


立法會
Legislative Council

LC Paper No. CB(2)1826/04-05

Ref : CB2/PL/CA
Tel : 2869 9507
Date : 6 June 2005
From : Senior Council Secretary (2)4
To : All Members of the Legislative Council

**Guidelines on Election-related Activities in respect of
the Chief Executive Elections**

Further to the above Guidelines issued to Members on 27 May 2005, I attach for Members' retention a set of loose-leaf amendment sheets. Members are requested to arrange for the relevant pages in the Guidelines to be replaced.


(Mrs Eleanor CHOW)
Senior Council Secretary (2)4

Encl.
c.c. LA
SALA2

Part V	: The Processing of Complaint	163
Part VI	: Electoral Affairs Commission's Report on Complaints	165
Part VII	: Obligations of the Returning Officer, the Presiding Officer and the Registration and Electoral Office	165
Part VIII	: Sanction for False Complaint	166

APPENDICES

Appendix A	: Action Checklist for Candidates	167
Appendix B	: The 4 Sectors of the Election Committee and Subsectors of Sectors	175
Appendix C	: Methods of Folding of Election Advertisement	178
Appendix D	: List of Posting Offices for Election Communication	180
Appendix E	: Guidance Note on Safe Conduct of Election-related Activities	186
Appendix F	: Administrative Guidelines and Licensing Conditions for the issue of Public Fund-raising Permits for Non-charitable Purposes - Application Form for a Permit	188
Appendix G	: Canvassing Activities which are Forbidden within a No Canvassing Zone	196
Appendix H	: Personal Data Privacy: Guidance on Electioneering Activities	197
Appendix I	: Fair and Equal Treatment of Candidates by the Print Media	199
Appendix J	: Application Procedure for the Approval of Float Design	200
Appendix K	: Items of Expenses which may be Counted towards Election Expenses	202
Appendix L	: Support Clean Elections : A Handbook by the ICAC	205

Appendix M	: Form of Consent of Support	236
Annex	: Elaboration of Paragraph 16.6 of Chapter 16	240
Annex I	: Legal Provisions against Pressuring Electors Not to Nominate a Particular Candidate	240.1
INDEX		241

by the RO. The ordinary business hours on each working day (ie any day other than a general holiday or Saturday) in the nomination period for the RO to accept nominations are from 9 am to 5 pm, and on a Saturday, from 9 am to 12 noon. **Candidates are encouraged to submit their nominations well before the expiration of the nomination period to allow time for any errors in their nomination forms to be corrected.**

How to Nominate

3.6 Nomination forms specified by the EAC are available from the REO.

3.7 The nomination form comprises:

- (a) **The Nomination.** This must be subscribed to by not less than **100 electors.** An elector may nominate only one candidate, and the nomination shall not be withdrawn or revoked.

IMPORTANT :

A candidate who submits a nomination form on the last few days of the nomination period is advised to include more than the required number of subscribers for his nomination, to avoid the risk of invalidation of the nomination should 1 or more of the subscribers be subsequently found not to be qualified as subscribers. A candidate should make his best endeavour to ensure that the electors subscribing his nomination form are eligible and have not subscribed another nomination previously. Electors subscribing a nomination should sign the nomination form **personally.**

Please see **Annex I** on legal provisions against pressuring electors not to nominate a particular candidate. *[Added in June 2005]*

(b) The Candidate's Consent to Nomination and Declarations. This must be completed and signed by the candidate. There are the following declarations:

- (i) a declaration to the effect that the candidate stands for the election in an individual capacity and that he will uphold the Basic Law and pledge allegiance to the HKSAR; and
- (ii) a declaration as to the candidate's nationality and whether he has a right of abode in any foreign country.

[S 16 of the CEEO]

3.8 Candidates should ensure that their nomination forms are properly completed before submission. The completed nomination form must be lodged with the RO by the candidate **in person** during ordinary business hours within the nomination period (see para. 3.5). The RO may, in exceptional circumstances, eg the nominee's temporary absence from Hong Kong or incapacity due to illness, authorise any other form of delivery of the nomination form [s 4(1)(e) of the EP (CEE) Reg].

False Declarations

3.9 A candidate who knowingly and wilfully makes a statement which is false in a material particular in the declaration in the nomination form shall be guilty of an offence punishable by a fine and imprisonment for up to 2 years under the Crimes Ordinance (Cap 200) and the EP (CEE) Reg with the disqualifying effect as described in paras. 16.38 and 17.31 of these Guidelines [s 84(4) and (5) of the EP (CEE) Reg].

**Legal Provisions against Pressuring Electors
Not to Nominate a Particular Candidate**

In response to media enquiries on legal provisions against pressuring electors not to nominate a particular candidate, the Electoral Affairs Commission (“EAC”) gave the following reply on 31 May 2005:

Intimidation is an offence under section 24 of the Crimes Ordinance (Cap. 200). A person found guilty of the offence is liable on summary conviction to a fine of \$2,000 and two years’ imprisonment and on conviction upon indictment to five years’ imprisonment.

Bribery has always been an offence at common law punishable by fine or imprisonment.

The EAC, the Independent Commission Against Corruption and related authorities will handle all complaints received during the election process in accordance with the law.

The EAC will continue to ensure that the 2005 Chief Executive Election and all other future elections will be conducted in a fair, open and honest manner.

Dated 31 May 2005