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11 July 2022

Message from the Chairman

Public Consultation on the Proposed Guidelines on Election-related Activities in respect of the Rural Representative Election

The 2023 Rural Ordinary Election will be held in early 2023. The Electoral Affairs Commission (“EAC”) is empowered under section 6(1)(a) of the Electoral Affairs Commission Ordinance (Chapter 541) (“EACO”) to issue guidelines on election-related activities to facilitate the conduct and supervision of the conduct of elections. These guidelines aim to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law. With regard to election-related activities not stipulated by the law, the guidelines promulgate a code of conduct based on the principle of fairness and equality.

The EAC has at all times made its best endeavours to refine and improve the electoral arrangements for public elections. A new set of proposed guidelines has now been drawn up by the EAC for the 2023 Rural Ordinary Election and all rural by-elections to be held afterwards. The proposed guidelines are prepared on the basis of the existing guidelines for the Rural Representative (“RR”) Election (October 2018 edition) with suitable alterations. On the aspect of legislative amendments, the major changes are:

- (a) reflect the proposed legislative amendments made to the Rural Representative Election Ordinance (Chapter 576) (“RREO”) in relation

to the disqualification from being nominated as a candidate and from being elected for breaching the newly introduced oath-taking requirement;

- (b) reflect the legislative amendments/proposed legislative amendments made to the subsidiary legislation under the EACO and the RREO in relation to the refined arrangements on inspection and compilation of the registers of electors and omissions list;
- (c) reflect the legislative amendments made to the subsidiary legislation under the EACO in relation to the setting up of polling-cum-counting stations;
- (d) reflect the legislative amendments made to the subsidiary legislation under the EACO in relation to the improvement of the electoral arrangements, including the enabling of the use of Electronic Poll Register system to issue ballot papers and the special queuing arrangement as a caring measure for electors in need;
- (e) reflect the legislative amendments made to the Elections (Corrupt and Illegal Conduct) Ordinance (Chapter 554) (“ECICO”) in relation to arrangements for lodging election returns by candidates and the exemption from criminal liability for a third party (other than a candidate and his/her election expense agents) publishing an election advertisement on the Internet if the only expenses thus incurred are electricity and/or Internet access charges; and
- (f) reflect the legislative amendments made to the ECICO to specify that a person engages in illegal conduct if he/she carries out any activity in public during the election period that incites another person not to vote or to cast an invalid vote.

On the aspect of the guidelines based on the fairness of the election, the major changes are, with reference to the operational experience gained in previous elections and relevant court cases, to serve reminders to candidates on some electoral arrangements such as the arrangements on publishing election advertisements, incurring election expenses, sending election emails, using loudspeakers, etc.

Besides, changes are made to align the guidelines, where appropriate, with the guidelines issued by the EAC for recent public elections, inclusive of the 2019 District Council Ordinary Election, 2021 Election Committee Subsector Elections, 2021 Legislative Council General Election and 2022 Chief Executive Election.

The major changes proposed, as compared with the existing RR guidelines, are set out in the **Appendix**. Indeed, many of the changes are for reflecting the legislative amendments and alignment purpose.

Before finalising the guidelines for issue to the public, we shall, in accordance with section 6(2) of the EACO, consult the public on the proposed guidelines for a period of 30 days from **11 July to 9 August 2022**, both dates inclusive. At this stage, the EAC has taken no decision with respect to the issues addressed in the proposed guidelines (except for those under the requirements of the relevant legislation). The final decision will be taken in the light of the responses received in this consultation exercise.

Please send your written representations on the proposed guidelines to the EAC Secretariat at 10/F, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong, or by fax (fax no.: 2511 1682) or e-mail (eacenq@reo.gov.hk) the latest by **9 August 2022**. **Late representations will not be considered**. You may also make oral representations to the EAC at the public forum to be held on **21 July 2022 from 7:00 p.m. to 8:00 p.m. in the Lung Hang Estate Community Centre, Lung Hang Estate, Sha Tin, New Territories**. For details, please visit the EAC website (www.eac.hk).

It is optional for you to supply your name or other personal data when providing views on the proposed guidelines. But, if you wish to remain anonymous or request to keep your views confidential in part or in whole, you should indicate your request clearly in your submissions. Unless so requested in the submissions, all responses received will be treated as public information. For enquiries, please call the EAC Secretariat at 2827 1269.

In view that the public forum has time limit, members of public may not be able to make lengthy representations at the forum. Members of the public who wish to make detailed representations are invited to send in written representations.

The EAC has always strived to conduct public elections under the principles of openness, fairness and honesty. The electoral guidelines play an important role in the conduct of the 2023 Rural Ordinary Election. We, therefore, encourage members of the public to make known their views to us through submission of written representations or attendance at the public forum. The EAC will consider the representations received during the public consultation period and revise the guidelines as appropriate.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Barnabas W Fung', written in a cursive style.

(Barnabas W FUNG)

Chairman

Electoral Affairs Commission

(With enclosure)