

**Legislative Council Panel on Constitutional Affairs**

**Proposed Guidelines issued by the  
Electoral Affairs Commission on Election-related Activities  
in respect of the District Council Elections**

**Purpose**

This paper seeks Members' views on the Proposed Guidelines on Election-related Activities in respect of the District Council ("DC") Elections (the "proposed guidelines") issued by the Electoral Affairs Commission ("EAC").

**Background**

2. Under section 6(1) of the EAC Ordinance (Cap. 541), the EAC may issue guidelines relating to the conduct or supervision of an election. The aim of these guidelines is to provide a code of conduct, based on the principle of fairness and equality, for conducting election-related activities, and to provide directions in layman's language on how to comply with the relevant electoral legislation, so that candidates and other interested parties can avoid breaching the provisions inadvertently.

**The Proposed Guidelines**

3. The next DC ordinary election will be held on 18 November 2007. The EAC has updated the existing guidelines for DC elections, which were last amended in 2005, to facilitate the conduct and supervision of the 2007 DC election. Suitable alterations are made to the existing guidelines:

- (a) to provide for the new arrangements of allowing candidates to have certain specified particulars printed on ballot papers;
- (b) to set out the operational procedures of the newly introduced financial assistance scheme for DC election candidates;
- (c) to state the new election expense limit of \$48,000 as prescribed under the Maximum Amount of Election Expenses (DC Election) Regulation; and

- (d) to align the electoral arrangements for DC elections, where appropriate, with those for the other public elections.

In drawing up the proposed guidelines, we have also taken into account the operational experience and suggestions for improvements obtained from recent elections and by-elections. For Members' easy reference, key points on the major changes, as compared with the guidelines issued in 2005, are set out at **Annex**.

### **Public Consultation**

4. The proposed guidelines are made public today (7 June 2007) for a one-month consultation ending on 6 July 2007. Copies of the proposed guidelines have been distributed to Members. During the consultation period, members of the public are welcome to give EAC their views in writing on the proposed guidelines. There will also be a public forum on 22 June 2007. Members of the public can attend the forum and put forth their views to the EAC.

5. The EAC will take into account the views received during the public consultation period in finalising the guidelines. The final guidelines will be issued around September 2007.

### **Advice Sought**

6. Members are invited to give their views on the proposed guidelines. Members may also forward their views to the EAC Secretariat by post at 10/F Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong, by fax (fax no.: 2511 1682) or by e-mail ([eacenv@reo.gov.hk](mailto:eacenv@reo.gov.hk)) before the deadline on 6 July 2007.

Registration and Electoral Office  
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**Annex**

**Summary of major proposed changes**

**New measures**

- ❑ To set out the arrangements of allowing candidates to have certain specified particulars printed on ballot papers. (Part VIII of Chapter 3 of the proposed guidelines)
- ❑ To set out the operational procedures of the financial assistance scheme for DC election candidates. (Part VI of Chapter 15 of the proposed guidelines)

**Polling and counting arrangements**

- ❑ To state the increased maximum term of imprisonment under the law (i.e. from 3 months to 6 months) for offences relating to secrecy of votes. (paragraph 4.21 of the proposed guidelines)
- ❑ To state the increased maximum term of imprisonment under the law (i.e. from 3 months to 6 months) for unauthorised filming, photographing, audio/video recording in polling stations. (paragraph 4.29 of the proposed guidelines)
- ❑ To provide that in addition to the candidates and their election or counting agents, polling agents may also stay in the polling station while it is closed to prepare for the counting of votes. (paragraph 4.30 of the proposed guidelines)
- ❑ To provide that candidates, their election or counting agents may inspect certain kinds of ballot papers which are clearly invalid by their nature (i.e. tendered, spoilt, unused or unmarked ballot papers, ballot papers not marked with the “✓” chop provided at the polling station or containing votes for more than one candidate), but are not entitled to make representations to the Presiding Officers concerning such ballot papers. (paragraph 4.42 of the proposed guidelines)

### **Election advertisements, electioneering and election meetings**

- ❑ To increase the flexibility for candidates by clarifying that they may send to the Returning Officer their declaration on election advertisements and a copy of each election advertisement by fax or e-mail first, to be followed by the submission of the original copy of the declaration and two copies of each such election advertisements. (paragraph 7.47 of the proposed guidelines)
- ❑ To advise candidates that different organisations may have their own guidelines on the conduct of electioneering/election meetings at places under their management, and that it is desirable for candidates to consult them in advance and obtain permission, if required, for these activities at such places. (paragraphs 8.2 and 9.6 of the proposed guidelines)
- ❑ To advise candidates that access to a private office where the electors work may require the approval of the management of the office building or the company which employ the electors. The management of the office building or the company should have regard to the fair and equal treatment principle in considering whether to grant the approval. (paragraph 8.12 of the proposed guidelines)
- ❑ To remind candidates of the Transport Department requirements relating to the display of election advertisements on public light bus (for example, no election advertisement should be displayed on the windows which can obstruct the sight-line of the driver) and the carriage of standing passengers on vehicles (paragraphs 11.7 and 11.8 of the proposed guidelines)

### **Election expenses**

- ❑ To set out the new election expense limit of \$48,000 as prescribed under the Maximum Amount of Election Expenses (District Council Election) Regulation. (paragraphs 7.10 and 15.8 of the proposed guidelines)
- ❑ To clarify that a prescribed person who has applied under the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541M) to have his personal emblem registered with the EAC should not, by that act alone, be treated as having publicly declared an intention to stand for election.

(paragraph 15.2 of the proposed guidelines)