CHAPTER 1

INTRODUCTION

PART I : THE RURAL REPRESENTATIVE ELECTION

1.1 The Rural Representative Election Ordinance (Cap. 576) ("RREO") brings the conduct of RR elections under statutory control, the scope of which covers the Indigenous Inhabitant Representative ("IIR") elections for Indigenous Villages ("IVs") or Composite Indigenous Villages ("CIVs"), the Resident Representative ("ReR") elections for Existing Villages ("EVs") and the Kaifong Representative ("KFR") elections for Market Towns ("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 An RR elected at a rural ordinary election holds office for four years beginning on the 1 April immediately following that election. Generally speaking, if there is any vacancy in the office of RR, a rural by-election shall be held as soon as practicable to fill such vacancy. However, the aforesaid by-election shall not be held within the four months preceding the end of the current term of office of the RR. [Ss 7 and 21(3) of the RREO]

1.4 When a rural ordinary election is to be held, the Secretary for Home and Youth Affairs ("SHYA") will publish the specified date of election in the Gazette, and the DHA will also publish a notice of election in the Gazette as soon

as practicable. For a rural by-election, the Gazette notice of the date of election will be published by the DHA. [S 20 of the RREO and ss 4 and 6 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L) ("EP (RRE) Reg")]

Types and Numbers of Rural Areas and Rural Representatives

1.5 There are altogether four types of Rural Areas in Hong Kong, namely EVs[1], IVs[2], CIVs[3] and MTs[4]. The names of the 695 EVs, 588 IVs and 15 CIVs (generally referred to as "Villages") are respectively set out in Schedules 1, 2 and 3 to the RREO. Many EVs are also IVs. Although these Villages share the same name, they belong to different types of Villages under the law. The names of the 2 MTs[5] are set out in Schedule 3A.

1.6 The RR election adopts the "first past the post" voting system, under which a total of 1 540 RRs are to be returned:

(a) 1 ReR is to be returned for each EV, making a total of 695 ReRs;

(b) 1 IIR or up to a maximum of 5 IIRs (depending on the number of IIRs of the respective Villages) is/are to be returned for each IV/CIV, making a total of 789 IIRs; and

(c) 39 and 17 KFRs are to be returned for the Cheung Chau and Peng Chau MTs respectively, making a total of 56 KFRs.

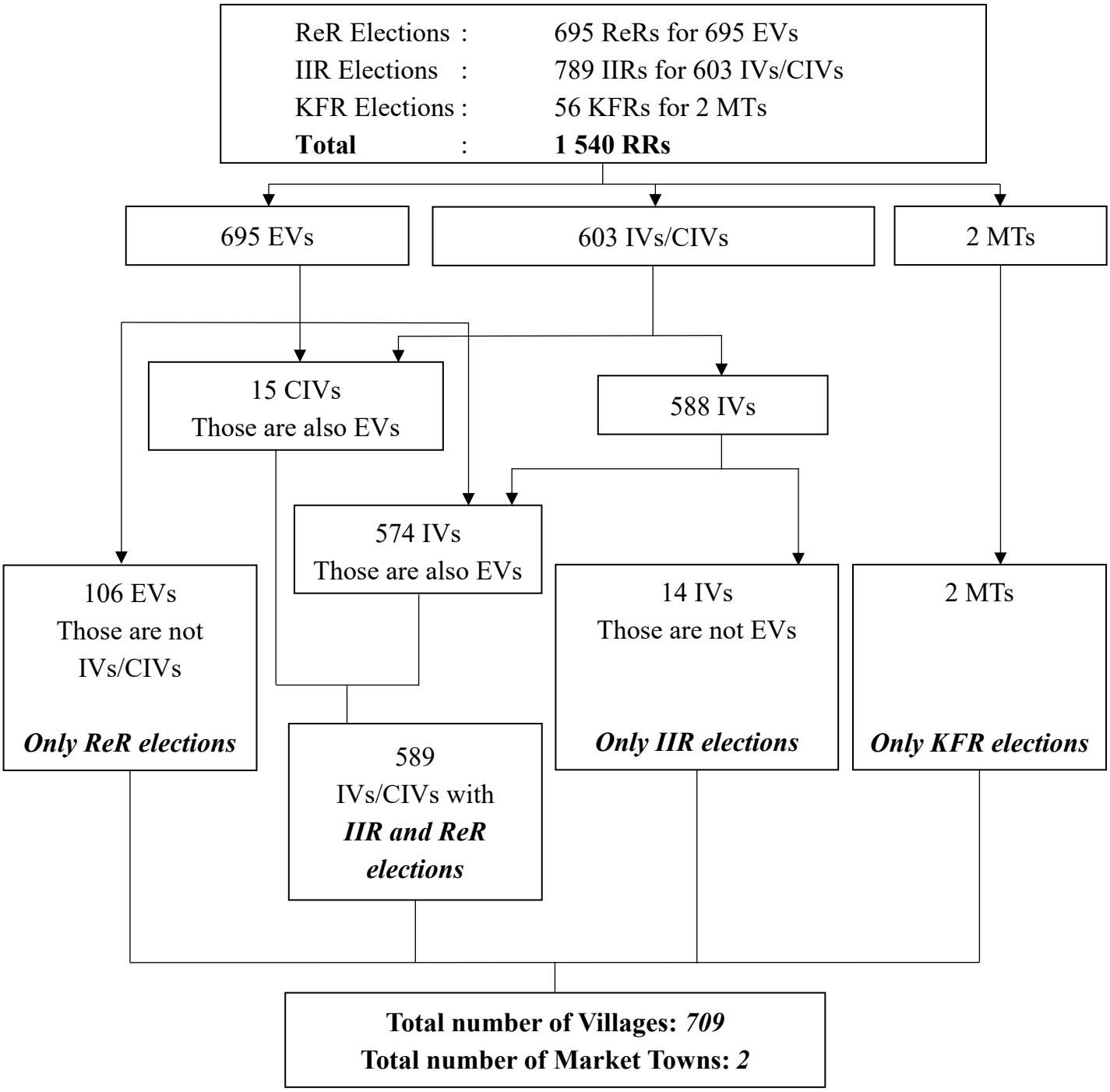
Details are set out in Chapter 2.

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[1] EVs can be identified by the boundary maps.
[2] IVs mean the ones that already existed in 1898, or the ones branching off from IVs that existed in 1898 (commonly referred to as "branched off IVs"), and are not identified by boundaries.
[3] CIV is composed of more than one IV.
[4] MTs can be identified by the boundary maps.
[5] Namely Cheung Chau and Peng Chau.

1.7 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, see the RREO. A list of EVs, IVs, CIVs and MTs is at ***Appendix 2.***

1.8 Apart from being entitled to elect the IIR of his IV or CIV, if he 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 one ReR or KFR of his respective EV or MT. In such a case, he can vote in two 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 one ReR, but he has no right to elect the IIR.

PART II : GOVERNING LEGISLATION

1.9 The following ordinances govern the RR elections:

(a) The EACO provides that the EAC is responsible for the conduct and supervision of the RR elections and matters incidental thereto;

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

(c) The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO") provides for the prohibition of election-related corrupt and illegal conduct and is administered by the Independent Commission Against Corruption ("ICAC").

1.10 In addition, the following subsidiary legislation provides for the detailed procedures for the conduct of the RR elections:

(a) The Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation (Cap. 541K) ("EAC (ROE) (RRE) Reg") regulates the registration of electors for the RR elections;

(b) The EP (RRE) Reg provides for the electoral procedures for the conduct of RR elections;

(c) The Maximum Amount of Election Expenses (Rural Representative Election) Regulation (Cap. 554B) prescribes the maximum amount of election expenses that can be incurred by a candidate or by another person on behalf of a candidate in an RR election;

(d) The Rural Representative Election (Registration of Electors) (Appeals) Regulation (Cap. 576A) sets out the procedures for hearing and ruling by Revising Officers[6] concerning the registration of electors for the RR elections; and

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

PART III : THE GUIDELINES

1.11 The EAC is empowered by the legislation to issue guidelines on the following matters related to an election:

(a) the conduct, supervision of, or procedure at an election;

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

(b) the activities, in connection with an election, 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 materials in connection with an election; and

(e) the procedure for making a complaint.

[S 6 of the EACO]

1.12 The aims of the 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 in buildings, to establish a code of conduct and a standard of good practices as regulations based on the principles of fairness and equality. The Guidelines are also issued for reference by members of the public, so as to enable them to give play to the role of monitoring the elections, and ensure that elections are conducted in an open, honest and fair manner.

1.13 The Guidelines apply to rural ordinary elections and by-elections. For the 2027 Rural Ordinary Election, candidates should also refer to the "Action Checklist for Candidates" issued by the HAD, see **Appendix 1**.

1.14 In the context of the Guidelines, the term "election" means an ordinary election or a by-election, as appropriate.

PART IV : SANCTION

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

1.16 If the EAC comes to know that a candidate or a person has breached the Guidelines, in addition to notifying the relevant authorities for action, the EAC might issue a **reprimand** or **censure** in a public statement and publish the name of the candidate and/or the person concerned in the public statement. Should the candidate and/or the person concerned breach the electoral law, he shall incur related criminal liability accordingly.