

CHAPTER 1

INTRODUCTION

PART I : THE RURAL REPRESENTATIVE ELECTION

1.1 The RREO brings the conduct of RR elections under statutory control, the scope of which covers the IIR elections for IVs or CIVs, the ReR elections for EVs and the KFR elections for MTs.

1.2 The IIR's primary functions are to deal with all affairs relating to the lawful traditional rights and interests, and the traditional way of life, of the indigenous inhabitants of the Village; and to reflect views on the affairs of the Village on behalf of the indigenous inhabitants of the Village. As for the ReR and KFR, their function is to reflect views on the affairs of the EV/MT on behalf of the residents of the EV/MT.

1.3 The term of office of an elected RR is 4 years beginning on 1 April following each ordinary election in which the RR was elected [s 7 of the RREO]. A rural ordinary election for a Rural Area shall be held in each subsequent fourth year after the first election held to elect a person as an RR for the Rural Area in the year in which the office of RR is established¹, and on a date specified by the Secretary for Home and Youth Affairs ("SHYA") [s 20 of the RREO]. Generally speaking, a rural by-election shall be held as soon as practicable to fill any vacancy in the office of an RR. However, no by-election is to be held within the 4 months preceding the end of the current term of office of the RR [s 21(3) of the RREO].

¹ The first ordinary election for the EVs, IVs and CIVs was held in 2003, while the first ordinary election for the MTs was held in 2015.

1.4 For a rural ordinary election, a notice of election will be published in the Gazette by the DHA as soon as practicable after the publication in the Gazette of the date of election specified by the SHYA. The Gazette notice of the date of a rural by-election will be published by the DHA.

Types and Numbers of Rural Areas and Rural Representatives

1.5 There are altogether 4 types of Rural Areas:

- (a) **EV** - The names of all identified EVs are listed in Schedule 1 to the RREO. Each EV can be identified by a boundary map. Each Village in Schedule 1 is marked with the Plan No. of the map on which the area of the village is delineated. There are a total of 695 EVs, which are different from IVs (see below). Out of these 695 EVs, 106 are not IVs or CIVs.
- (b) **IV** - The names of all identified IVs are listed in Schedule 2 to the RREO. IVs (i.e. the ones that already existed in 1898, or the ones branching off from IVs that existed in 1898) are not identified by boundaries. There are currently 588 IVs, of which 574 are also EVs whereas the other 14 are not EVs.
- (c) **CIV** - The names of all identified CIVs are listed in Schedule 3 to the RREO. There are currently 15 CIVs. They are so called because each of them is composed of more than 1 Village. The 15 CIVs are composed of 32 IVs. Incidentally, the existing 15 CIVs are also EVs.

- (d) **MT** - The names of all identified MTs are listed in Schedule 3A to the RREO. Each MT is marked with Plan No. of the map of which the area of the village is delineated. There are currently 2 MTs, namely Cheung Chau and Peng Chau.

Many IVs have the same names as those of the EVs, but they belong to different types of Villages under the law.

(The Rural Areas in (a), (b) and (c) are generally referred to as “Villages”.)

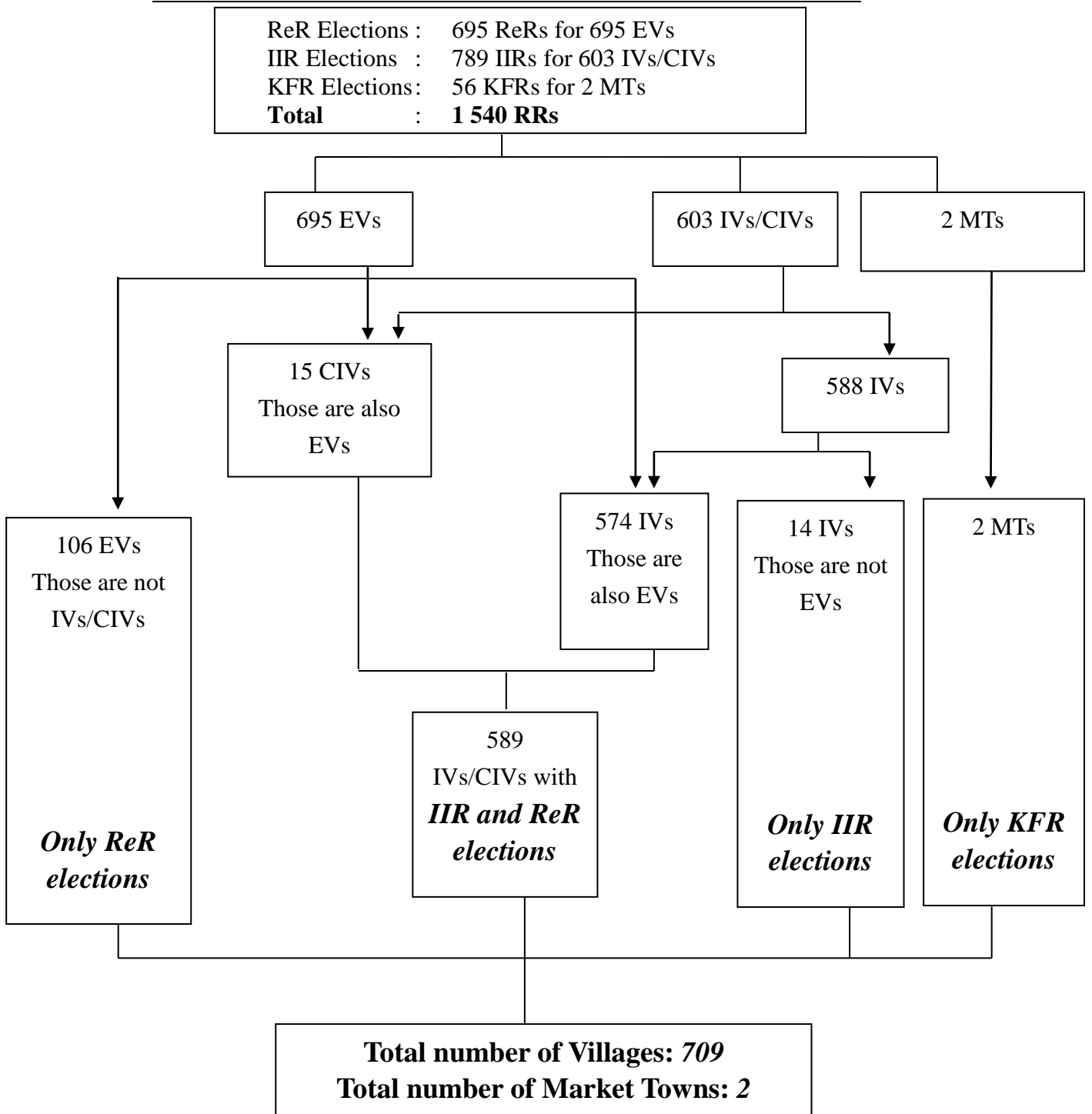
1.6 Altogether, there are 709 Villages, comprising 589 EVs that are also IVs/CIVs, 106 EVs that are not IVs/CIVs, 14 IVs that are not EVs and 2 MTs. A total of 1 540 RRs will be returned in a rural ordinary election (695 ReRs in respect of EVs, 789 IIRs in respect of IVs/CIVs and 56 KFRs in respect of MTs).

1.7 According to the RREO, for each EV, only 1 ReR is to be returned. For IVs or CIVs, 1 IIR or up to 5 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.

1.8 Apart from being entitled to elect the IIR of his/her IV or CIV, if he/she also satisfies the residence requirement of an ReR elector in an EV or a KFR elector in an MT, each indigenous inhabitant is also entitled to elect 1 ReR or KFR of his/her respective EV or MT. In such a case, he/she can vote in 2 elections. A resident of a Village who is not an indigenous inhabitant but who satisfies the residence requirement of an ReR elector is entitled to elect

1 ReR, but he/she has no right to elect the IIR. The following diagram shows the numbers and types of Rural Areas and RRs as defined in the RREO.

**Existing Villages (EVs), Indigenous Villages (IVs),
Composite Indigenous Villages (CIVs) and
Market Towns (MTs)**



This chart is prepared for illustrative purposes only. For definition of the terms, please refer to the RREO. A list of EVs, IVs, CIVs and MTs is at Appendix 2.

Governing Legislation

1.9 RR elections are governed by the statutory requirements provided in 3 different ordinances, namely the RREO, the EACO and the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”).

1.10 The RREO provides the legal basis for the conduct of the election such as the classification of Rural Areas, composition and functions of RRs, the procedures for election of persons to be RRs and other related matters.

1.11 Under the EACO, the EAC is responsible for the conduct and supervision of the RR elections and matters incidental thereto.

1.12 The ECICO prohibits election-related corrupt and illegal conduct and is administered by the Independent Commission Against Corruption (“ICAC”).

1.13 These ordinances are complemented by 5 pieces of subsidiary legislation, including those set out in paras. 1.14 to 1.18 below, which provide the detailed procedures for the conduct of the RR elections.

1.14 The Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) (“EAC (ROE) (RRE) Reg”) sets out the procedures for registration of eligible persons as electors for the RR elections held under the RREO.

1.15 The Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) (“EP (RRE) Reg”) provides detailed procedures governing the conduct of the RR elections.

1.16 The Maximum Amount of Election Expenses (Rural

Representative Election) Regulation (Cap. 554B) sets out the maximum amount of election expenses that can be incurred by or on behalf of a candidate at an RR election.

1.17 The Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576A) sets out the procedures for hearing and ruling by Revising Officers² concerning the registration of electors for the RR elections.

1.18 The Rural Representative (Election Petition) Rules (Cap. 576B) set out the procedures for lodgement of an election petition against the result of an RR election to the High Court.

PART II : THE GUIDELINES

1.19 According to s 6 of the EACO, the EAC may, in connection with an election, issue guidelines relating to:

- (a) the conduct or supervision of or procedure at an election;
- (b) the activities of a candidate, an agent of a candidate, any other person assisting a candidate, or any other person;
- (c) election expenses;
- (d) the display or use of EAs or other publicity material; and
- (e) the procedure for making a complaint.

² The Revising Officer is a magistrate, a former magistrate or a retired magistrate appointed by the Chief Justice [s 53(1) of the RREO].

1.20 The aims of this set of Guidelines are: (1) 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; and (2) with regard to election-related activities not stipulated by the law, such as media reports and conduct of electioneering activities involving public places of buildings, to promulgate a code of conduct based on the principles of fairness and equality, and provide standard good practices. The Guidelines are also issued for reference by members of the public, so as to enable them to give play to their role in monitoring the elections and ensure that the elections are conducted in an open, fair and honest manner.

1.21 This set of Guidelines applies to rural ordinary elections and by-elections. It explains the various electoral arrangements for the RR elections, and the legislative provisions and regulations as well as guidelines to be observed by all relevant parties before, during and after an election (in relation to machinery of the election). The Guidelines also provide the procedure for lodging an election-related complaint. An action checklist for candidates is set out in **Appendix 1**.

1.22 In the context of this set of Guidelines, the term “election” means ordinary election or by-election, as appropriate.

PART III : SANCTION

1.23 Electors, candidates and their agents, government officials engaging in election-related duties, and other persons involved in election-related activities should read, familiarise themselves with and strictly observe the Guidelines.

1.24 The EAC always strives to conduct public elections under the

principles of openness, fairness and honesty. If the EAC comes to know that any candidate or person has breached the Guidelines, it may notify the relevant authorities for actions to be taken and, furthermore, make a reprimand or censure in a public statement which will include the name of the candidate or person concerned (and where appropriate, other relevant parties (if any)) to allow full disclosure of the relevant facts to the public. Should any offences under the electoral law be committed, the candidate, the person or other parties concerned will also incur criminal liability pertinent to the offence accordingly.