

## Section 1 – Introduction

### Background

1.1 In accordance with the regulations in section 21 of the Rural Representative Election Ordinance (Cap. 576) (“RREO”) and the prevailing arrangement, after the Rural Ordinary Election (“ROE”) held in January 2023, the Electoral Affairs Commission (“EAC”) made arrangements for the conduct of the second Rural By-election on 27 April 2025<sup>1</sup> with a view to returning 11 Rural Representatives (“RRs”) for filling the Resident Representative (“ReR”) vacancies and Indigenous Inhabitant Representative (“IIR”) vacancies in 11 villages. The reasons for the vacancies are set out in paragraph 1.2 below.

### The Vacancies

1.2 Since the gazettal of the first Rural By-election on 10 October 2024, a total of 11 RR vacancies arose, comprising 1 ReR vacancy each in 6 Existing Villages (“EVs”) and 1 IIR vacancy each in 5 Indigenous Villages (“IVs”)/Composite Indigenous Villages (“CIVs”). These 11 vacancies fall into 3 different groups as follows:

- (a) **Resignation** – comprising 2 vacancies, with 1 ReR vacancy each in 2 EVs. The aforementioned vacancies arose because of the resignation of the ReRs from their offices;

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<sup>1</sup> The first Rural By-election was conducted on 1 December 2024.

- (b) **Deceased** – comprising 7 vacancies, with 1 ReR vacancy each in 2 EVs and 1 IIR vacancy each in 5 IVs/CIVs. The aforementioned vacancies arose because the relevant ReRs and IIRs had passed away after assuming the offices; and
- (c) **Absence of Valid Nominations** – comprising 2 vacancies, with 1 ReR vacancy each in 2 EVs. In the first Rural By-election, the Returning Officers (“ROs”) declared the failure of the elections for a total of 25 villages under section 29(2) of the RREO, as no valid nomination was received. Since the elections for 23 of these villages had already been declared to have failed in the 2023 ROE for the same reason, the EAC was not required to arrange rural by-elections for these 23 villages in accordance with section 21(2) of the RREO.

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

## **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 Director of Home Affairs (“DHA”) published a notice in the Gazette on 7 March 2025, appointing 27 April 2025 as the polling day of the Rural By-election and specifying the period from 18 March 2025 to 31 March 2025 (both days inclusive) as the nomination period of the Rural By-election. The Rural By-election was held to return RRs to fill an ReR vacancy in each of the 6 EVs and an IIR vacancy in each of the 5 IVs/CIVs. A breakdown of the number of ReRs and IIRs 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 of the District Offices concerned as the ROs, 9 members of their staff as the Assistant Returning Officers (“AROs”), and a staff member from the Sai Kung District Office 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 7 March 2025. 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 Home Affairs Department (“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 13 March 2025 at the conference room of the HAD Headquarters (“HQs”) in Wan Chai to remind them that they must pay attention to the major provisions in the relevant electoral legislations 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 above, in response to the EAC’s recommendation to step up publicity for the Rural By-elections, the HAD invited the Heung Yee Kuk New Territories (“HYK”) to collaborate in strengthening the publicity for this By-election through actively urging eligible electors in the rural communities to exercise their rights, both as candidates and electors, in this By-election; and continued to appeal to registered electors of the villages concerned to actively participate in this By-election through various existing channels, including placing advertisements in local newspapers, putting up banners and posting notices of the By-election in the villages concerned, as well as writing to women’s organisations and youth groups in the districts concerned. In addition, before the commencement of the nomination period, the HAD had issued letters to every registered elector in the 11 villages involved, appealing to them to actively support the Rural By-election, fulfil their civic responsibility by standing for the election or nominating suitable persons as candidates, and vote actively on the polling day.

## **Section 4 – Nomination of Candidates**

### **The Nomination Period**

4.1 The nomination period for the Rural By-election started on 18 March 2025 and ended on 31 March 2025 (both days inclusive). Candidates were required to submit their nomination forms to the relevant ROs in person. At the close of the nomination period, the ROs had received a total of 13 nominations.

### **Validly Nominated Candidates**

#### **Validity**

4.2 After vetting the nominations, the relevant ROs determined that all the 13 nominations (5 for the ReR elections and 8 for the IIR elections) were valid.

#### **Uncontested Elections**

4.3 Having examined the relevant nominations, the ROs concerned declared that a candidate each for the respective ReR elections for Tai Po Tau and Wai Tau Tsuen in the Tai Po District and Kwong Shan Tsuen in the Tuen Mun District, and a candidate each for the respective IIR elections for Kap Tong in the North District, Ping Tun in the Sai Kung District and Kwun Yam Shan and Kong Pui in the Sha Tin District were elected uncontested as there was only one validly nominated candidate for each vacancy. There were in total 6 candidates

returned uncontested in the Rural By-election and their names were published in the Gazette on 11 April 2025.

### Contested Elections

4.4 As the number of validly nominated candidates for Tung Chun Wai (an EV in the Yuen Long District), Ha Ling Pei (an IV in the Islands District) and Ho Chung (an IV in the Sai Kung District) exceeded the number of ReR and IIR to be returned for the respective villages, polls to be held on 27 April 2025 for these villages were arranged by the HAD. On 3 April 2025, the ROs concerned drew lots to allocate candidate numbers and the designated spots for displaying election advertisements to the candidates at the Yuen Long District Office, the Islands District Office, and the Sai Kung District Office respectively, and the names and relevant particulars of the validly nominated candidates were published in the Gazette on 11 April 2025.

### **Failed Elections**

4.5 Regarding the remaining 1 ReR vacancy each in 2 EVs, the ROs concerned declared that the ReR elections had failed because no nominations were received by the close of the nomination period. The notices of failure of election for these villages were also published in the Gazette on 11 April 2025.

**Briefing for Candidates**

4.6 All validly nominated candidates indicated that they were not able to attend the briefing session. The briefing session for candidates originally scheduled for 3 April 2025 was therefore cancelled.



## **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 15, 23 and 25 April 2025 for the staff who would perform polling and counting duties as well as operate the District Command Centres (“DCCs”) and DPSs 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 Tun Yu School as the polling-cum-counting station for the ReR election for Tung Chun Wai in the Yuen Long District, Auxiliary Medical Service Tung Chung Training Centre as the polling-cum-counting station for the IIR election for Ha Ling Pei in the Islands District, and Ho Chung Village Office as the polling-cum-counting station for the IIR election for Ho Chung in the Sai Kung 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 26 April 2025 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 11 April 2025.

### **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 17 April 2025, a 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 11 April 2025.

5.9 The designated polling stations and the DPS at the Mei Tin Community Hall were also reserved for use on the fallback day of 4 May 2025.

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, 27 April 2025. 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 DCCs, 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 the 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 Tung Chun Wai – a total of 36 (i.e. 54.55%) of the 66 registered electors cast their votes;
- (b) The IIR election for Ha Ling Pei – a total of 35 (i.e. 47.30%) of the 74 registered electors cast their votes; and
- (c) The IIR election for Ho Chung – a total of 116 (i.e. 35.91%) of the 323 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, as in the past, 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 was to cast vote in the DPS at the Mei Tin Community Hall, the ballot box would be delivered to the BPSS which was also located at the Mei Tin Community Hall. 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 also located at the Mei Tin Community Hall. The ARO(BPSS) would open the ballot box from the DPS and sort the ballot papers according to the names of the Rural Areas as shown on the respective envelopes. After being delivered to the relevant counting stations, the ballot papers

concerned would be mixed with those from the ordinary polling stations and then counted.

### **Counting Process**

7.3 All polling stations were smoothly converted into counting stations in less than 45 minutes. Since no vote was cast in the DPS at the Mei Tin Community Hall, in accordance with the special arrangements stated in paragraph 7.2(a) above, after opening the ballot box from the DPS and confirming that there was no ballot paper inside, the ARO(BPSS) 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 BPSS 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.

### **Counting Method**

7.4 Manual counting was adopted in this Rural By-election. Counting staff first sorted and placed the ballot papers into the relevant transparent plastic boxes according to the votes marked thereon by the electors, and then counted the number of votes obtained by each candidate. The Officers-in-charge of the counting stations were responsible for monitoring the sorting of ballot papers and the counting process, as well as determining whether the questionable ballot papers should be counted.

### **Declaration of Result**

7.5 The election results were declared by each RO gradually from 7:36 pm at the relevant counting stations after the completion of the count. The results of the contested elections were published in the Gazette on 2 May 2025.

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

### **EAC Visit**

7.7 The EAC Chairman and two EAC Members visited the polling stations at Ho Chung Village Office, Tun Yu School and Auxiliary Medical Service Tung Chung Training Centre respectively. Afterwards, the two EAC Members met with the EAC Chairman at the polling station at Ho Chung Village Office. After the polling station was converted into a counting station, the EAC Chairman, along with the two 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 the two EAC Members considered the polling and counting processes smooth, and the relevant arrangements satisfactory.



## **Section 8 – Complaints**

### **Complaints-handling Period**

8.1 The complaints-handling period started on 18 March 2025 (i.e. commencement of the nomination period), and ended on 11 June 2025 (i.e. 45 days after the polling day on 27 April 2025).

### **Complaints-handling Parties**

8.2 The parties responsible for handling complaints relating to this Rural By-election included the EAC, the ROs, the HKPF, the ICAC and the Presiding Officers (“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 also 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 the complaint cases.

**Number and Nature of Complaints**

8.4 By the end of the complaints-handling period on 11 June 2025, no complaints had been received by any of the complaints-handling parties.

## **Section 9 – Review and Recommendations**

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 11 RR vacancies, of which 2 (involving 2 EVs) could not be filled at the close of the nomination period as no nomination was received.

9.3 The EAC notes that the HAD had enhanced the publicity of this Rural By-election by inviting the HYK to collaborate in encouraging eligible electors in the rural communities to exercise their rights by actively running for and voting in this By-election, while continuing to promote this Rural By-election through different channels, including placing advertisements in local newspapers, putting up banners and posting notices in the Rural Areas concerned, and sending letters to relevant 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 various circumstances of individual Rural Areas, the relevant seats remained vacant with no nomination received.

9.4 The EAC recommends that the HAD should make continuous efforts to strengthen its publicity measures and actively engage residents of the villages in rural affairs through daily community liaison work so as to enhance their

understanding of the functions of RRs and thus the importance of RRs in village development, thereby encouraging them to actively participate in the RR elections.

9.5 Regarding the arrangements for rural by-elections, in accordance with section 21 of the RREO, the EAC shall arrange for a rural by-election to be held to fill any vacancy in the office of an RR. Apart from specifying that a rural by-election is not to be held within the four months preceding the end of the current term of office of the RR, the Ordinance does not prescribe any timeframe for the holding of a rural by-election.

9.6 In 2023, the HAD reviewed the rural by-election arrangements that had been in place for about 20 years, and proposed that the first round of by-elections after an ROE be held in November/December of that year, i.e. only one rural by-election in an ROE year; for the subsequent second and third year, by-elections would continue to be held twice a year in April/May and November/December; as for the fourth year after the ROE, only one by-election would be arranged for May/June of that year. The EAC agreed with the above timetable proposed by the HAD for rural by-elections. For details, please see paragraphs 11.45 to 11.51 of the “Report on the 2023 Rural Ordinary Election”.

9.7 Following the timetable, 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 in view of the potential implications of the two litigation proceedings regarding the legislation on the RR elections which might affect the rural by-election originally

scheduled for April/May 2024, the HAD, upon the approval of the EAC, postponed the first Rural By-election to 1 December 2024. The second Rural By-election was held on 27 April 2025 according to the timetable.

9.8 The HAD had, over two years after rural by-elections were implemented according to the timetable, discussed the rural by-election arrangements with the HYK. In the light of the fact that the actual number of RR vacancies to be filled in each of the rural by-elections arranged according to the timetable in the past was not substantial, that the vacancies left unfilled for some time did not seem to have caused a significant impact on the rural communities, and that the effective use of public resources has become a matter of concern to the society in recent years, the HAD and the HYK, having taken into consideration all the above factors, share the view that from the perspective of effective use of public resources, the arrangements for rural by-elections should be more flexible, and they suggest that future rural by-elections should be held in a timely manner in the light of the actual circumstances. The EAC preliminarily agrees that there is room to further reduce the number of rural by-elections to be held, and recommends that the HAD should engage in further discussions with the HYK on this matter, thereby proposing concrete recommendations for the EAC's consideration.

## **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 as well as 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 Registration and Electoral Office 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 will, in accordance with the EAC's recommendation, engage in further discussions with the HYK on the further reduction of the number of rural by-elections to be held and then make concrete recommendations for the EAC's consideration.

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

