicable to electors who were unable to cast their votes at OPSs on the two polling days of the ROE due to the following situations<sup>9</sup>:

- (a) under isolation in community isolation facilities;
- (b) undergoing home isolation; and
- (c) under isolation in hotels/guest houses.

11.29 To prevent spreading the virus through ballot papers, the voting compartments in the special polling stations were disinfected after each use according to the procedures, and each ballot paper was disinfected by an ultraviolet light chamber before being delivered from the special polling stations to the counting stations concerned.

11.30 The usage of the special polling stations on the two polling days was as follows:

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<sup>9</sup> The situations covered depended on the prevailing anti-epidemic measures, and were made known to the public through press releases on 2 and 9 January 2023.



- (a) for the VR Elections, a total of 19 electors<sup>10</sup> had registered to cast their votes at the PBSPS. As for electors undergoing home isolation, the HAD arranged point-to-point transportation for conveying the electors concerned to the PBSPS to vote, and sending them back to their isolation premises after voting. As for electors who were under isolation in the PBCIF, they went to the PBSPS to vote on their own; and
- (b) for the KFR Election, one elector had registered to cast his/her vote at the WYSPS, and he/she went to the WYSPS to vote on his/her own.

11.31 **Recommendation:** The EAC considers that setting up special polling stations in the 2023 ROE helped reduce the risk of spreading COVID-19 in the OPSs, and enabled electors who were under isolation on the polling days to exercise their voting rights. As Cheung Chau is an island and its residents rely on waterborne transportation to travel to and from Cheung Chau, the HAD specially set up a special polling station at the Ex-Buddhist Wai Yan Memorial College on the Cheung Chau island to facilitate the affected electors of the Cheung Chau MT. The arrangement saved the electors from travelling a long way to the PBSPS, and also reduced the risk of spreading the virus. The EAC considers it an appropriate arrangement.

11.32 The EAC is grateful to the HB, CHP of the DH, Security Bureau (“SB”) and Civil Aid Service (“CAS”) for their assistance in setting

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<sup>10</sup> Including 2 electors who were under isolation in the PBCIF and 17 electors who were undergoing home isolation.

up the special polling station at PBCIF to facilitate voting by electors who were under isolation on the polling days. The EAC considers that, if an election is to be conducted during an epidemic in future, the Government should, in the light of the prevailing situation and anti-epidemic policies, etc., look into the need and feasibility of setting up special polling stations like those mentioned above.

**(G) Handling Ballot Papers at Dedicated Polling Stations**

11.33 The HAD set up 8 and 2 DPSs in penal institutions of the CSD for use by the VR Elections and the KFR Election respectively for registered electors who were imprisoned or remanded under the custody of the CSD to cast their votes on the polling days. The HAD also set up another DPS at the Mei Tin Community Hall for registered electors who were remanded or detained by LEAs other than the CSD.

11.34 For the VR Elections, a total of 15 imprisoned or remanded electors cast votes at DPSs in penal institutions. Of them, 9 were registered electors for IIR elections, 4 were for ReR elections, and 2 were for both IIR elections and ReR elections, involving 10 IVs and 5 EVs. Ballot papers received from all DPSs had been delivered to the BPSS at the Hin Keng Neighbourhood Community Centre for sorting according to the respective villages and elections before delivery to the relevant counting stations for counting. As for the KFR Election, 1 imprisoned elector voted at the DPS in a penal institution. Since only the Cheung Chau MT was contested in this KFR Election, no BPSS was set up.

11.35 Under the current electoral arrangements, when an elector approaches the ballot paper issuing desk of a DPS, the polling staff will check the document issued by the Commissioner of Correctional Services showing the elector's name, photograph and registration number allocated to the elector for identification purposes, and verify whether the person is a registered elector for the village/MT concerned by checking the entries in the FR. Then the polling staff will issue to the elector either 1 ballot paper or 2 different ballot papers according to his/her entitlement. When issued with the ballot paper, the elector will also be provided with a cardboard attached with a chop, together with 1 or 2 colour envelopes<sup>11</sup> each bearing the name of the district as well as the name and code of the village/MT (hereinafter referred to as the "sorting identifier") filled in by the polling staff on the spot. After marking the ballot paper, the elector should fold it so that the marked side is inside, insert the folded ballot paper into the colour envelope mentioned above, and put the ballot paper contained in the envelope into the ballot box.

11.36 When a ballot box from a DPS arrives at the BPSS, the ARO presiding at the BPSS will, in the presence of the candidates or their agents, if any, open the sealed ballot box and empty the envelopes containing the ballot papers onto the sorting table. The ARO will sort the ballot papers in each ballot box according to Rural Area (i.e. the village concerned), and count and record the number of ballot papers for each Rural Area. After verifying the ballot paper account and preparing a statement in writing for the verification, the ARO will put the sorted envelopes containing ballot papers and the relevant statement together to make separate bundles.

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<sup>11</sup> For the purpose of ballot paper sorting, the ballot papers and envelopes issued are red in colour for IIR elections, white for ReR elections and orange for KFR elections.

Each bundle of ballot papers and statement will be placed in an individual receptacle and sealed for delivery under escort to the Officer-in-charge of the counting station of the relevant Rural Area.

11.37 To enable staff of the BPSS to check the colour of the ballot paper from the outside of its envelope to see whether it matched with the type of election indicated on the envelope (i.e. EV or IV), the HAD specially added a transparent window to the envelope to help prevent electors from wrongly placing the folded ballot paper into an envelope for another type of election.

11.38 **Recommendation:** In order that the ballot papers from DPSs be accurately delivered to the counting stations of the relevant Rural Areas for counting, the EAC opines that the sorting identifier written by the polling staff on the coloured envelope must be clear and correct. The EAC recommends that the HAD should explore the setting up of a mechanism to ensure the above information is clear and correct, for example, giving consideration to the introduction of crosschecking measures by another polling staff, so as to avoid the delivery of envelopes containing ballot papers to a wrong counting station, thus a delay in the counting work.

**(H) Ballot Paper Design and Venue Layout of Counting Station for the Kaifong Representative Election**

11.39 The basic design of ballot papers for the ROE must meet the requirements set out in Schedule 1 to the EP (RRE) Reg. However, there is no legal requirement as to the size of the ballot papers.

11.40 For the KFR Election, due to the large number of seats and candidates involved, the ballot papers have all along been larger in size. These “large” ballot papers are favoured by electors who consider it easier for them, especially the elderly electors, to distinguish the candidates and avoid inadvertently marking the ballot papers with chop outside the circle, which would render their ballot papers questionable or even invalid. The ballot papers used in this KFR Election for the Cheung Chau MT are the same as those used in the last Election in terms of colour, font size of the names of candidates and size of the circles where electors should chop. Yet, the ballot papers measure as large as 48 cm by 41 cm as there are 39 seats/67 candidates.

11.41 As regards the venue, the CCSC, being the largest sports centre on the island of Cheung Chau, has been used as a polling station in all previous KFR Elections for the Cheung Chau MT, and it will be converted into a counting station immediately after the close of poll. For this KFR Election, the CCSC was again designated as a polling and counting station.

11.42 Following the counting arrangement of the last Election, computer counting method was adopted in this KFR Election, i.e. choices marked on each ballot paper would be manually input into two computers by two counting staff separately, and the system would accept the data only if two sets of data input were identical. Having regard to the large number of electors in the KFR Election for the Cheung Chau MT, and the fact that there were dozens of candidates involved and representatives to be elected, the workload in inspecting and counting ballot papers was considerable. As a result, the HAD set up 6 counting tables for the purposes of opening ballot boxes, screening and sorting clearly invalid ballot papers and

questionable ballot papers, and counting the numbers of ballot papers. A total of 100 computers were also set up for 100 counting staff grouped into 50 teams (each with 2 counting staff) to input the choices marked on ballot papers. To ensure an open and transparent counting process, a designated area was set aside in the counting zone for candidates and their agents to observe counting staff sorting the ballot papers and inputting the choices marked on ballot papers into the computers. Seats were also available for candidates and their agents when they observed the determination of questionable ballot papers by the RO.

11.43 The CCSC, though relatively spacious, was spatially constrained when it had to accommodate the required facilities and equipment such as counting tables, computer data entry counters, questionable ballot paper determination tables, sitting areas for candidates/agents, public and press seats, etc. The EAC notes that the computer data entry counters were rather small. The two persons of each counting team had to work at a bench measuring only 2 feet by 6 feet. The benches were loaded with not only the computers and numeric keypads for inputting the choices marked on ballot papers, but also the barcode scanners and tiered racks for sorting ballot papers with data inputted, questionable ballot papers and invalid ballot papers. Given the large size (48 cm by 41 cm) of the ballot papers in this Election, the counting staff did not have sufficient space to spread a ballot paper fully on the bench, thus affecting the speed of manual data entry and, in turn, the overall efficiency of computer counting.

11.44 **Recommendation:** Unless the HAD can identify a larger venue, future KFR elections may only continue to be held in the CCSC, which is conveniently located and familiar to the electors as it has been the polling and counting station in all previous KFR elections for the Cheung Chau MT. In addition, although these “large” ballot papers have been widely accepted by electors, they still have a certain impact on voting and counting. Moreover, the number of candidates is a variable. Therefore, the EAC considers that the HAD should continue to communicate with relevant stakeholders to explore the feasibility of appropriately adjusting the space allocated to each candidate on the ballot paper under the principle of not affecting electors to clearly identify candidates, so as to reduce the size of ballot papers as much as possible in future KFR elections with a view to enhancing the operation efficiency of vote counting and shortening the time required for the count.

**(I) Rural By-elections**

11.45 In the 2023 ROE, the elections for some villages failed due to absence of validly nominated candidates, resulting in 115 RR vacancies (see para. 5.8 for details), which are pending to be filled. These 115 vacancies fall under the following 2 categories:

- (a) absence of validly nominated candidates in the 2023 ROE: a total of 36 vacancies, comprising 25 ReR vacancies in 25 EVs and 11 IIR vacancies in 11 IVs; and

- (b) insufficient total number of registered electors for the villages concerned: a total of 79 vacancies, comprising 75 ReR vacancies in 75 EVs and 4 IIR vacancies in 3 IVs<sup>12</sup>.

11.46 Under section 21 of the RREO, the EAC must arrange for a rural by-election to fill any vacancy in the office of an RR. Apart from stipulating that no rural by-election is to be held within the four months preceding the end of the current term of office of the RR, the laws do not prescribe a timeframe for holding rural by-election.

11.47 According to the Report on the Village Representative By-election (March 2004) issued by the EAC in May 2004, rural by-elections should be held twice a year in April/May and November/December unless there are special circumstances that warrant a departure from the scheduled time. According to this schedule, the first rural by-election in 2023 should be held in April/May this year.

11.48 As the above arrangement was established some 20 years ago, the HAD conducted a review after this ROE in the light of the past operational experience. In view of the following reasons, the HAD proposed to cancel the first round of rural by-elections originally scheduled for April/May of the ROE year:

- (a) after the ROE, the HAD would be heavily engaged in organising the RC elections and HYK elections in the first half of the ensuing year, which poses practical difficulties

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<sup>12</sup> Under section 25(1) of the RROE, the nomination form of any person seeking nomination as a candidate for an election for a Rural Area must be subscribed by at least five electors registered for that Rural Area (other than the candidate himself/herself). In this ROE, the total number of registered electors of the Rural Areas concerned is less than six.



on sparing resources and time for the work of rural by-elections;

- (b) pursuant to the enactment of the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) (Amendment) Regulation 2021, which took effect on 1 February 2022, the voter registration deadlines for RRE have been brought forward to 30 May for making inquiries and to 16 June for submission of new registration applications. The address proof requirement for new registration has also given rise to verification work. Thus, the HAD has to allocate considerable resources to voter registration in the second quarter;
- (c) if the first round of rural by-elections after the ROE is held in the second quarter of the same year, the by-elections will still not be able to cater for the villages where the elections were failed due to insufficient total number of registered electors (such as the 79 vacancies mentioned in para. 11.45(b) above), as persons who are successfully registered in the new voter registration cycle will only become registered electors after the publication of the FR in late October of that year; and
- (d) for the RRs not returned at the ROE, the vacant seats concerned only arise on 1 April of that year (i.e. at the beginning of the new term of office). The HAD sees no urgency to hold by-elections in the second quarter of the

same year. These vacancies can be filled in the by-election to be held in the coming November/December.

11.49 Based on reasons set out above, the HAD recommends to hold the first round of by-election after an ROE in November/December of the same year, i.e. only one rural by-election in an ROE year. For the subsequent second and third year, following the existing practice, by-elections would be held twice a year in April/May and November/December.

11.50 As for the fourth year after the ROE, taking into account that the law has stipulated no rural by-election shall be held within the four months preceding the end of the current term of office of the RR (see para. 11.46), the by-election in the second half of that year can only be held in November (i.e. before December). However, since the preparations for the next ROE year are underway by then, and the nomination period for the ROE usually commences in November, the HAD considers that it is not appropriate to hold rural by-election in the fourth quarter of that year as electors would easily get confused. Moreover, given the next round of ROE will soon be held, the urgency of the by-election is doubtful. Therefore, it is suggested that only one by-election be held in May/June of that year.

11.51 **Recommendation:** The EAC considers that the rural by-election schedule set in the Report on the Village Representative By-election (March 2004), after nearly 20 years of implementation, needs to be reviewed on a holistic basis. The EAC notes that the HAD, in proposing the revised by-election schedule in paragraphs 11.49 and 11.50

above, has given due regard to the actual operational needs in case an RR vacancy arises, and the time required and workload for organising ROE, rural by-elections, RC elections and HYK elections, as well as for handling voter registration-related work. The EAC endorses the rural by-election schedule proposed above. Rural by-elections should be held according to the above schedule unless there are special circumstances that warrant a departure from the scheduled time.

## CHAPTER 12

### ACKNOWLEDGEMENT

12.1 The smooth conduct of the 2023 ROE was attributable to the dedication and concerted efforts of all parties involved.

12.2 The EAC would like to express its gratitude to the following government B/Ds, and organisations for their staunch support and assistance:

Civil Aid Service

Civil Service Bureau (Civil Service College)

Civil Service Bureau (Official Languages Division)

Correctional Services Department

Customs and Excise Department

Department of Health

Department of Justice

Electrical and Mechanical Services Department

Food and Environmental Hygiene Department

Government Flying Service

Government Logistics Department

Health Bureau

Highways Department

Home and Youth Affairs Bureau

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

Hong Kong Fire Services Department

Hong Kong Housing Society

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 Receiver's Office

Registration and Electoral Office

Security Bureau

Transport Department

12.3 The EAC is thankful to the HAD for its dedicated efforts and contribution at all stages throughout the 2023 ROE. The HAD deployed substantial manpower and resources to prepare for this Election. Throughout the preparation process and at each stage of the Election, the team in charge made unparalleled efforts and contribution, and reported the progress to the EAC in a timely manner. Despite the long working hours, colleagues from the HAD remained committed to work with perseverance

and steadfastness.

12.4 The EAC is grateful to the officers serving as ROs, AROs, and polling and counting staff for the 2023 ROE. The EAC thanks them sincerely for their dedication to duties and strict compliance with the relevant operational procedures.

12.5 The EAC would like to thank the CSD, the Police, ICAC and CAS for providing assistance and support to the HAD, including arranging for registered electors who were imprisoned or remanded in custody to vote on the polling days, deploying staff to the polling and counting stations, and maintaining good order at the polling and counting stations, to ensure that the Election was conducted smoothly in an open, transparent, efficient and orderly manner.

12.6 The EAC is also grateful to the ICAC for its efforts in ensuring the 2023 ROE a clean and fair election. In addition to arranging staff to station at polling stations to expeditiously handle complaints and enquiries, the ICAC launched a series of educational and publicity activities to introduce the key points of the ECICO to candidates, campaigners and voters. The ICAC also provided corruption prevention advice on electoral procedures.

12.7 The EAC is thankful to the HB as well as the CHP of the DH for their valuable advice on the anti-epidemic measures for this Election, and to the Electrical and Mechanical Services Department for its assistance

in operating the 24-hour hotline for registering electors who needed to cast their votes at special polling stations. The EAC is grateful to the Transport Department and Hong Kong Fire Services Department for arranging anti-epidemic vehicles to transport the electors concerned, and to the SB and CAS for their assistance in setting up the PBSPS for registered electors who were under isolation on the polling days.

12.8 The EAC also wishes to express its appreciation for the work of the media. Coverage of the activities relating to the 2023 ROE has indeed contributed much to enhancing the public understanding and transparency of the Election.

12.9 Last but not least, the EAC wishes to acknowledge its gratitude towards those who have complied with the electoral legislation and the Guidelines throughout the Election and those who cast their votes at the 2023 ROE.

## CHAPTER 13

### LOOKING FORWARD

13.1 The 2023 ROE was held in an open, honest and fair manner on 8 and 15 January 2023. The EAC was satisfied with the overall electoral arrangement. The review findings and recommendations made on the electoral procedures and arrangements are set out in **Chapter 11**. It is hoped that the recommendations will be taken up to ensure smooth conduct of RRE in the future.

13.2 The RRE is an important part of the public elections in Hong Kong. As there are rising expectations on the RRE from different sectors of the community, the electoral work has become increasingly demanding. In the face of greater challenges, such as the need to study the implementation of the EPR System in rural elections, and pass on relevant electoral knowledge and experience etc., the EAC is of the view that the HAD should review its current organisation structure and appropriately increase its manpower establishment when necessary.

13.3 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, honesty and fairness are upheld in the conduct of each and every one of them. The EAC hopes that members of the public would continue to participate in the poll with enthusiasm, fulfil their civic



responsibilities and maintain the good election culture in Hong Kong. Moreover, the EAC always welcomes practicable suggestions to bring about enhancements to the electoral arrangements in future.

13.4 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 2023 ROE.

