

Section 1 – Introduction

Background

1.1 The 2023 Rural Ordinary Election (“ROE”) was held on 2 consecutive Sundays from 8 to 15 January 2023 with a view to returning 1 540 Rural Representatives (“RRs”) for 709 villages in the New Territories and 2 Market Towns (“MTs”). A total of 1 425 RRs were returned in the 2023 ROE, including contested and uncontested elections. The remaining 115 RR seats (including 100 Resident Representatives (“ReRs”) in 100 Existing Villages (“EVs”) and 15 Indigenous Inhabitant Representatives (“IIRs”) in 14 Indigenous Villages (“IVs”)) had failed to elect the relevant representatives due to an absence of valid nominations during the election (including owing to insufficient number of registered electors to serve as subscribers for nomination). The Returning Officers (“ROs”) concerned declared the failure of the elections for these villages in the Gazette published on 1 December 2022 in accordance with section 29(2) of the Rural Representative Election Ordinance (Cap. 576) (“RREO”).

1.2 In addition, before the RRs of the new term assumed their offices on 1 April 2023, 1 elected ReR candidate in 1 EV and 1 elected IIR candidate in 1 IV passed away. Pursuant to section 12 of the RREO, the Director of Home Affairs (“DHA”) declared the existence of these vacancies in the Gazette published on 10 February and 24 March 2023 respectively.

The Vacancies

1.3 As mentioned in paragraphs 1.1 and 1.2 above, a total of 115 RR vacancies arose because the elections for some villages had failed in the 2023 ROE and 2 elected candidates passed away before they could assume the offices. Subsequently, due to resignation, death, and disqualification of RRs, the number of RR vacancies increased to a total of 140, comprising 113 ReR vacancies in 113 EVs, 26 IIR vacancies in 25 IVs and 1 Kaifong Representative (“KFR”) vacancy in 1 MT respectively. These 140 vacancies fall into 5 different groups as follows:

- (a) **Absence of Valid Nominations** – comprising 33 vacancies, with 22 ReR vacancies in 22 EVs and 11 IIR vacancies in 11 IVs. Due to the absence of valid nominations for the aforementioned seats during the 2023 ROE, the vacancies concerned could not be filled in that election;
- (b) **Resignation** – comprising 11 vacancies, with 7 ReR vacancies in 7 EVs and 4 IIR vacancies in 4 IVs. These vacancies arose because the aforementioned ReRs and IIRs had resigned from their offices;
- (c) **Deceased** – comprising 12 vacancies, with 4 ReR vacancies in 4 EVs, 7 IIR vacancies in 7 IVs and 1 KFR vacancy in 1 MT. These vacancies arose because the relevant ReRs, IIRs and KFR had passed away before or after assuming the offices;

- (d) **Disqualification** – comprising 2 vacancies, with 2 ReR vacancies in 2 EVs. These vacancies arose because the aforementioned ReRs had been disqualified according to the circumstances stipulated in section 9 of the RREO; and
- (e) **The number of registered electors in the villages falls below the requisite number of subscribers for nomination as stipulated in the relevant provision** – comprising 82 vacancies, with 78 ReR vacancies in 78 EVs and 4 IIR vacancies in 3 IVs. According to section 25(1) of the RREO, the requisite number of subscribers for a nomination is 5 registered electors of the village concerned (other than the candidate himself/herself). However, since the total number of registered electors of the villages concerned was less than 6, the aforementioned vacancies therefore could not be filled.

1.4 In accordance with section 21 of the RREO, the Electoral Affairs Commission (“EAC”) made arrangements to conduct a Rural By-election for the rural areas to fill the 58 vacancies (including 35 ReR, 22 IIR and 1 KFR, vacancies) as mentioned in paragraph 1.3 (a) to (d) above. For those villages which do not have a sufficient number of registered electors mentioned in paragraph 1.3 (e) above, if, after the publication of the final register in October 2024, there are sufficient registered electors to be subscribers in any of the villages, the vacancies concerned will be filled by a Rural By-election.

1.5 According to the latest arrangements set out in the Report on the 2023 ROE, the Rural By-elections were originally scheduled for

November/December 2023 and April/May 2024. To avoid public confusion over the District Council Ordinary Election held in December 2023, and considering the potential implications of the two litigation proceedings¹ regarding the legislation on the RR Elections which might affect the Rural By-election originally scheduled for April/May 2024, the HAD, upon the EAC's approval, cancelled the practical arrangements for the two aforementioned Rural By-elections and postponed the first Rural By-election after the 2023 ROE to 1 December 2024.

1.6 Seven Districts, namely Islands, North, Sai Kung, Sha Tin, Tai Po, Tsuen Wan and Tuen Mun were involved in this Rural By-election. A list showing the details of the vacancies and dates on which the vacancies were declared in the Gazette is at **Appendix I**.

¹ There were two litigation proceedings which involved issues on whether certain individuals should be included into the electoral register of persons entitled to vote in an IIR election.

Section 2 – Appointments

Polling Day and Nomination Period

2.1 Pursuant to section 6 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L), the DHA published a notice in the Gazette on 10 October 2024, appointing 1 December 2024 as the polling day of the Rural By-election and specifying the period from 22 October 2024 to 4 November 2024 (both days inclusive) as the nomination period of the Rural By-election. The Rural By-election was held to return 35 ReRs to fill the vacancies in 35 EVs, 22 IIRs to fill the vacancies in 22 IVs and 1 KFR to fill the vacancy in 1 MT. A breakdown of the number of ReRs, IIRs and KFR to be returned by District is shown at **Appendix II**.

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

2.2 In accordance with section 54 of the RREO, the EAC appointed 7 District Officers and an Assistant District Officer of the 7 District Offices concerned as the ROs, 11 members of their staff as the Assistant Returning Officers (“AROs”), and a staff member from the HAD Headquarters (“HQs”) as the ARO (Ballot Paper Sorting Station) (“BPSS”) to take charge of the operation of the BPSS. A Government Counsel was also appointed as the ARO (Legal). The appointment of ROs was published in the Gazette on

10 October 2024. Except for ARO (Legal), a list of the ROs and AROs is shown at **Appendix III**.

Operational Manual and Briefing Session for Returning Officers and Assistant Returning Officers

2.3 To enable all parties concerned to familiarise themselves with the rules and operation of the Rural By-election, the HAD prepared and issued an Operational Manual to the ROs and AROs as well as the polling and counting staff for reference. Besides, a briefing session for the ROs and AROs, hosted by the EAC Chairman, was held on 4 October 2024 at the conference room of the HAD HQs in Wan Chai to remind them that they must pay attention to the major provisions in the relevant electoral legislation and guidelines. Representatives of the Independent Commission Against Corruption (“ICAC”) were also present to brief the ROs and AROs on subjects within their purview.

Section 3 – Publicity

3.1 Information on the Rural By-election was uploaded onto the websites of the EAC, the HAD and the ICAC throughout the election period for reference of candidates, electors and members of the public. Important matters of the Rural By-election such as the nomination period, the polling date, the names of the validly nominated candidates, the polling arrangements and the setting up of dedicated polling stations (“DPSs”) were also published in the Gazette. These measures helped enhance the transparency of and arouse public attention on the Rural By-election.

3.2 Apart from the publicity measures mentioned in paragraph 3.1 above, the HAD also placed advertisements in local newspapers and put up banners at the villages concerned to invite registered electors in those villages to nominate candidates for the Rural By-election. Appeal letters were also issued to registered electors of the villages concerned before commencement of the nomination period to encourage active participation in the Rural By-election.

Section 4 – Nomination of Candidates

The Nomination Period

4.1 The nomination period for the Rural By-election started on 22 October 2024 and ended on 4 November 2024 (both days inclusive). Candidates were required to hand in their nomination forms to the relevant ROs in person. At the close of the nomination, the ROs had received a total of 38 nominations.

Validly Nominated Candidates

Validity

4.2 After vetting the nominations, the relevant ROs determined that all the 38 nominations (22 for the ReR elections, 15 for the IIR elections and 1 for the KFR election) were valid.

Uncontested elections

4.3 Having examined the relevant nominations, the ROs concerned declared that a candidate each for the ReR elections for Pui O Lo Wai and Sha Lo Wan respectively in the Islands District, Nam Chung, San Tsuen, Shek Chung Au, Kam Tsin and Nga Yiu Ha respectively in the North District, Pak Kong Au in the Sai Kung District, Lin Au Cheng Uk, Ma Wo Tsuen, San Tsuen (Lam Tsuen) and Tin Liu Ha respectively in the Tai Po District, Sai Lau

Kok and Sheung Kwai Chung respectively in the Tsuen Wan District, and a candidate each for the IIR elections for Pui O Lo Wai in the Islands District, Mang Kung Uk, Pan Long Wan and Mau Ping New Village respectively in the Sai Kung District, Kei Ling Ha San Wai, Lai Chi Chong, Pak Tam Au, Tung Sam Kei, Uk Tau, Cheung Uk Tei and Tong Sheung Tsuen respectively in the Tai Po District, Sam Tung Uk and Sham Tseng respectively in the Tsuen Wan District, and a candidate for the KFR election for Cheung Chau MT in the Islands District were elected uncontested as there was only one validly nominated candidate for each vacancy. There were in total 28 candidates returned uncontested in the Rural By-election and their names were published in the Gazette on 15 November 2024.

Contested elections

4.4 As the number of validly nominated candidates for Nam Wai (an EV in the Sai Kung District), Fung Yuen and Kau Lung Hang (EVs in the Tai Po District), Tseng Tau Tsuen (Upper) (an EV in the Tuen Mun District) and Ko Tong (an IV in the Tai Po District) exceeded the number of ReR and IIR to be returned for the villages, polls to be held on 1 December 2024 for the villages were arranged by the HAD. On 7 November 2024, the ROs concerned drew lots to allocate candidate numbers and the designated spots for displaying election advertisements at the Sai Kung District Office, the Tai Po District Office, and the Tuen Mun District Office respectively, and the names and relevant particulars of the validly nominated candidates were published in the Gazette on 15 November 2024.

Failed Elections

4.5 Regarding the remaining 17 ReR vacancies in 17 EVs and 8 IIR vacancies in 8 IVs, the ROs concerned declared that the ReR and IIR elections had failed because no nominations were received by the close of the nomination period and the notice of failure of election for these villages was also published in the Gazette on 15 November 2024.

Briefing for Candidates

4.6 The EAC Chairman conducted a briefing session for the candidates on 7 November 2024 at the conference room of the Wan Chai District Council to go through the major provisions of the electoral legislation and the electoral arrangements. The Assistant Director of HAD, representatives from the ICAC, the Department of Justice (“DoJ”) and the Registration and Electoral Office (“REO”) were also present at the briefing session.

Section 5 – Preparatory Work

Appointment and Training of Polling and Counting Staff

5.1 Staff of the HAD were deployed as polling and counting staff for the Rural By-election. Training sessions were held on 20, 26 and 29 November 2024 for the staff who would perform polling and counting duties and operate the District Command Centres on the polling day. The sessions aimed at familiarising the staff concerned with the rules, operational procedures and their respective duties.

Polling and Counting Station

5.2 The HAD designated the Cheng Chek Chee Secondary School of Sai Kung and Hang Hau District, N.T. as the polling-cum-counting station for the ReR election for Nam Wai in the Sai Kung District, the Fung Yuen Village Office and Kau Lung Hang Public Yuk Yin School as the polling-cum-counting stations for the ReR elections for Fung Yuen and Kau Lung Hang respectively in the Tai Po District, the CCC But San Primary School as the polling-cum-counting station for the ReR election for Tseng Tau Tsuen (Upper) in the Tuen Mun District and the Civil Aid Service Tai Tan Camp as the polling-cum-counting station for the IIR election for Ko Tong in the Tai Po District.

Dedicated Polling Station

5.3 To enable registered electors of the contested villages who were imprisoned or remanded by the Correctional Services Department (“CSD”) to cast their votes on the polling day, the HAD would also set up DPSs in penal institutions for the Rural By-election where necessary. Since the CSD indicated on 30 November 2024 that no registered elector of the contested villages would be in its custody on the polling day, ultimately no DPSs were operated in any penal institutions on the polling day in this Rural By-election.

5.4 Mei Tin Community Hall in the Sha Tin District was designated as a DPS for registered electors of the contested villages who were remanded or detained on the polling day by law enforcement agencies (“LEAs”) (other than CSD) to cast votes. Since the LEAs might arrest persons who happened to be registered electors of the contested villages at any time on the polling day, the polling hours for this DPS were the same as those of an ordinary polling station, i.e. from noon to 7 pm.

5.5 A notice of designation of the polling stations, DPSs, BPSS and counting stations was gazetted by the DHA on 15 November 2024.

Introduction to Candidates and Polling Notices to Electors

5.6 The HAD produced the “Introduction to Candidates” to provide registered electors with information on the relevant personal particulars, election platforms and photographs of the validly nominated candidates, enabling electors to fully grasp the candidates’ information and make an informed choice on the polling day.

5.7 On 20 November 2024, the polling notice, together with the relevant “Introduction to Candidates”, voting guide, location map of polling station and an ICAC leaflet, were sent to each of the electors of the contested villages, notifying them of the polling date, polling hours and location of the polling station. A notice was also sent to each of the electors of the uncontested villages informing them that no poll would be conducted for their villages.

The Contingency Plan

5.8 To cope with any unforeseeable situations (e.g. inclement weather conditions, occurrence of public danger, etc.) which would render the poll unable to be conducted at the designated polling stations as scheduled, the HAD had identified venues as the alternative polling stations. The designation of various alternative polling stations was gazetted by the DHA on 15 November 2024.

5.9 The designated polling station and the DPS at the Mei Tin Community Hall were also reserved for use on the fallback day of 8 December 2024.

5.10 The arrangements in case of emergencies or inclement weather on the polling day were included in the Operational Manual for ROs and AROs and that for polling and counting staff for reference.

Section 6 – The Poll

Polling Date and Polling Hours

6.1 The poll was held on Sunday, 1 December 2024. According to the established arrangement for the RR Elections, the polling hours for the polling stations at the contested villages and the DPS at the Mei Tin Community Hall were from noon to 7 pm.

Logistical Arrangements

6.2 The designated polling stations and the DPS at the Mei Tin Community Hall operated as scheduled on the polling day. A Central Command Centre was set up at HAD HQs to oversee the operation of the polling and counting stations as well as the District Command Centres, and co-ordinate the communication and dissemination of information for all parties concerned on the polling day.

6.3 A Complaints Centre was set up in the office of the EAC Secretariat at the Treasury Building to receive and handle complaints from the public throughout the polling hours.

6.4 There were also designated officers on duty from ICAC and the Hong Kong Police Force (“HKPF”) to attend to complaints on the polling day.

Voter Turnout Rates

6.5 The voter turnout and voter turnout rates of this Rural By-election are as follows while the breakdowns of the turnout rates are shown at **Appendices IV(A) and (B)**:

- (a) **The ReR election for Nam Wai** – a total of 233 (i.e. 57.82%) of the 403 registered electors cast their votes;
- (b) **The ReR election for Fung Yuen** – a total of 69 (i.e. 53.91%) of the 128 registered electors cast their votes;
- (c) **The ReR election for Kau Lung Hang** – a total of 75 (i.e. 38.27%) of the 196 registered electors cast their votes;
- (d) **The ReR election for Tseng Tau Tsuen (Upper)** – a total of 45 (i.e. 48.91%) of the 92 registered electors cast their votes; and
- (e) **The IIR election for Ko Tong** – a total of 51 (i.e. 46.36%) of the 110 registered electors cast their votes.

Section 7 – The Count

Counting Station and Ballot Paper Sorting Station

7.1 All polling stations were converted into counting stations for counting of votes after the close of the poll. The counting stations were supervised by the Officers-in-charge of the counting stations concerned.

7.2 To enhance the efficiency of counting, the HAD made special arrangements in respect of the delivery of ballot papers for the DPS at the Mei Tin Community Hall as follows:

- (a) if no elector were to cast any vote in the DPS at the Mei Tin Community Hall, the ballot box would be delivered to the BPSS which was located at the same address. The ARO(BPSS) would open the empty ballot box from the DPS and inform the Officers-in-charge of the counting stations concerned that no ballot paper would be delivered to the counting stations; or
- (b) if elector(s) did cast vote(s) in the DPS at the Mei Tin Community Hall, the ballot box would be delivered to the BPSS which was located at the same address. The ARO(BPSS) would open the ballot box from the DPS and sort the enveloped ballot papers according to the rural areas. Upon arrival at the relevant counting stations, the ballot papers concerned would be mixed with those from the ordinary polling stations before counting.

Counting Method

7.3 Manual counting was adopted in this Rural By-election. Ballot papers were sorted with reference to the candidate for whom the vote was recorded and placed into the relevant transparent plastic boxes. Afterwards, counting staff would conduct the counting.

Counting Process

7.4 All polling stations were smoothly converted into counting stations in or no more than an hour. Since no votes were cast in the DPS at the Mei Tin Community Hall, in accordance with the special arrangements stated in paragraph 7.2 above, the ARO(BPSS), after opening the ballot box from the DPS and confirming that no ballot papers were therein, immediately informed the Officers-in-charge of the counting stations concerned of the result and confirmed that no ballot paper would be delivered from the Mei Tin Community Hall to the counting stations. At the counting stations, the ballot boxes opened thereat were emptied by the Officers-in-charge of the counting stations. The count then commenced immediately.

7.5 Counting staff sorted the ballot papers into the relevant transparent plastic boxes according to the votes marked thereon, and then counted the number of votes obtained by each candidate. The Officers-in-charge of the counting stations monitored the sorting of ballot papers and the counting process, and determined if the questionable ballot papers should be counted.

Declaration of Result

7.6 The election results were declared by each RO gradually from 8:01 pm at the relevant RO offices/counting stations after the completion of the count. The results of the contested elections were published in the Gazette on 6 December 2024.

7.7 The lists of successful and unsuccessful candidates (including those returned uncontested) in the ReR elections, IIR elections and KFR election are shown at **Appendices V(A), (B) and (C)**.

EAC Visit

7.8 The EAC Chairman and the two EAC Members visited the polling stations at Cheng Chek Chee Secondary School of Sai Kung and Hang Hau District, N.T., Fung Yuen Village Office and CCC But San Primary School respectively. Afterwards, the EAC Members met with the EAC Chairman at the polling station at Cheng Chek Chee Secondary School of Sai Kung and Hang Hau District, N.T., which was then converted into a counting station. After the conversion, the EAC Chairman, along with the EAC Members, the Deputy Director of Home Affairs (1), the RO concerned and the Officer-in-charge of that counting station jointly emptied the ballot box and monitored the counting process. The EAC Chairman and Members considered the polling and counting processes went smoothly, and the relevant arrangements were satisfactory.

Section 8 – Complaints

Complaints-handling Period

8.1 The complaints-handling period started on 22 October 2024 (i.e. commencement of the nomination period), and ended on 15 January 2025 (i.e. 45 days after the polling day on 1 December 2024).

Complaints-handling Parties

8.2 The parties involved in the handling of complaints relating to this Rural By-election included the EAC, the ROs, the HKPF, the ICAC and the PROs (who discharged duties on the polling day only). The EAC, supported by the EAC Secretariat, would deal with cases that were within its jurisdiction and not covered by any statutory provisions involving criminal sanction.

8.3 The EAC Secretariat assumed the role of co-ordinator for collating the complaint-related statistical information from other parties and compiling a simple consolidated return on a weekly basis during the complaints-handling period to report to the EAC the number, nature and progress of complaint cases.

Number and Nature of Complaints

8.4 By the end of the complaints-handling period on 15 January 2025, no complaints had been received by any of the complaints-handling parties.

Section 9 – Review and Recommendation

9.1 After reviewing the electoral procedures and arrangements made for this Rural By-election, the EAC considers that the polling and counting were conducted smoothly and satisfactorily.

9.2 This Rural By-election involved a total of 58 RR vacancies, of which 25 (involving 17 EVs and 8 IVs) could not be filled at the close of nomination due to absence of any nominations received.

9.3 The EAC notes that the HAD had publicised this Rural By-election through different channels, including placing advertisements in local newspapers, putting up banners in the Rural Areas concerned, and sending letters to Heung Yee Kuk, Rural Committees, relevant women's organisations and youth groups in the Districts concerned, as well as every registered elector in the villages concerned, to appeal to electors to actively participate in this Rural By-election. However, due to different circumstances, the relevant seats in certain Rural Areas remained vacant as a result of insufficient nominations.

9.4 The EAC recommends that the HAD should make continuous efforts to strengthen its publicity measures and, through daily community liaison work, actively engage residents of the villages in rural affairs and encourage them to actively participate in the RR elections by enhancing their understanding of the functions of RRs to help them better understand the importance of RRs in village development.

9.5 The EAC notes that this Rural By-election was the first Rural By-election to convert polling stations into counting stations upon the close of the poll. The EAC considers the arrangement was smooth, and the polling staff were able to quickly convert polling stations into counting stations and successfully complete the counting process. The EAC recommends the HAD to consider to maintain this arrangement in future RR elections.

9.6 The EAC opines that the smooth conduct of this Rural By-election demonstrates the importance of sufficient training and drills. The EAC notes the HAD extended the training for polling and counting staff from a half day to a full day, resulting in positive outcomes, and thus recommends that the HAD should continue to strengthen training for the polling and counting staff in future RR elections.

Section 10 – Acknowledgement

10.1 The EAC wishes to extend its gratitude to the HAD, particularly those serving as ROs, AROs, PROs/Officers-in-charge of counting stations and polling and counting staff for their efforts in validating nominations, making the necessary preparations for the Rural By-election and conducting the poll and count on the polling day. Their dedication was the key to the success of the Rural By-election. The EAC is also thankful to various government departments for rendering valuable assistance throughout the Rural By-election, including the REO which was responsible for drafting this report, arranging the EAC visit programme to polling and counting stations and co-ordinating the handling of complaints for the Rural By-election. Besides, the EAC would like to thank the CSD, the HKPF and other LEAs for their assistance provided to the HAD in making necessary arrangements for the operation of the DPSs. The EAC is also grateful to the police officers who conscientiously performed their duties in maintaining law and order during the Rural By-election.

10.2 The EAC would also like to express its appreciation to the electors who turned up to cast their votes at the polling stations and all those who complied with the electoral legislations and guidelines.

Section 11 – The Way Ahead

11.1 The HAD is planning the conduct of the next round of the Rural By-election to fill the RR vacancies which have arisen but not yet been filled in this Rural By-election and those vacancies that may arise subsequent to this Rural By-election.

11.2 The EAC would like to recommend that this report be made public, at a time when the Chief Executive thinks appropriate, in order to uphold the principle of high transparency in elections and to allow the public to better understand the preparatory work of the EAC during the 2024 Rural By-election.