

IMPORTANT

1. These Guidelines come into operation on 5 December 2001 and will apply to all ordinary elections and by-elections of the Election Committee subsectors to be held after that date.
2. In these Guidelines, “he” means “he” or “she” as far as the context permits.
3. The law stated in these Guidelines is that prevailing as at the date of publication.
4. All specified forms referred to in these Guidelines are obtainable from the Registration and Electoral Office, tel: 2891 1001; fax: 2891 1180; e-mail: reoeng@reo.gov.hk and its website at <http://www.reo.gov.hk>.
5. Electioneering, campaigning and canvassing activities referred to in these Guidelines include any positive and negative campaigning conducted for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.
6. In the event that future amendments to these Guidelines are necessary, the updated Guidelines will be made available at the website of the Electoral Affairs Commission at <http://www.eac.gov.hk>.

2011 ELECTION COMMITTEE SUBSECTOR ELECTIONS

Key Information

- (1) Polling Date : 11 December 2011 (Sunday)
- (2) Polling Hours : 7:30 am to 10:30 pm
- (3) Nomination Period of Candidature : 8 to 15 November 2011
(for the non-District Councils Subsectors “non-DCSS”)
18 to 24 November 2011
(for the District Councils Subsectors “DCSS”)
- (4) Application Period for Nominations Advisory Committee’s Service by Candidate : (i) Between 19 August 2011 and 7 November 2011 (for candidates of the non-DCSS and nominees and designated bodies of the religious subsector)
(ii) Between 19 August 2011 to 17 November 2011 (for candidates of the DCSS)
- (5) Chairman’s Briefing for Candidates : (i) 18 and 19 November 2011
(for candidates of the non-DCSS)
(ii) 28 November 2011
(for candidates of the DCSS)
- (6) Maximum Scale of Election Expenses : (a) for an election for one of the following 8 EC subsectors, viz, Agriculture and Fisheries, Insurance, Transport, Hotel, Chinese People’s Political Consultative Conference, Heung Yee Kuk, Hong Kong and Kowloon District Councils, and New Territories District Councils subsectors \$100,000
(b) for an election for an EC subsector other than those in (a) above with not more than 5,000 registered voters \$160,000

- (c) for an election for an EC subsector with between 5,001 and 10,000 registered voters \$320,000
 - (d) for an election for an EC subsector with over 10,000 registered voters \$480,000
- (7) Deadline to remove all Election Advertisements on display : Not later than 21 December 2011 (if uncontested, not later than 2 December 2011 for candidates of the non-DCSS; and not later than 10 December 2011 for candidates of the DCSS)
- (8) Submission of Return and Declaration of Election Expenses and Donations by Candidate : Not later than 14 January 2012 (if uncontested, not later than 22 December 2011 for candidates of the non-DCSS; and not later than 30 December 2011 for candidates of the DCSS)
- (9) Deadline to lodge Appeal against Result of Election : Not later than 22 December 2011 (if uncontested, not later than 29 November 2011 for candidates of the non-DCSS; and not later than 7 December 2011 for candidates of the DCSS)

ABBREVIATIONS

| | |
|--------------------|---|
| AR, ARs | authorised representative, authorised representatives |
| ARO, AROs | Assistant Returning Officer, Assistant Returning Officers |
| Cap | Chapter of the Laws of Hong Kong |
| CCS | Commissioner of Correctional Services |
| CE | Chief Executive |
| CEEO | Chief Executive Election Ordinance (Cap 569) |
| CEO | Chief Electoral Officer |
| CFI | Court of First Instance |
| CPPCC | Chinese People's Political Consultative Conference |
| CRO | Chief Returning Officer |
| CSB | Civil Service Bureau |
| CSD | Correctional Services Department |
| DC, DCs | District Council, District Councils |
| DCO | District Councils Ordinance (Cap 547) |
| EAC | Electoral Affairs Commission |
| EAC (EP) (EC) Reg | Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I) |
| EAC (NAC) (EC) Reg | Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541H) |

| | |
|------------------------------|---|
| EAC (ROE) (FCSEC) Reg | Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541B) |
| EACO | Electoral Affairs Commission Ordinance (Cap 541) |
| EC | Election Committee |
| EC (Appeals) Reg | Election Committee (Appeals) Regulation (Cap 569A) |
| EC Subscribers & Deposit Reg | Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap 569C) |
| ECICO | Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) |
| ERO | Electoral Registration Officer |
| FC, FCs | functional constituency, functional constituencies |
| FR | final register |
| GC | geographical constituency |
| HYK | Heung Yee Kuk |
| ICAC | Independent Commission Against Corruption |
| IR | interim register |
| LCO | Legislative Council Ordinance (Cap 542) |
| LegCo | Legislative Council |
| NAC, NACs | Nominations Advisory Committee, Nominations Advisory Committees |
| NCZ, NCZs | no canvassing zone, no canvassing zones |
| NPC | National People's Congress |

| | |
|------------------|--|
| NSZ | no staying zone |
| para., paras. | paragraph, paragraphs |
| PD (P) O | Personal Data (Privacy) Ordinance (Cap 486) |
| POBO | Prevention of Bribery Ordinance (Cap 201) |
| PR | provisional register |
| printing details | name and address of printer, date of printing and number of copies printed |
| PRO | Presiding Officer |
| REO | Registration and Electoral Office |
| RO, ROs | Returning Officer, Returning Officers |
| S, s, Ss, ss | section, sections |
| TD | Transport Department |
| VR | village representative |
| VREO | Village Representative Election Ordinance (Cap 576) |

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CHAPTER 1

INTRODUCTION

PART I : THE ELECTION COMMITTEE AND THE SUBSECTOR ELECTIONS

1.1 The Election Committee (“EC”), which will consist of 1,200 members¹ starting from February 2012, is constituted under the Chief Executive Election Ordinance (Cap 569) (“CEEEO”) for the purpose of electing the Chief Executive (“CE”) of the Hong Kong Special Administrative Region. The CE is elected by the EC as prescribed in Annex I to the Basic Law and appointed by the Central People’s Government [s 7 of the CEEEO]. *[Amended in September 2006 and October 2011]*

1.2 The members of the EC must be Hong Kong permanent residents. The EC has 4 sectors, each composed of a number of subsectors (with a total of 38 subsectors). Amongst the 38 EC subsectors, members of 35 subsectors are returned by elections. The Hong Kong deputies to the National People’s Congress (“NPC”) and members of the Legislative Council (“LegCo”) are all ex-officio members of the EC, while members of the religious subsector are all

¹ The number of members of the EC will be increased from 800 to 1,200 starting from February 2012 when the new term of EC commences, and 10 of the 400 new seats will be allocated to Legislative Council (“LegCo”) Members. Since the number of the LegCo seats will only increase from 60 to 70 in October 2012 when the fifth term of LegCo commences, 10 “Special Member” seats would be created temporarily in the fourth sector of EC to make up the difference of 10 seats until the number of LegCo seats increases to 70 in October 2012. Out of these 10 “Special Member” seats, four will be allocated to Chinese People’s Political Consultative Conference (“CPPCC”) subsector, two to Heung Yee Kuk (“HYK”) subsector, two to Hong Kong and Kowloon District Councils (“DCs”) subsector and two to New Territories DCs subsector. The term of office of the “Special Members” will expire on the date on which the term of office of the fifth term of LegCo commences under the Legislative Council Ordinance (Cap 542) (“LCO”) in 2012. [S 2 of the Schedule to the CEEEO]

nominated to the EC by 6 designated bodies of that subsector. Details of the composition of the EC are found in Chapter 2. *[Amended in September 2006]*

1.3 The term of office of the EC is 5 years and will commence on 1 February in the year during which the term of office of the CE is to expire [s 9 of the CEEO]. The term of the EC therefore ties in with the 5-year term of the CE and with the electoral cycle. For a new term EC, a subsector ordinary election will be held to elect members assigned to each of the 35 subsectors by voters of the relevant subsector. A subsector ordinary election is to be held on a date specified by the CE [s 16 of the Schedule to the CEEO]. *[Amended in September 2006]*

1.4 The CE for a new (5-year) term will be elected by the new term EC. If a vacancy arises during the term of office of the CE, the current term EC will be responsible for electing a new CE. If an election for a new (5-year) term CE will be held within 6 months after a vacancy in office of the CE has arisen, it will not be necessary to hold a by-election [ss 6 and 9 of the CEEO]. Before a by-election is held to elect a CE, a subsector by-election and/or supplementary nomination will be held to update the membership of the EC if there are vacancies among the EC members [s 5(1)(b) of the Schedule to the CEEO]. However, no subsector by-election and/or supplementary nomination will be held if the membership of the EC has been updated within one year before a by-election is held to elect a CE. *[Amended in September 2006]*

Governing Legislation

1.5 The EC subsector elections and nominations of the religious subsector are governed by the statutory requirements provided in 3 different ordinances, namely the CEEO, the Electoral Affairs Commission Ordinance (Cap 541) (“EACO”) and the Elections (Corrupt and Illegal Conduct)

Ordinance (Cap 554) (“ECICO”). *[Amended in September 2006]*

1.6 The CEEO provides, among other things, for the constitution, membership and term of office of EC, registration of voters, conduct of subsector elections, election appeals and other related matters.

1.7 The EACO tasks the Electoral Affairs Commission (“EAC”) with the conduct and supervision of elections and matters incidental thereto.

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

1.9 These ordinances are complemented by a number of pieces of subsidiary legislation, including the eight set out in paras. 1.10 to 1.17 below, which provides the detailed procedures for the conduct of the EC subsector elections. *[Amended in September 2006]*

1.10 The electoral procedures for conducting EC subsector elections are provided in the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541I) (“EAC (EP) (EC) Reg”). *[Amended in September 2006]*

1.11 The Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541B) (“EAC (ROE) (FCSEC) Reg”) sets out the procedures for registration of voters for the EC subsectors. *[Amended in September 2006]*

1.12 The Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569B) sets out the procedures for hearing and ruling by Revising Officers concerning the

registration of voters for the EC subsectors². *[Amended in September 2006]*

1.13 The Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541H) (“EAC (NAC) (EC) Reg”) stipulates the appointment and functions of the Nominations Advisory Committees (“NACs”) and the procedures for seeking the NAC’s advice on the candidates’ eligibility for nomination for the EC subsector elections. *[Amended in September 2006]*

1.14 The Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap 569C) (“EC Subscribers & Deposit Reg”) sets out the requirements for subscription and the payment and return of election deposit for the EC subsector elections. *[Amended in September 2006]*

1.15 The Election Committee (Appeals) Regulation (Cap 569A) (“EC (Appeals) Reg”) sets out the procedures for appeal against result of subsector election to the Revising Officer and in relation to registration of nominees declared by the Returning Officer (“RO”) as members of the EC. *[Amended in September 2006]*

1.16 The distribution of the number of members of the EC among 6 religious bodies is provided in the Distribution of Number of Members Among Designated Bodies (Election Committee) Order 2001 (Cap 569D). *[Added in September 2006]*

1.17 The Maximum Scale of Election Expenses (Election Committee) Order (Cap 554I) sets out the maximum scales of election expenses that may be incurred by or on behalf of a candidate for election to the EC. *[Added in September 2006 and amended in October 2011]*

² The Revising Officer is a magistrate or any legal officer within the meaning of the Legal Officers Ordinance (Cap 87), appointed by the Chief Justice.

PART II : THE GUIDELINES

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

1.19 The aim of such guidelines is to provide a code of conduct based on the principle of fairness and equality for conducting election-related activities and some directions in layman's language on how to comply with the relevant electoral legislation so that candidates can avoid breaching them due to inadvertence. Guidelines are issued for reference by the public to ensure that all public elections are conducted in an open, honest and fair manner.

1.20 This set of Guidelines applies to both the EC subsector ordinary election and by-election. It explains the various electoral arrangements made for EC subsector elections, the legislative provisions and regulations as well as guidelines that should be observed by all parties concerned before, during and after an election and the procedure for lodging an election-related complaint. An action checklist for candidates can be found in **Appendix A**.

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

PART III : SANCTION

1.22 Members of the public, particularly voters of the subsectors, candidates and their agents as well as government officials engaged in election-related duties should read, familiarise themselves with, and strictly comply with these guidelines.

1.23 The EAC is committed to ensuring that all elections are conducted openly, honestly and fairly. If it comes to know that any candidate or person is in breach of the Guidelines, apart from notifying the relevant authorities for actions to be taken, it may 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). The reprimand or censure is separate from and additional to the criminal liability for any offences committed. *[Amended in October 2011]*

CHAPTER 2

COMPOSITION OF THE ELECTION COMMITTEE

PART I : THE SECTORS AND SUBSECTORS

2.1 The EC is composed of 4 sectors. The 4 sectors of the EC, their 38 constituent subsectors, and the number of EC members allocated to each of the subsectors [s 2 of the Schedule to the CEEO] are shown in **Appendix B**.

2.2 The 4 sectors comprise:

- (a) industrial, commercial and financial sectors;
- (b) the professions;
- (c) labour, social services, religious and other sectors; and
- (d) members of LegCo, representatives of district-based organisations, Hong Kong deputies to NPC, and representatives of Hong Kong members of the National Committee of the CPPCC.

2.3 The 38 subsectors comprise:

- (a) the NPC subsector;
- (b) the LegCo subsector;

- (c) the religious subsector;
- (d) 24 subsectors and the social welfare subsector (the part for individual voters only) having the same constituents as the corresponding functional constituencies (“FCs”) of the same name. These subsectors and their constituents are shown in **Appendix C**; *[Amended in September 2006]*
- (e) 3 pairs of subsectors, each pair corresponding to 1 FC. They are: the education subsector and the higher education subsector corresponding to the education FC, the tourism subsector and the hotel subsector corresponding to the tourism FC, and the Hong Kong and Kowloon DCs subsector and the New Territories DCs subsector corresponding to the DC (First) FC. Their constituents are shown in **Appendix D**; and
- (f) 5 subsectors having no equivalent FCs and are known as “optional subsectors”. They are the Chinese medicine, CPPCC, Employers’ Federation of Hong Kong, Hong Kong Chinese Enterprises Association and social welfare (the part for corporate bodies only) subsectors. Their constituents are shown in **Appendix E**.

2.4 Members are returned to the EC through an election by the voters of each subsector, with the exception of the NPC subsector, the LegCo subsector and the religious subsector. The Hong Kong deputies to the NPC and the members of the LegCo are ex-officio members of the EC, whilst members from the religious subsector are returned by way of nomination by the 6 designated bodies of the subsector.

**PART II : COMPILATION OF INTERIM REGISTER AND FINAL
REGISTER OF EC MEMBERS AFTER THE CONDUCT
OF AN EC SUBSECTOR ORDINARY ELECTION**

2.5 Before the office of the CE becomes vacant on the expiry of a 5-year term, subsector ordinary elections/nominations of the religious subsector will be conducted to form a new term EC which will then elect the new term CE. If the poll for the subsector ordinary elections for all subsectors is held on the same day, an interim register (“IR”) of the members of the new term EC shall be compiled and published within 7 days after the results of the EC subsector ordinary elections are published. If the poll for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an IR of members of the EC shall be compiled and published within 7 days after the results of the relevant elections are published. The Electoral Registration Officer (“ERO”) shall compile a final register (“FR”) of members of the new term EC on the basis of the IR of EC members, taking into account any amendments made, and publish the FR on the date when the term of office of the new EC commences [s 40 of the Schedule to the CEEO]. The FR of the current term EC members will not cease to have effect upon publication of the IR but will cease to have effect on the publication of the new FR [ss 40 and 43 of the Schedule to the CEEO]. *[Added in September 2006 and amended in October 2011]*

2.6 An EC member will be eligible to make nomination at the CE election and to vote at the poll unless he has become disqualified to do so under ss 16(5) and 26 of the CEEO. *[Added in September 2006 and amended in January 2010]*

**PART III : COMPILATION OF PROVISIONAL REGISTER AND
FINAL REGISTER OF EC MEMBERS FOR EC
SUBSECTOR BY-ELECTION**

2.7 The ERO may from time to time update the membership of the EC to reflect changes in the ex-officio membership of the EC by publishing a notice listing the names so added or removed [s 41 of the Schedule to the CEEO]. *[Amended in September 2006]*

Provisional Register of EC Members and Omissions List

2.8 When a vacancy arises in the office of the CE otherwise than due to expiry of the term of office, the ERO shall compile a provisional register (“PR”) of members of the existing EC within 14 days after the declaration of the vacancy. In compiling the PR, the ERO shall scrutinise the existing FR of the members of the EC, and strike out the names of persons (other than ex-officio members) whom the ERO is satisfied on reasonable grounds that they have passed away, resigned or deemed to have resigned from the EC³, or ceased to be eligible to be registered, or have been disqualified from being registered, under the LCO as an elector for a geographical constituency (“GC”). The name of such members would be entered on an omissions list [s 4(1), (3), (4)(a) and (b) of the Schedule to the CEEO]. The ERO will make the PR and

³ According to s 3(2) of the Schedule to the CEEO, an EC member (other than an ex-officio member) is deemed to have resigned from the membership of EC if he is also registered as an ex-officio member of the EC (ie a Hong Kong deputy to the NPC or a LegCo member). Besides, if EC members representing the Hong Kong and Kowloon DCs, New Territories DCs, CPPCC or the HYK subsector cease to be members of the DC, Hong Kong members of the National Committee of the CPPCC, or the Chairman or Vice-chairmen or Councillors of the Full Council of the HYK respectively, they are deemed to have resigned from the membership of the EC. They will cease to be EC members unless the cessation of membership is due to the expiry of the term of office in their respective representing bodies, and they are members in the immediately following term of office of the bodies concerned. [S 3(1), (1A), (1B) and (1C) of the Schedule to the CEEO.]

the omissions list available for public inspection at the Registration and Electoral Office (“REO”) for a period of 7 days. The time and place where they can be inspected will be published in the Gazette and in newspapers. In addition the PR and the omissions list will be made available for public inspection at District Offices for the specified period. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available, at a penal institution or the premises of a law enforcement agency as the case may be, a copy of the PR and the omissions list for his inspection if the ERO considers it appropriate to do so. The ERO may require persons who want to inspect the PR and/or the omissions list to produce an identity document and complete a form furnished by him. [S 4(5) of the Schedule to the CEEO and ss 25(1), (2), (4), (5) and (6) and 29(1), (3), (4) and (5) of the EAC (ROE) (FCSEC) Reg] *[Added in September 2006 and amended in January 2010]*

Objections and Claims

2.9 On or before the last day of the specified period, any person can lodge in person with the ERO an objection against any entry in the PR, and any person whose name has been included in the omissions list can lodge a claim in person with the ERO in respect of the omission of his name. To facilitate a person imprisoned or held in custody by a law enforcement agency to make such an objection or claim, he is allowed to deliver a notice of objection or claim to the ERO by post [s 48 of the Schedule to the CEEO and ss 30 and 31 of the EAC (ROE) (FCSEC) Reg]. *[Added in September 2006 and amended in January 2010]*

Final Register of EC Members

2.10 Based on the EC PR published, the EAC will ascertain the number of members representing each subsector (other than the NPC and

LegCo subsectors) to see if the number of members representing a subsector is less than the number of members allocated to the subsector. For subsectors where vacancies are identified, supplementary nomination(s) (in the case of the religious subsector) and/or subsector by-election(s) will be arranged to fill such vacancies [s 5 of the Schedule to the CEEO]. *[Added in September 2006]*

2.11 Within 7 days after the results of the subsector by-election(s) are published, the ERO will compile and publish the FR of the existing EC [s 40(2) of the Schedule of the CEEO]. For supplementary nomination(s) (in the case of the religious subsector), the ERO shall compile and publish the EC FR within 7 days after a nominee is declared as an EC member, unless the period during which the nomination is to be made and the nomination period for a subsector by-election coincide or partly coincide [s 40(3) of the Schedule of the CEEO]. This EC FR, which will be made available for public inspection at the REO and all of the District Offices, will include:

- (a) changes, if any, in the ex-officio membership of the EC (see para. 2.7); and
- (b) new members returned by the supplementary nomination(s) and/or subsector by-election(s) (see para. 2.10).

The time and place where the FR can be inspected will be published in the Gazette and in newspapers. Publication of the notice is to be taken as the publication of the FR. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available, at a penal institution or the premises of a law enforcement agency as the case may be, a copy of the FR for his inspection if the ERO considers it appropriate to do so. The ERO may require persons who want to inspect the FR to produce an identity document and complete a form furnished by him. [S 39(1), (2), (4) and (4A) of the EAC (ROE) (FCSEC) Reg] *[Added in September 2006 and amended in January 2010]*

2.12 An EC member will be eligible to make nomination and to vote at the CE election unless he has become disqualified to do so under ss 16(5) and 26 of the CEEO. *[Added in September 2006]*

CHAPTER 3

REGISTRATION OF VOTERS AND VOTING SYSTEM

PART I : GENERAL

3.1 According to the CEEO, the EC shall be constituted on 1 February in the year in which the term of office of the CE is to expire, and a subsector ordinary election will be held to elect members of the EC for a new term of office of the EC (see paras. 1.3 to 1.4 of Chapter 1). Subsector by-elections will be conducted, if necessary, to fill any vacancy in the EC membership before the EC is required to elect a new CE if a vacancy arises during the term of office of the CE. *[Amended in September 2006]*

3.2 Members of the EC from the religious subsector are returned by nomination. For any vacancy in the EC membership in the religious subsector, a supplementary nomination will be arranged to fill the vacancy, if necessary.

PART II : REGISTRATION OF VOTERS FOR SUBSECTORS

Eligibility to Vote

3.3 Only a registered voter for a subsector, ie a person whose name appears on the subsector FR which is in force at the time of the subsector election is eligible to vote at a subsector election to elect members of the EC for that subsector. A corporate voter may vote at a subsector election only by

its authorised representative (“AR”). [S 28 of the Schedule to the CEEO]
[Amended in September 2006]

Qualification for Registration as a Voter

3.4 There are 2 kinds of voters for most of the subsectors of the EC: natural persons (ie individuals) and bodies (ie corporate voters). An individual is eligible to be registered as a voter for a subsector only if he is registered as an elector for a GC or is eligible to be registered as an elector for a GC and has applied to be so registered. A corporate voter is required to select an eligible individual to be its AR for the purpose of casting its vote at the election, otherwise it cannot vote [s 28(3) of the Schedule to the CEEO]. An individual is eligible to be appointed as an AR of a corporate voter only if he:

- (a) is registered, or eligible to be and has applied to be registered, as an elector of a GC;
- (b) has a substantial connection with the corporate voter;
- (c) is not registered, and has not applied to be registered, as a voter for the subsector of the corporate voter; and
- (d) is not disqualified from being registered or voting under s 31 or 53 of the LCO.

[S 13(2) of the Schedule to the CEEO]

An AR of a corporate voter is not eligible to be selected as the AR of another corporate voter. An AR must be registered with the ERO. **A corporate voter is required to give notice of appointment of its AR to the ERO in its**

application form for registration as a corporate voter. It may thereafter from time to time appoint a replacement AR by sending a specified form to reach the ERO not later than 14 days before the polling day of its subsector. If the ERO is satisfied that the AR is dead or seriously ill or physically or mentally incapacitated, the deadline of 14 days for replacement is extended to 3 working days before the relevant polling day. [S 20 of the EAC (ROE) (FCSEC) Reg]

3.5 An elector of an FC is eligible to become a voter of the corresponding subsector or, in respect of the education, tourism and DCs FCs, the appropriate one of the two corresponding subsectors.

3.6 Except a person who is only eligible to be registered in any one of the 5 optional subsectors in para. 2.3(f) of Chapter 2 but not in any of the other subsectors, every person who is registered as a voter for a subsector with the same name as an FC must be registered for that FC and vice versa. The individual/corporate voter cannot choose to be registered only in a subsector but not an FC, or only registered in an FC but not a subsector [s 12(10)(a) and (b) of the Schedule to the CEEEO].

3.7 An individual/corporate voter is not entitled to be registered for more than one subsector:

- (a) he/it is only entitled to be registered for the subsector which is corresponding to the FC (“corresponding subsector”) in which he/it is registered;
- (b) but if a person/corporate voter is eligible to be registered in one or more of the 5 optional subsectors and also eligible for any corresponding subsector (except for the Hong Kong and Kowloon DCs subsector and the New Territories DCs subsector),

then he/it is eligible to choose between one of the 5 optional subsectors or the corresponding subsectors; however

- (c) if a person is eligible to be registered for the Hong Kong and Kowloon DCs subsector or the New Territories DCs subsector, he may be registered only as a voter for the Hong Kong and Kowloon DCs subsector or the New Territories DCs subsector, as the case may be. [S 12(11)(c) and (d) of the Schedule to the CEEO]

[Amended in October 2011]

3.8 A list showing the 28 FCs and 38 EC subsectors, the relationship between them, and whether a choice is available to the voter, etc is shown in **Appendix F** for easy reference.

Disqualifications from Voting

3.9 A person registered as a voter for a subsector is disqualified from voting at a subsector election for that subsector if he:

- (a) has ceased to be eligible to be registered as a voter for that subsector;
- (b) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (c) is a member of the armed forces of the People's Republic of China or any other country or territory.

[S 30 of the Schedule to the CEEO] *[Added in September 2006 and amended in January 2010]*

Application for Registration

3.10 The registration of voters is undertaken in accordance with the provisions of the EAC (ROE) (FCSEC) Reg.

3.11 A person (either an individual or a body) may send in his/its application for voter registration on the specified form to the ERO any time in the year. However, for inclusion of his/its name in the PR to be published not later than 15 June in each year other than a DC ordinary election year (or 15 August for a DC election year), his/its application form must have been received by the ERO on or before 16 May in that year (or 16 July for a DC election year). [S 19 of the EAC (ROE) (FCSEC) Reg] *[Amended in September 2006 and January 2010]*

Change of Residential Address and other Personal Particulars

3.12 It will not be necessary for a registered voter (either individual or body) to re-apply for registration every year. *[Added in January 2010]*

3.13 However, in the case of a registered individual voter, please note the following:

- (a) If he has changed his residential address, he **must notify** the ERO **of his new address** in Hong Kong to ensure that he will be registered in the current register of voters.
- (b) He should notify the ERO of any change of circumstances that may affect his eligibility (eg his connection with a particular

subsector). Based on such information from the voter, the ERO will decide whether he remains eligible to be registered, and if so, in which subsector.

- (c) Apart from address, any registered voter who has changed his other personal particulars (eg name, telephone numbers and email address) should also notify the ERO of such change.
- (d) He should notify the ERO of any change of any registration particulars in writing or by sending in a new registration form with the altered particulars. In order to allow the alteration of his particulars to be effected in the next FR of voters, the voter **must notify** the ERO as soon as possible and the **latest by 29 June in a non DC election year** (or 29 August in a DC election year). A voter who has reported change of particulars will be sent a notice by the ERO showing his updated electoral record.
- (e) If the voter has **failed to update the ERO of his new address in Hong Kong**, or if he has emigrated overseas or ceased to be ordinarily resided in Hong Kong, **his name may be removed from the register of voters.**

[Added in January 2010]

3.14 In the case of a registered corporate voter, if it has changed its particulars (eg name, address, telephone number), it should also notify the ERO.

In this regard, para. 3.13 (b) and (d) apply to a corporate voter in the same way as they apply to an individual voter. For the AR of a corporate voter, para. 3.13 (a), (b), (c), (d) and (e) above apply to change in his particulars. *[Added in January 2010]*

The Provisional Register and the Omissions List

3.15 The PR of voters for subsectors will be published by the ERO not later than 15 June in each year in a non DC election year (or 15 August for a DC election year). It includes:

- (a) the names and addresses of those eligible voters whose names appear in the subsector register or FC register, as the case may be, currently in force, updated and corrected by the ERO based on reported or available information;
- (b) the names and addresses of the eligible new applicants who have applied for registration in the FC or subsector concerned on or before 16 May of that year (or 16 July for a DC election year); and
- (c) the names of the ARs of the corporate voters.

This PR is available for public inspection at the REO and some of the District Offices of the Home Affairs Department not later than 29 June in a non DC election year (or 29 August for a DC election year) [s 29 of the EAC (ROE) (FCSEC) Reg]. *[Amended in September 2006]*

3.16 At the same time when the subsector PR was published, the ERO also publishes an omissions list in respect of the subsectors containing the

names and addresses of persons who were formerly registered as subsector voters, but are taken out from the PR and proposed to be omitted from the next FR, based on the information received by the ERO who is satisfied on reasonable grounds that the persons concerned are no longer eligible to be registered or are disqualified. For an imprisoned person who used his last dwelling-place in Hong Kong at which he resided or the address last recorded under the Registration of Persons Regulations (Cap 177A) as the address for registration as a voter, if the ERO is satisfied on reasonable grounds that he has served a sentence of imprisonment and left the prison without reporting his new residential address to the ERO, the ERO must enter his name and address on the omissions list according to the procedures prescribed in the relevant legislation. The names and addresses of the persons included in the omissions list will not appear in the PR [s 24 of the EAC (ROE) (FCSEC) Reg and s 9(2A) of the EAC (ROE) (GC) Reg]. *[Amended in January 2010]*

3.17 The time and place where the PR and the omissions list can be inspected will be published in the Gazette and in newspapers. Publication of the PR is done by publication of that notice. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available at a penal institution or the premises of a law enforcement agency as the case may be a copy of the PR and the omissions list for his inspection if the ERO considers it appropriate to do so. The ERO may require persons who want to inspect the PR and/or the omissions list to produce an identity document and complete a form furnished by him. [Ss 25(1), (2), (4), (5) and (6) and 29(1), (3), (4) and (5) of the EAC (ROE) (FCSEC) Reg] *[Amended in September 2006 and January 2010]*

Objections and Claims

3.18 Members of the public may lodge in person with the ERO objections as regards entries in the subsector PR not later than 29 June in a non

DC election year (or 29 August for a DC election year). On or before that date, a dissatisfied applicant or a person whose name has been included in the omissions list may lodge a claim in person with the ERO in respect of the entry or any omission concerning himself/itself. To facilitate a person imprisoned or held in custody by a law enforcement agency to make such an objection or claim, he is allowed to deliver a notice of objection or claim to the ERO by post. Cases of objections and claims will be referred to the Revising Officer for consideration. The Revising Officer will rule on each objection or claim and decide on the inclusion, exclusion, or correction of the entry concerned in the FR. [Ss 30 and 31 of the EAC (ROE) (FCSEC) Reg] *[Amended in September 2006 and January 2010]*

The Final Register

3.19 The subsector FR is to be published not later than 25 July in a non DC election year (or 25 September for a DC election year). It will include the entries in the PR, the updated names and addresses of voters who have applied to alter their particulars on or before 29 June in that year (or 29 August for a DC election year), and the names and addresses of those who were subject to a notice of objection or claim, updated and corrected to reflect the decisions of the Revising Officer as appropriate. The ERO will also take the opportunity to remove those entries of voters who are known to be dead and to correct any mistakes in the PR. The FR for the subsectors will be valid until the publication of the next FR. It will be available for public inspection at the REO and some of the District Offices of the Home Affairs Department. [S 38 of the EAC (ROE) (FCSEC) Reg]

3.20 The time and place where the FR can be inspected will be published in the Gazette and in newspapers. The publication of the notice is to be taken as the publication of the FR. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available,

at a penal institution or the premises of a law enforcement agency as the case may be, a copy of the FR for his inspection if the ERO considers it appropriate to do so. The ERO may require persons who wish to inspect the FR to produce an identity document and complete a form furnished by him. [S 38(1), (2), (4) and (4A) of the EAC (ROE) (FCSEC) Reg] *[Amended in September 2006 and January 2010]*

IMPORTANT :

Information relating to a person contained in any register of voters or in any extract of any register of voters **can only be used for election-related purposes** under the electoral legislation. Any **abuse** or **misuse** of such information is an offence punishable with a fine at level 2 (up to \$5,000) and imprisonment for 6 months [s 42(3) of the EAC (ROE) (FCSEC) Reg].

3.21 The 2011 FR for the Hong Kong and Kowloon DCs subsector and the New Territories DCs subsector will be published not later than 25 September 2011. Since the coming EC subsector election will be held in December 2011 (about one month after the DC ordinary election in November 2011), the newly elected DC members will be automatically registered in the DCs subsectors after the DC election. To avoid any possible dual registration in the EC subsectors, if a newly elected DC member has already been registered as a voter in another subsector, his name would be removed from the FR of such subsector at the same time when the person concerned is automatically registered in the DCs subsectors. The ERO would arrange the publication of the 2011 FR for the Hong Kong and Kowloon DCs subsector and the New Territories DCs subsector in the same manner as set out in para. 3.20 above. [S 14(1B) and (1C) of the Schedule to the CEEO] *[Added in October 2011]*

PART III : THE VOTING SYSTEM FOR SUBSECTOR ELECTIONS

3.22 The voting system adopted for the EC subsector elections is the simple or relative majority system, commonly known as the “first past the post” system [s 29(1) of the Schedule to the CEEEO]. A voter may vote for as many candidates as the number of members allocated to a subsector at subsector ordinary elections, or the number of members to be returned at the by-elections, and no more. In the case of a single vacancy to be filled, the candidate that obtains the highest number of votes will be elected. In the case of 2 or more vacancies, the candidates elected will be the candidate that obtains the highest number of votes followed by the candidate with the second highest number of votes, and so on, until all vacancies have been filled.

3.23 In the event that there is still one more vacancy to fill and the remaining successful candidates have the same number of votes, the RO will have to arrange the drawing of lots to determine which one of these candidates should be elected to fill the last vacancy. *[Amended in September 2006]*

3.24 When the successful candidate has to be determined by the drawing of lots, 10 table-tennis balls each marked with a number from 1 to 10 will be put into an empty opaque bag, to be provided by the REO. Each candidate is to draw 1 ball from the bag. The number marked on the ball should be noted by the RO and the ball should be put back into the bag. The other candidate(s) will draw in the same way. The candidate on whom the lot falls is to be returned at the election. The RO would draw the lot on behalf of the candidate if the latter is absent at the time of drawing lots.

- (a) Where there is only 1 vacancy to be filled and there are 2 candidates, the candidate who draws the larger number from 1 to 10 will be the winner. 1 is the smallest number and 10 is the largest number.

- (b) Where there is only 1 vacancy to be filled and there are more than 2 candidates, if in the first draw, the numbers drawn by the candidates are different, then the candidate who draws the largest number will win. If, on the other hand, 2 or more of the candidates have drawn the same larger number and the remaining candidate(s) has/have drawn a smaller number, there must be a second draw. As the system of voting for the election is “first past the post”, only those candidates who have drawn the same larger number in the first draw will participate in the second draw.
- (c) Where there are 3 candidates having an equal number of votes and there are only 2 vacancies to be filled, if the 3 candidates have obtained respectively the largest, the larger and the smallest numbers, the 2 candidates who have obtained the largest and the larger numbers should be successful in getting the 2 vacancies, and the remaining candidate will fail. If the 3 candidates have obtained respectively 2 larger equal and 1 smaller numbers, then again the 2 candidates who have obtained the larger equal numbers will be the winners to fill the 2 vacancies. If the 3 candidates have obtained respectively a larger and 2 equal smaller number, the candidate who has obtained the larger number will be successful and the remaining 2 candidates will participate in a second draw. The same principle will apply where there are more than 3 candidates having an equal number of votes and the number of vacancies to be filled is less than the number of candidates. *[Amended in September 2006]*

3.25 After the successful candidates of the CPPCC, HYK, Hong Kong and Kowloon DCs and New Territories DCs subsectors are returned, the “Special Members” seats will be taken up by those remaining candidates who obtain the greatest number of votes in the respective subsectors. *[Added in October 2011]*

3.26 In the event that the number of candidates in the respective subsectors who have the same number of votes exceeds the number of “Special Members” seats in that subsector, the RO will determine the result by drawing lots as set out in para. 3.24 above. *[Added in October 2011]*

3.27 As soon as practicable after the result of the elections has been determined, the RO should publicly declare as elected the successful candidate or candidates.

3.28 In the event that before the declaration of the result of the elections, proof is given to the RO’s satisfaction that the successful candidate or one of the successful candidates has passed away or has been disqualified from being elected, then the RO should not declare that candidate as elected. His place will then be taken by another candidate who has not yet been returned, if any, or a remaining candidate with the next highest number of votes, if any.

CHAPTER 4

NOMINATION OF CANDIDATES

PART I : QUALIFICATION AND DISQUALIFICATION FOR NOMINATION

4.1 The law governing the qualification and disqualification for the nomination of candidates for the election of the EC subsectors is contained in the Schedule to the CEEO. The procedure for nomination of candidates for the EC subsector election is provided in the EAC (EP) (EC) Reg and EAC (NAC) (EC) Reg made by the EAC. *[Amended in September 2006]*

Qualifications

4.2 A person is eligible to be nominated as a candidate at an EC subsector election if he:

- (a) has reached the age of 18 years;
- (b) is both registered and eligible to be registered for a GC; and
- (c) is both registered as a voter and eligible to be registered as a voter for the relevant EC subsector or satisfies the RO for the relevant EC subsector that he has a substantial connection with the EC subsector.

[S 17 of the Schedule to the CEEO]

Disqualifications

4.3 A person is disqualified from being nominated as a candidate at a subsector election and from being elected as a member of the EC if he:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) has in Hong Kong, or in any other place, been sentenced to death or imprisonment (by whatever name called) and has not either served the sentence or any substitute sentence or received a free pardon;
- (d) on the date of nomination or of the subsector election, is serving a sentence of imprisonment;
- (e) is or has been convicted within 3 years before the polling day:
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the ECICO;
 - (ii) of an offence against Part II of the POBO; or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being to be incapable, by reason of mental incapacity, of managing and administering his property and affairs under the Mental Health Ordinance (Cap 136); or

- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

[S 18 of the Schedule to the CEEO] *[Amended in September 2006 and October 2011]*

4.4 If a person is not an elected member of the Hong Kong and Kowloon DCs and New Territories DCs, a Hong Kong member of the National Committee of the CPPCC or the Chairman, a Vice-Chairman or a Councillor of the Full Council of the HYK, he is disqualified from being nominated as a candidate at a subsector election for the respective subsector, or from being elected as an EC member representing the respective subsector [s 18A of the Schedule to the CEEO]. *[Added in September 2006 and amended in October 2011]*

PART II : NOMINATIONS ADVISORY COMMITTEES

4.5 The EAC has the power to appoint NACs to provide advice, on request, to prospective candidates and ROs on the candidates' eligibility for nomination [s 3 of the EAC (NAC) (EC) Reg]. Each of these NACs is in the charge of either a Senior Counsel or a legal practitioner of not less than 10 years standing in accordance with established practice who, in the opinion of the EAC, is unconnected to any candidate or political organisation in Hong Kong, and is independent and impartial. *[Amended in September 2006]*

NAC's Service to Candidates

4.6 NAC's service will be provided to candidates **only at an EC subsector ordinary election**. During a period to be announced by the REO – which normally ends 1 day before the commencement of the nomination – prospective candidates may apply, by completing a specified application form

obtainable from the REO or from any District Office, for the advice of the NAC as to whether he is qualified to be, or is disqualified from being, nominated as a candidate. He may make only 1 application in respect of a particular EC subsector election. While a prospective candidate may apply for advice only once in respect of a particular EC subsector, he may apply for advice in respect of more than 1 EC subsector.

4.7 The application must be:

- (a) sent to the Chief Electoral Officer (“CEO”) by post or facsimile transmission so as to be received by him; or
- (b) served on the CEO personally,

on or before the deadline for application to be specified by the EAC.

[Amended in October 2011]

4.8 An NAC may, before giving its advice, request the applicant to make available to it within a specified period any information, particulars and evidence relating to his intended candidature. The NAC may also request the applicant to present himself before it at a specified time and place to assist it in the consideration of the application. The applicant may, at the specified time and place, make representations to the NAC personally or through any person authorised by him in writing for the purpose.

4.9 Where an applicant does not make available any information, particulars or evidence as requested by the NAC, or fails to present himself before the NAC in response to a request, the NAC may:

- (a) refuse to consider the application or to give any advice on it; or

- (b) give qualified advice on the application having regard to either or both of the following:
 - (i) the fact that any information, particulars or evidence, or where appropriate, all of them, were not available to it;
 - (ii) the failure of the applicant to present himself before the NAC.

4.10 The NAC's advice to an applicant, including a decision to refuse to consider an application or to give advice, will be in writing and will be sent to the applicant not later than a date to be specified by the EAC.

4.11 The NAC's service is also available to designated bodies in the religious subsector nomination process, regarding the qualification or disqualification of persons proposed to be nominated by such designated bodies and the proposed nominees themselves.

4.12 Any advice given by an NAC or a refusal to give any such advice does not preclude a person from seeking nomination as a candidate in an election or proceeding with a nomination, if he so wishes.

[S 6 of the EAC (NAC) (EC) Reg]

NAC's Service to ROs

4.13 NAC's service will be provided to ROs **at both EC subsector ordinary elections and by-elections**. During the period from the commencement, up to 1 day after the close of the nomination period, ROs may seek the advice of an NAC, where they consider necessary, on the eligibility for nomination of (a) the candidates who have submitted their nominations; and (b) for the religious subsector, the nominees proposed by designated bodies.

4.14 The RO is required, in making a decision as to (a) whether a particular candidate is validly nominated in respect of the subsector for which the candidate seeks nomination, or (b) whether a particular nominee is validly nominated in respect of the religious subsector for which a designated body proposes the nomination, to have regard to any advice given by an NAC on that candidate/nominee [s 14 of the EAC (EP) (EC) Reg]. The decision on the validity of nomination, however, remains with the RO alone.

[S 7 of the EAC (NAC) (EC) Reg]

PART III : WHEN AND HOW TO NOMINATE

When to Nominate

4.15 Nominations may be made during the **nomination period** specified in the Notice of Election published in the Gazette [ss 4 and 5 of the EAC (EP) (EC) Reg]. An election timetable will be provided to each candidate 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 ROs 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

4.16 Nomination forms specified by the EAC are available from any District Office of the Home Affairs Department or from the REO.

4.17 The nomination form comprises:

(a) The Nomination

It must be subscribed by not less than **5 voters registered for the EC subsector concerned** (other than the candidate himself), and each voter may only subscribe **as many nominations** regarding a particular EC subsector **as there are vacancies** to be filled [s 8(1), (2) and (3) of the EC Subscribers & Deposit Reg]. *[Amended in September 2006]*

If, however, the nomination subscribed by a voter has been held to be invalid, or the candidate withdraws his nomination, he may subscribe another one instead before the end of the relevant nomination period, and his signature shall not be inoperative on that other nomination form. Under this scenario, if he subscribes more than 1 nomination form in contravention of the regulations, his signature shall be operative only on the first one delivered [s 8(4) of the EC Subscribers & Deposit Reg]. *[Amended in September 2006]*

To ensure that the voter can make nomination in only one subsector, only the first nomination paper nominating any candidate for a subsector at a subsector election which has been delivered to the RO by a voter of the subsector is operative, and the nomination paper of any candidate for another subsector by the same voter at a subsector election that has not been so delivered is inoperative if the two elections are to be held on the same day or if the nomination periods for the two elections coincide or partly coincide. [S 8(5) of the EC Subscribers & Deposit Reg] *[Added in October 2011]*

IMPORTANT :

A candidate who submits a nomination form on the last few days of the nomination period is advised to include more than the minimum required number of subscribers for his nomination, to avoid the risk of invalidation of the nomination should one 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 voters subscribing his nomination form are eligible. Voters subscribing a nomination should sign the nomination form **personally**. *[Amended in October 2006]*

No illegal act shall be used to cause a voter to subscribe or not to subscribe a nomination. Intimidation is an offence under s 24 of the Crimes Ordinance (Cap 200), punishable by a fine or up to 5 years' imprisonment. Bribery is also an offence punishable by fine or imprisonment. *[Amended in September 2006]*

(b) **The candidate's consent to nomination and declarations**

This must be completed and signed by each candidate and endorsed by a witness. A candidate must sign a declaration to the effect that the candidate is eligible to be nominated as a candidate for the particular subsector, is not disqualified from being so nominated, and consents to being so nominated.

[For details, see s 8 of the EAC (EP) (EC) Reg.]

IMPORTANT :

In the EC subsector election, no person shall be nominated for more than 1 EC subsector [s 20 of the Schedule to the CEEO].

When a person submits his nomination form, he must have withdrawn all his prior nominations, if any, and make a declaration (contained in the specified form) that either he has not been nominated before for any other subsector in the election, or if he has been so, he has withdrawn all those prior nominations. Where a candidate stands nominated [see para. 4.24 below], any of his subsequent nominations will be rejected as invalid.

In the nomination form, a candidate is required to state his occupation, and he is free to state his political affiliation for publication if he so prefers. Candidates should make sure that their nomination forms are properly completed before submission.

4.18 Each nomination form must be submitted to the RO for the subsector concerned together with the payment of an appropriate election deposit (see Part IV of this chapter for details). The RO may refuse to accept any nomination form where there is a material alteration of its content.

4.19 The completed nomination form must be lodged with the RO for the subsector concerned by the candidate **in person** during ordinary business hours, ie the hours between 9 am and 12 noon on a Saturday and the hours between 9 am and 5 pm on any day other than a general holiday, within the nomination period. The CEO 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 to the RO [s 8(13) of the EAC (EP) (EC) Reg].

False Declarations

4.20 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 under the Crimes Ordinance (Cap 200) punishable by a fine and imprisonment for up to 2 years. Under the EAC (EP) (EC) Reg, a person who knowingly or recklessly makes a false or incorrect statement in a material particular or knowingly omits a material particular from an election-related document commits an offence and he shall be punishable by a fine and imprisonment for 6 months with the disqualifying effect as described in paras. 16.43 and 17.33 of these Guidelines [s 101(4) of the EAC (EP) (EC) Reg].
[Amended in September 2006 and October 2011]

PART IV : ELECTION DEPOSIT

Payment of Election Deposit

4.21 Each nomination form must be presented with the payment of an election deposit of \$1,000, in cash or by cheque, as prescribed by regulation made by the CE in Council [s 19 of the Schedule to the CEEO and s 3 of the EC Subscribers & Deposit Reg].

4.22 A nomination form will not be received by the RO unless it is accompanied by the required sum of election deposit.

IMPORTANT :

Candidates are encouraged to pay their election deposit by cash or cashier order although they may pay by crossed cheque. In the event that a cheque is dishonoured, the nomination will be ruled invalid unless the sum of deposit is made good before the expiration of the nomination period. In order to avoid the risk of invalidation of the nomination due to dishonoured cheque,

candidates are strongly advised to submit the election deposit in cash or cashier order if they submit nomination in the last 3 working days (excluding Saturday) of the nomination period.

Return of Election Deposit

4.23 The deposit will be returned to the candidate:

- (a) if he is not validly nominated;
- (b) if his nomination has been withdrawn;
- (c) if he has passed away or is disqualified from being nominated;
- (d) if he is elected ⁴; or
- (e) if he secures in his favour not less than 2.5% of the total number of ballot papers containing valid votes received in the EC subsector election or 5 such ballot papers, whichever is the greater.

The deposit will be forfeited if none of the above conditions is satisfied.

[For details, see ss 4 and 5 of the EC Subscribers & Deposit Reg.]

⁴ In accordance with s 2A(10) of the Schedule to the CEEO, a “Special Member” is regarded as an unsuccessful candidate for the purposes of s 5 of the EC Subscribers & Deposit Reg.

PART V : VALIDITY OF NOMINATIONS

[Ss 13, 14 and 15 of the EAC (EP) (EC) Reg and s 22 of the Schedule to the CEEO]

4.24 Where the RO has received a nomination form within the nomination period, the candidate will be deemed to stand nominated unless the RO decides that the nomination is invalid.

4.25 The RO will make a decision as to the validity of a nomination as soon as practicable after receipt of the nomination form and will publish a notice stating which persons are validly nominated as candidates [s 22 of the Schedule to the CEEO].

4.26 Where the RO has doubts as to whether or not a particular candidate is qualified to be nominated, he may apply to an NAC for advice.

4.27 Where a nomination appears to the RO to be invalid because of some errors that can be corrected within the nomination period, the RO will, if practicable, give the candidate a reasonable opportunity of correcting the errors before making a decision that the nomination is invalid. For example, if the entitlement of any subscriber is in doubt, a prospective candidate may be allowed to make a substitution as soon after the submission of his nomination form as practicable. However, no substitution for any subscriber or re-submission of a nomination form will be accepted after the close of the nomination period.

4.28 A nomination may be ruled invalid if any errors on the nomination form are not corrected by the close of the nomination period.

4.29 The RO may require such additional information from a candidate as he considers necessary to satisfy himself with regard to the validity of the nomination.

4.30 A nomination will not be valid unless it contains all the information and signatures required to be shown on the nomination form or other information required by the RO and the candidate has made the declaration referred to in para. 4.17(b) above. *[Amended in October 2011]*

4.31 The RO can decide that a nomination is invalid only where:

- (a) the number or qualifications of the subscribers are not as required by the regulation made by the CE in Council regarding the EC subsector election [s 8 of the EC Subscribers & Deposit Reg];
- (b) the nomination form, including the nomination and declaration, has not been completed or signed as required by s 8 of the EAC (EP) (EC) Reg;
- (c) he is satisfied that the candidate is not qualified to be, or is disqualified from being, nominated as a candidate, having regard to any advice given by the NAC to an application made by him or by that candidate [see paras. 4.14 and 4.26 above];
- (d) the candidate has been nominated in another subsector and the RO is not satisfied that he has withdrawn that candidature;
- (e) the cheque for the payment of the election deposit of the candidate is dishonoured and has not been made good before the expiration of the nomination period;

- (f) he is sure that the candidate has passed away; or
- (g) the nomination form is not duly lodged within the nomination period [see paras. 4.15 and 4.19 above].

4.32 If, having decided that a candidate is validly nominated, but before the polling day, proof is given to the satisfaction of the RO that the candidate has passed away, he must publicly declare that the candidate has passed away and further declare which candidate is or candidates are validly nominated by the subsector. The RO does not have to make any such declaration if the candidate who has died is uncontested in the election by the subsector and the RO has publicly declared that the candidate was duly elected. [S 23 of the Schedule to the CEEO and s 20 of the EAC (EP) (EC) Reg]

4.33 If, having decided that a candidate is validly nominated, but before the polling day, proof is given to the satisfaction of the RO that the candidate is disqualified from being nominated as a candidate, the RO must vary the decision to the effect that the candidate is not validly nominated. He must then publicly declare his varied decision and which candidate is or candidates are validly nominated. The RO may not vary his decision if the candidate who has been disqualified is uncontested and the RO has publicly declared that the candidate was duly elected. [S 23 of the Schedule to the CEEO and s 21 of the EAC (EP) (EC) Reg]

4.34 Since the EC subsector elections will be held only about one month after the DC election in November 2011, the nomination period for the non-DCs subsectors will take place before the automatic registration of the newly elected DC members as voters in the DCs subsectors and, if applicable, the removal of their names from the FR of the non-DCs subsector (please also see para. 3.21 above). In this connection, the following will apply to the aforesaid newly elected DC members in respect of nomination and candidature:

- (a) if a person, who is registered as a voter for non-DCs subsectors, has subscribed the nomination paper of a candidate for that subsector in a subsector election and after the subscription of the nomination paper but before the subsector election, he is elected as a DC member, the validity of the subscription of the aforesaid nomination paper is not affected though he is no longer a voter in the original non-DCs subsector. This is to ensure fairness of treatment to the candidate being nominated. However, he is disqualified from subscribing the nomination paper of any candidate for the DCs subsector unless the candidate he nominated has withdrawn his candidature; or the RO decides that the candidate is not validly nominated; or the RO has given a notice of death in respect of the candidate; [s 18B of the Schedule to the CEEO]
- (b) if a person, who is registered as a voter for any non-DCs subsector, is nominated as a candidate for that subsector in a subsector election and after the nomination but before the subsector election, he is elected as a DC member, the validity of the aforesaid nomination is not affected though he is no longer a voter in the original non-DCs subsector. His right to be nominated as a candidate in such a non-DCs subsector should be in compliance with the criterion of “substantial connection” under s 17(1)(c) of the Schedule to the CEEO. Nevertheless, he will be disqualified from being nominated as a candidate for the DCs subsectors in accordance with s 20 of the Schedule to the CEEO, so that every person could only be nominated in one subsector for election. [S 18C of the Schedule to the CEEO]

[Added in October 2011]

PART VI : WITHDRAWAL OF CANDIDATURE

4.35 An EC subsector election candidate may withdraw his candidature only before the close of nomination. He should complete and sign a specified form titled “Withdrawal of Candidature” and lodge it with the RO concerned [s 21 of the Schedule to the CEEO].

IMPORTANT :

It is an offence under ss 7 and 8 of the ECICO for a person to bribe, or use or threaten to use force or duress, against a candidate to withdraw his candidature, and for a candidate to solicit or accept a bribe to withdraw his candidature.

PART VII : NOTICE OF NOMINATION

4.36 The RO concerned will publish a notice in the Gazette within 14 days after the close of the nomination period, stating the name and address of each of all the validly nominated candidates, together with the number (which will be shown on the ballot paper) allocated by the drawing of lots to each candidate [s 18 of the EAC (EP) (EC) Reg]. Each validly nominated candidate will also be separately informed. *[Amended in September 2006]*

PART VIII : PUBLICITY

4.37 After the close of nomination, the RO will inform each validly nominated candidate the time and date on which he will draw lots to allocate a number to each candidate to be shown on the ballot paper and they may attend if they so wish. Thereafter, the REO will publish a booklet entitled **Introduction to Candidates**. The number of each candidate on the ballot paper allocated to him by the drawing of lots will also be shown on this booklet, which will be mailed to the voters close to the time of the polling day. Copies of the Introduction to Candidates will be made available in the Correctional Services Department (“CSD”) and other law enforcement agencies for persons imprisoned or held in custody. *[Amended in January 2010]*

4.38 Candidates are free to make use of this Introduction to Candidates⁵ to promote themselves. Any candidate who so wishes should submit the following to the relevant RO **before the close of the nomination**:

- (a) a duly completed grid paper affixing a colour photograph which must be in a specified size and taken within the last 6 months; and
- (b) 2 additional copies of his photograph identical to the one affixed to the grid paper with his name label affixed on the back.

[Amended in January 2010 and October 2011]

4.39 The contents, nature and presentation of a candidate’s messages in the Introduction to Candidates are exclusively the idea and work of the candidate

⁵ If a candidate does not submit the required information, the Introduction of Candidates will only show the name and the candidate number in respect of him, and “Relevant information has not been provided by candidate” will be printed in the space provided for the candidate’s election platform.

himself. They will not be subject to alteration or edition by the REO unless they are considered to be indecent, defamatory, unlawful or contain information not relating to the direct promotion of the candidature of the candidate concerned.

[Amended in January 2010 and October 2011]

CHAPTER 5

POLLING AND COUNTING ARRANGEMENTS

PART I : BEFORE THE POLL

5.1 Out of the 38 subsectors, the NPC subsector as well as the LegCo subsector are filled by ex-officio members and the religious subsector nominates its EC members (see Chapter 2). No election is therefore necessary for these 3 EC subsectors.

5.2 For the remaining subsectors, the CEO will, in respect of a subsector election, designate one or more places as a polling station(s), a dedicated polling station(s)⁶, or a counting station(s). [S 28 of the EAC (EP) (EC) Reg] *[Amended in January 2010]*

5.3 Depending on the circumstances, there may be one central polling station or a number of polling stations [s 28 of the EAC (EP) (EC) Reg]. In the latter case, the polling station allocated to a voter or AR will be based on his registered residential address, save for registered voters and ARs imprisoned or held in custody by the law enforcement agencies who will be assigned to vote at the appropriate dedicated polling stations. The RO for each subsector will, at least 1 working day before polling day, give notice of time and place of counting of votes to candidates [s 63 of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and January 2010]*

⁶ A dedicated polling station means a place situated inside penal institutions or other suitable places at which voters and ARs of corporate voters, who will be imprisoned or held in custody by the law enforcement agencies on the polling day, will be allocated to vote.

5.4 At least 5 days before the polling day, poll cards notifying voters of contested subsectors of the date, time and place of the poll will be sent to their registered address or correspondence address (if any). To allow voters and ARs who will be serving a sentence of imprisonment on the polling day to receive the poll cards as early as possible, the REO will send the poll cards to their prison address as far as practicable [s 31 of the EAC (EP) (EC) Reg]. *[Amended in January 2010]*

5.5 In the case where the number of validly nominated candidates for a subsector does not exceed the number of vacancies, the candidate(s) will be declared elected [s 19 of the EAC (EP) (EC) Reg]. Voters in respect of that subsector do not need to vote, and a notice to that effect will be sent to them.

5.6 A voter (and AR of a corporate voter) **may vote only at the polling station(s) allocated to him** by the CEO. Many of the polling stations are accessible to persons with a disability including those who have difficulty in walking. Voters/ARs with a disability finding it difficult for them to access the polling station allocated to them may **at least 3 days** before the polling day apply to the CEO for re-allocation of a polling station specifically designated for such voters (“special polling station”). Whether the polling station allocated to a voter/AR is accessible to persons with mobility difficulty will be specified clearly in the location map attached to the poll card sent to each voter/AR, together with a note indicating that if any voter/AR allocated to this polling station has any difficulty in mobility and wishes to vote at a special polling station, he may apply to the CEO for re-allocation. If a special polling station is re-allocated to him, then he can vote only at that polling station. If circumstances permit, free Rehabus service will also be arranged to take those voters/ARs to the special polling station. In case circumstances require, the CEO may allocate to a voter or AR an alternative polling station, in addition to or in substitution of the one originally allocated to him [ss 30(4) and 33 of the EAC (EP) (EC) Reg].

Voters and ARs concerned can make enquiries with the REO on this subject by telephone or facsimile. *[Amended in September 2006]*

5.7 Due to security reasons, there is a need to separate some persons imprisoned or held in custody from others inside the penal institutions. The Commissioner of Correctional Services (“CCS”) will assign a time slot during the polling hours of a dedicated polling station situated in a penal institution to a voter/AR allocated to that polling station to vote, and inform the voter /AR of the time slot assigned. The CCS must assign time slots so as to give the voters/ARs a reasonable opportunity to vote. A voter/AR to whom a time slot is assigned may only cast his vote during that time slot (see para. 5.19 below). [S 27(2A), (2B), (3A) and (4A) of the EAC (EP) (EC) Reg] *[Added in January 2010]*

PART II : INSIDE THE POLLING STATION

5.8 The poll normally starts at 7:30 am and ends at 10:30 pm. For security reasons, dedicated polling stations situated in prisons normally open from 9:00 am to 4:00 pm. About 15 minutes before the commencement of polling, the Presiding Officer (“PRO”) at a polling station will show the candidates, their election agents or polling agents, if they are present, the empty ballot boxes before proceeding to lock and seal them. Candidates concerned or their agents may observe the locking and the sealing of the ballot boxes. For each candidate, only 1 such person may be present to observe the locking and the sealing of the ballot boxes: a candidate, his election agent or his polling agent. For security reasons,

- (a) only a maximum of 2 candidates may be present to observe the locking and the sealing of the ballot boxes at a dedicated polling station situated inside a maximum security prison, and

- (b) a maximum of 2 candidates, election agents or polling agents may be present to observe the locking and the sealing of the ballot boxes at a dedicated polling station situated in a prison other than a maximum security prison.

Admission of candidates, election agents or polling agents to the aforesaid dedicated polling stations to observe the locking and sealing of ballot boxes will be on a **first-come-first-served basis**. [See also Chapter 7 on the procedures for applying for the presence of election agents or polling agents in dedicated polling stations situated in prisons.] *[Amended in January 2010 and October 2011]*

5.9 The PRO will also inform and show to the relevant candidates, their election agents or polling agents, if they are present, the number of unissued ballot papers in respect of each subsector which are in his possession. The ballot papers are distinguishable by different colour patterns and code numbers. *[Amended in January 2010]*

PART III : OUTSIDE THE POLLING STATION

5.10 Where circumstances permit, the PRO will arrange a copy of the relevant Introduction to Candidates published by the REO to be displayed outside the polling station, or if it is a dedicated polling station inside the polling station to facilitate easy reference by voters. *[Amended in October 2011]*

5.11 The PRO will display a map or plan showing the delineation of the polling station outside the polling station, or if it is a dedicated polling station inside the polling station [s 43(1A) of the EAC (EP) (EC) Reg]. A no canvassing zone (“NCZ”) will be designated outside each polling station to ensure the free and safe passage of voters into the polling station. Door-to-door canvassing and for the purpose of such canvassing, the display of any badge, emblem, clothing or head-dress, which may promote or prejudice the election of a candidate or candidates at the election, or makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, will be allowed on the storeys above or below street level in a building within a NCZ other than a building in which there is a polling station, provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not posed to voters and no sound amplifying device is used. Apart from this, the RO or the PRO of the relevant polling station will allow no other canvassing activities within a NCZ except for static display of election advertisements that are authorised. A notice of the declaration of a NCZ and a map or plan showing the boundary of the area will be put up at or near the polling station. A “no staying zone” (“NSZ”) in which no one is allowed to stay or loiter will also be designated immediately outside the entrance/exit of a polling station to avoid any obstruction of entry/exit. [See Chapter 14: Prohibition Against Canvassing Activities Outside Polling Stations] *[Amended in September 2006, January 2010 and October 2011]*

- 5.12 On the polling day, a person must not:
- (a) other than the door-to-door canvassing activities stated in para. 5.11 above, engage in canvassing (including suggesting not to vote for any candidate) within the NCZ;

- (b) use a sound amplifying system or device for any purpose within the NCZ, except for the performance of duties by officers of the CSD on the polling day at the dedicated polling stations situated in prisons;
- (c) use a sound amplifying system or device, for canvassing, so that the sound emitted by it can be heard in the NCZ;
- (d) without reasonable excuse, display in the NCZ any badge, emblem, clothing or head-dress, which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election; or
 - (ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong; or
- (e) stay or loiter in the NSZ without the express permission of the PRO;

otherwise he commits an offence with a maximum penalty of a fine at level 2 (up to \$5,000) and imprisonment for 3 months [ss 40 and 45 of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and October 2011]*

PART IV : ADMISSION TO THE POLLING STATION

5.13 Other than voters, the following persons may also be admitted to a polling station:

- (a) the PRO and other polling staff;
- (b) the Chief Returning Officer (“CRO”) (Subsectors), the ROs and Assistant Returning Officers (“AROs”);
- (c) members of the EAC;
- (d) the CEO;
- (e) public officers on duty at the polling station, including police officers and members of the Civil Aid Service;
- (f) officers of the CSD and other law enforcement agencies on duty at dedicated polling stations;
- (g) candidates and election agents of relevant subsectors^{Note};
- (h) polling agent(s) appointed for the polling station (this does not apply to dedicated polling stations situated in maximum security prisons^{Note});
- (i) public officers authorised in writing by the CEO;
- (j) any person authorised in writing by a member of the EAC;

- (k) a person authorised in writing by the RO for liaison purposes; and
- (l) a child who accompanies a voter to the polling station for the purpose of voting (if the PRO considers that the child should not be left unattended while that voter is in the polling station and the child will not disturb or cause inconvenience to any person in the polling station).

[S 44 of the EAC (EP) (EC) Reg] *[Amended in September 2006 and January 2010]*

A notice will be displayed at the entrance to polling stations other than dedicated polling stations that only the above persons and voters may be allowed to enter.

NOTE (para. 5.13(g) and (h)):

- (a) For the purpose of maintaining order in the polling station, the PRO may regulate the number of voters, candidates, election agents and polling agents to be admitted to the polling station at any one time.
- (b) For each candidate, only 1 such person may be present in the polling station to observe the poll at any one time: a candidate, his election agent or his polling agent. A notice will be displayed outside each polling station showing the capacity of the designated area inside the polling station for candidates, their election agent or polling agents to observe the poll.

- (c) Admission of candidates, election agents and polling agents will be on a **first-come-first-served basis**. In order that as many candidates, election agents and polling agents as possible will have the chance to observe the poll at the polling station, any candidate, election agent or polling agent who has been admitted to the polling station can only stay for 1 hour. He must then leave the polling station unless there is no other candidate, election agent or polling agent waiting for admission. He can apply for re-admission into the polling station again on a first-come-first-served basis.
- (d) Anyone on admission into a polling station has to sign and enter his time of entry on a log sheet. A candidate, election agent or polling agent who has to queue outside the polling station for his turn to observe the poll at the designated area will be given a number chit that indicates the order of admission. The polling staff will call out the number to admit the holder of the number chit concerned. If the holder concerned is not present at the time, his place will be taken over by the person next in line. He who has lost his place due to his absence will have to obtain a new number chit when he returns.
- (e) For security reasons, only a maximum of 2 candidates may be present at any one time to observe the poll at a dedicated polling station situated inside a maximum security prison, and a maximum of 2 candidates, election agents or polling agents may be admitted to a dedicated polling station situated in a prison other than a maximum security prison at any one time. Observers will have to take turn in case more than two candidates/agents intend to observe the poll at the same time. The PRO may regulate the number of people entering the dedicated polling stations. [See also Chapter 7:

Appointment and Roles of Election Agent, Election Expense Agents, Polling Agents and Counting Agents]

[Amended in January 2010]

5.14 Except for a voter, a police officer, an officer of the CSD, an officer of any law enforcement agency or a member of the Civil Aid Service on duty, all other persons permitted to enter a polling station are required to make a **Declaration of Secrecy** on a specified form and observe the provisions governing the secrecy of voting [s 92 of the EAC (EP) (EC) Reg]. *[Amended in January 2010 and October 2011]*

PART V : CONDUCT INSIDE THE POLLING STATION

5.15 On arrival at the polling station, a voter or AR should show to the polling staff at the ballot paper issuing desks his identity card or such other identity document or documents, which show the identity card/document number, name and photograph of the voter/AR, to the satisfaction of the PRO. The polling staff will check the voter/AR's identity document against the entries on the copy of registers of voters to ascertain if the voter/AR is registered in respect of the subsector concerned. If so, the polling staff will inform him. The polling staff will then call out the name of the voter/AR as stated in the entry in the copy of the register of voters and cross out the name and the identity document number of that entry, before giving him either 1 or 2 different ballot papers, as appropriate. A voter/AR may be asked to check his own entry on the register to ensure that he has been given the correct ballot paper(s). No record will be made as to which particular ballot paper(s) is given to a voter/AR.

5.16 For control purpose regarding the total number of ballot papers issued, the counterfoil of each ballot paper bears a serial number on its front. The serial number on the counterfoil will not, however, be recorded or related to the particular voter to whom the ballot paper is issued.

5.17 If there is reasonable ground for questioning the bona fides of a voter/AR, the PRO shall ask him the following questions at the time of his application for a ballot paper (but not afterwards):

- (a) Are you the person registered in the subsector FR now in effect for this subsector, as follows (reads the whole of the relevant entry or entries in the register)?
- (b) Have you already voted for this subsector?

A person will not be issued with any ballot paper unless he has answered the questions to the satisfaction of the PRO. [S 51 of the EAC (EP) (EC) Reg]

5.18 Where there is reasonable cause to believe that a person has committed an offence of impersonation of a voter or AR, the PRO may request the police officer on duty at the polling station to arrest that person. If the polling station is a dedicated polling station, the PRO may request the officer of the CSD or of the law enforcement agency to remove the person concerned from the polling station and report the case to the police [s 52 of the EAC (EP) (EC) Reg].
[Amended in January 2010]

5.19 If a voter/AR has been issued with a ballot paper but chooses not to take it, he cannot return to the polling station later on and claim for that or another one. If for a reason considered justified by the PRO, a voter/AR who has not marked the ballot paper issued to him, may, with the permission of the PRO, hand

back the ballot paper to the PRO and return later to cast his vote. For a dedicated polling station situated in a prison, the voter/AR has to return to cast his vote within the existing or newly assigned time slot. If, after having been issued with a ballot paper, a voter/AR has become incapacitated by physical illness and has left the polling station without marking his ballot paper, he may return to the polling station to cast his vote before the close of the poll, provided that before he leaves the polling station, his ballot paper has been retrieved by the PRO. For a dedicated polling station situated in a prison, the voter/AR has to return to cast his vote within the existing or newly assigned time slot. Under either of the above circumstances, the following actions must be taken by the PRO and/or the CCS:

- (a) the PRO must keep that ballot paper in his custody and return it, in the presence of a police officer for polling stations other than a dedicated polling station or an officer of the CSD or of the concerned law enforcement agency for a dedicated polling station, to the voter/AR in question when the latter returns before the close of poll to cast his vote. But if at the close of poll, the voter/AR has not returned, the PRO shall endorse the ballot paper with the word “UNUSED” on the front; such ballot paper shall not be counted. [Ss 55 and 77 of the EAC (EP) (EC) Reg]; and/or
- (b) the CCS must, as far as practicable, assign to a voter/AR of a dedicated polling station situated in a prison a new time slot during the polling hours appointed for the dedicated polling station and notify the voter/AR of the time slot.

[Amended in September 2006, January 2010 and October 2011]

5.20 The PRO would need to keep a ballot paper left in the polling station in his custody in the circumstances described in para. 5.19 above only when he knows which voter/AR had left the ballot paper behind. Otherwise, a ballot paper found to be left in the polling station should be regarded as “UNUSED”; such ballot paper shall not be counted. *[Amended in September 2006]*

5.21 When issued with ballot paper(s), a voter/AR will also be provided with a cardboard to indicate the number of ballot papers issued (ie, white for one ballot paper and red for two ballot papers). The cardboard will be collected by the polling staff after the voter/AR has inserted his ballot paper(s) into the ballot box(es) before leaving the polling station. This arrangement is to facilitate the polling staff manning the ballot boxes to ensure that a voter has cast all his votes (one or two) before leaving the polling station and that no person can take away any ballot paper from the polling station.

5.22 After being issued with the ballot paper(s), the voter/AR should immediately proceed to one of the voting compartments where he should mark his ballot paper(s) to indicate his choice of candidate(s) in the following manner, as appropriate:

- (a) when a specially designed ballot paper with **ovals** against the names of the candidates is used, the voter/AR should shade the ovals for the choice of candidates up to the number of vacancies to be filled; *or*
- (b) when the usual type of ballot papers with **circles** against the names of the candidates and a chop with a “✓” sign (provided by the polling staff) are used, the voter/AR must use the chop to mark his choice of candidate(s) in the circles up to the number of vacancies to be filled. The chop is to be affixed to give a single “✓” in the

circles on the ballot paper opposite the names of the candidates of the voter's or AR's choice.

After marking the ballot paper, the voter/AR should cast his vote in the manner as directed by the EAC. The various ways of casting the vote are as follows:

- (a) to put the ballot paper, unfolded, into the ballot box with the marked side facing down;
- (b) to –
 - (i) fold the ballot paper so that the marked side is inside; and
 - (ii) put the folded ballot paper into the ballot box;
- (c) to –
 - (i) put the ballot paper, unfolded, into an envelope provided at the polling station; and
 - (ii) put the ballot paper contained in the envelope into the ballot box; or
- (d) to –
 - (i) fold the ballot paper so that the marked side is inside;
 - (ii) put the folded ballot paper into an envelope provided at the polling station; and
 - (iii) put the ballot paper contained in the envelope into the ballot box.

5.23 Immediately after a voter/AR comes out of the voting compartment, he should put his marked ballot paper(s) into the sealed ballot box as directed by the polling staff and return the cardboard to the polling staff, after which the voter should leave the polling station immediately. *[Amended in September 2006]*

NOTE :

A voter/AR must not remove a ballot paper from a polling station. It is an offence under s 54(4) of the EAC (EP) (EC) Reg for a person to bring out a ballot paper from a polling station. Any person who removes a ballot paper from a polling station with an intent to deceive may commit an offence under s 17(1)(c) of the ECICO and may be prosecuted. It will also be a corrupt conduct under s 17(1)(d) of the ECICO if any person, without lawful authority, destroys, defaces, takes or otherwise interferes with a ballot paper at the election.

5.24 A visually impaired voter/AR who so requests will be provided with a **template** to facilitate his marking of the ballot paper without any assistance from anyone. The template should be returned to the polling staff after use. [S 57 of the EAC (EP) (EC) Reg] [For details about the template, see para. 7.40 of Chapter 7]

5.25 A voter/AR who is unable to mark a ballot paper to indicate the choice of candidate(s) (eg being unable to read or write or incapacitated by visual deficiency or other physical cause) may ask the PRO, Deputy PRO or Assistant PRO to mark the ballot paper on his behalf. The marking of the ballot paper will be made to show the voter/AR's choice in the presence of one of the Polling

Officers as a witness. [S 57 of the EAC (EP) (EC) Reg] *[Amended in October 2011]*

5.26 **The ballot is secret. No one can force a person to vote or not to vote for any particular candidate** [s 13 of the ECICO]. **Also, no one is required to tell which candidate he has voted for or is going to vote for.** A person who, without lawful authority, requires or purports to require a voter/AR to disclose the name of, or any particular relating to, the candidate for whom the voter/AR has voted is guilty of a criminal offence and will be liable to a fine at level 2 (up to \$5,000) and imprisonment for 6 months [s 93(10) of the EAC (EP) (EC) Reg and s 37 of the Schedule to the CEEO]. *[Amended in September 2006]*

5.27 No one shall, at any time, disclose the identity of a voter at a dedicated polling station to protect the voter's privacy and safety. Anyone who makes such disclosure commits an offence punishable by a fine at level 2 (up to \$5,000) and imprisonment up to 6 months. [S 93(1A) of the EAC (EP) (EC) Reg] *[Added in January 2010]*

5.28 Any voter/AR who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him may ask the PRO to exchange it for another unmarked ballot paper. Such spoilt ballot papers will be endorsed on the front with the word '**SPOILT**' and will be kept by the PRO. The spoilt ballot papers will not be counted at the counting of the votes. [Ss 60 and 77 of the EAC (EP) (EC) Reg]

5.29 Where a person, representing himself to be a particular voter or AR of a corporate voter entered on the register, applies for any ballot paper after a person has been issued with any ballot paper as such a voter or AR of such a corporate voter, he may be issued with ballot paper(s) with the word '**TENDERED**' endorsed on the front. Such ballot paper(s) will not be counted at

the counting of the votes. [Ss 58 and 77 of the EAC (EP) (EC) Reg] However, if a voter who has been issued with a ballot paper chooses not to cast his vote and leaves the polling station and returns later to claim for that or another ballot paper, the PRO may issue a tendered ballot paper to the voter **ONLY IF** he is not certain that the voter is the one who has been issued with a ballot paper earlier.

5.30 Ballot papers which have been issued (whether marked or unmarked) are sometimes abandoned or found left behind by voters in the voting compartments or lying on the floor of the polling station, or otherwise not used. The intention of the voters is not clear in such cases. Any person who discovers such a ballot paper is required to hand it to the PRO. Such a ballot paper will be endorsed with the word '**UNUSED**' on the front (unless it is not reasonably practicable to do so) and will be kept by the PRO. In no circumstances will the ballot paper be put into a ballot box. Such a ballot paper will not be counted at the counting of the votes. [Ss 59 and 77 of the EAC (EP) (EC) Reg] *[Amended in October 2011]*

5.31 Inside a polling station, a voter/AR must not interfere with or attempt to influence any other voter/AR, specifically:

- (a) speak to or communicate with any other voter/AR contrary to a direction of the RO, the ARO, the PRO or any polling officer not to do so;
- (b) attempt to obtain information, or disclose any knowledge acquired, concerning the vote of another voter/AR;
- (c) exhibit or distribute any campaign material;

- (d) without any reasonable excuse, display any propaganda material, eg any badge, emblem, clothing or head-dress, which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election; or
 - (ii) makes direct reference to a body any member of which is standing as a candidate in the election, or to a political body in Hong Kong; or
- (e) use a mobile telephone or any telephone or paging machine or any other form of electronic communication device contrary to a direction of the RO, the ARO, the PRO, or any polling officer not to do so.

If a person contravenes any of the above prohibitions, he commits an offence and will be liable to a fine at level 2 (up to \$5,000) and imprisonment for 3 months [s 45 of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and October 2011]*

5.32 A person must not misconduct himself at a polling station or fail to obey any lawful order of the RO or the PRO; otherwise he commits an offence punishable with a fine and imprisonment and may be ordered by such officer to leave the polling station or the vicinity of the polling station. A person misconducts himself if he disrupts the poll or disturbs or causes inconvenience to any person in the polling station. A voter/AR must cast his vote without undue delay. If a voter/AR who is allocated to vote at a dedicated polling station fails to cast his vote without undue delay, the RO or the PRO may order him to leave the polling station immediately. If a person fails to leave immediately as ordered by the RO or the PRO, he may be removed by:

- (a) a police officer if the polling station is not a dedicated polling station; or

- (b) an officer of the CSD or the law enforcement agency if the polling station is a dedicated polling station; or
- (c) any other person authorised in writing by the RO or the PRO to remove him.

The person so removed may not re-enter the polling station on that day except with the permission of the RO or the PRO. [S 46(2), (2A), (3) and (4) of the EAC (EP) (EC) Reg] *[Amended in January 2010]*

5.33 Only the following persons may speak to, or communicate with, voters/ARs within a polling station:

- (a) the PRO and other polling staff;
- (b) the ROs and AROs;
- (c) members of the EAC;
- (d) the CEO;
- (e) police officers and members of the Civil Aid Service on duty at the polling station;
- (f) an officer of the CSD or the law enforcement agency on duty at a dedicated polling station;
- (g) a person authorised in writing by the ROs for liaison purposes; and
- (h) any person authorised in writing by a member of the EAC.

[S 45(1) and (6) of the EAC (EP) (EC) Reg] *[Amended in September 2006 and January 2010]*

5.34 No person may canvass or display any election advertisement within a polling station. Any person who undertakes photographing, filming and video or audio recording within a polling station without the express permission of the PRO, or a member of the EAC, or the express permission, in writing, of the RO, commits an offence and will be liable to a fine at level 2 (up to \$5,000) and imprisonment for 6 months [s 45(2) and (8) of the EAC (EP) (EC) Reg]. Normally such permission is only granted to members of the media or government photographers for publicity purposes. *[Amended in September 2006]*

PART VI : CLOSE OF POLL

5.35 Voters/ARs who intend to vote but are not at the door of their designated polling station by the close of poll will not be allowed in afterwards. At the close of poll, the ballot boxes will be locked and sealed by the PRO in the presence of the relevant candidates and their agents, if they are present. The PRO will also inform them of the numbers of unissued ballot papers, spoilt ballot papers and unused ballot papers in his possession. All such ballot papers and the marked copies of the register(s) will then be made up into sealed packets.

5.36 Not more than 2 candidates of the subsectors (or their agents), if they so wish, will be allowed to accompany the PRO in the delivery of the ballot boxes, together with the sealed packets and the ballot paper account prepared by the PRO, from the polling station to the counting station under police escort. Where there are more than 2 of them remaining at the polling station who wish to accompany the PRO in the delivery of the ballot boxes, the PRO will draw lots to determine which 2 candidates or their agents will participate in the delivery. Candidates and their agents are allowed to remain in the polling station only until

they see that the police escort for the delivery is available. Thereafter, all of them, except those 2 persons who are to participate in the delivery, must leave the polling station. *[Amended in September 2006 and January 2010]*

PART VII : THE COUNT

5.37 A central counting station will be set up to conduct the count and announce the election results. The RO for each subsector will, at least 1 working day before polling day, give notice of time and place of counting of votes to candidates [s 63 of the EAC (EP) (EC) Reg]. The CRO (Subsectors) is to supervise the central counting station and the respective ROs for the subsectors are to be in charge of the counting zone for the relevant subsector. The RO for each subsector, assisted by his AROs and counting staff, will be responsible for the conduct of the count. *[Amended in September 2006]*

5.38 All the ballot boxes will first be delivered to the counting station. The ballot box(es) and ballot paper accounts from a polling station will be given into the charge of the RO (“the relevant RO”). Each ballot box will then be checked to see if it is properly sealed. The seal on the ballot box will be broken by the relevant RO in the presence of the relevant candidates or their election agents or counting agents, if they are present at the time. The ballot box will then be opened and the contents emptied onto a counting table. Thereafter, the relevant RO will -

- (a) sort the ballot papers according to each subsector,
- (b) count the ballot papers for each subsector for verification of the ballot paper account for each subsector,

- (c) hand the ballot papers for those subsectors for which he is not appointed together with the relevant ballot paper accounts (verified) over to the ROs for the respective subsectors,
- (d) count the votes recorded on the ballot paper for the subsector retained by him (for which he is appointed),
- (e) count the votes recorded on the ballot papers for the subsector (for which he is appointed) handed over to him from other ROs,
- (f) determine the validity of questionable ballot papers, and
- (g) compile the final counting results.

The above steps will be appropriately modified if counting is done by computer [ss 73 and 74 of the EAC (EP) (EC) Reg].

5.39 Only the following persons may be present at the counting of votes:

- (a) the CRO (Subsectors);
- (b) the ROs, AROs and counting staff for the relevant subsectors;
- (c) members of the EAC;
- (d) the CEO;
- (e) candidates and their election and counting agents, of the relevant subsectors;

- (f) police officers and members of the Civil Aid Service on duty at the counting station;
- (g) public officers authorised in writing by the CEO;
- (h) any person authorised by the CRO (Subsectors) or the RO in charge of the counting zone of the central counting station; and
- (i) any person authorised in writing by a member of the EAC.

The CRO or the RO will designate a restricted zone inside the counting zone where the counting staff will count the votes. Candidates and their agents must not go into the restricted zone. Any member of the public may observe the counting of the votes from an area (“the public area”) at the counting station set apart for that purpose by the CRO or the RO, unless the CRO or the RO considers that his presence may:

- (a) cause disorder or disturbance in the counting station; or
- (b) prejudice the secrecy of the individual votes.

[S 66 of the EAC (EP) (EC) Reg]

5.40 Before entry, every person authorised to be present at a counting station, other than the police officers and members of the Civil Aid Service on duty, must make a **Declaration of Secrecy** on a specified form and observe the provisions governing the secrecy of voting [s 92 of the EAC (EP) (EC) Reg].

5.41 The CRO (Subsectors) or the RO as the case may be, may designate an area at the counting station for the public to observe the count at a distance [s 66(6) of the EAC (EP) (EC) Reg]. Persons present within that designated area will not be required to make a Declaration of Secrecy. Except with the express permission of the CRO (Subsectors) or the relevant RO or a member of the EAC, as the case may be, any person who undertakes photographing, filming and video or audio recording within a counting zone during the period commencing from the time at which the counting of the votes is to begin at the zone and ending upon the completion of the counting and re-count, if any, at the zone commits an offence [s 67(1) and (2) of the EAC (EP) (EC) Reg].

5.42 A person must not misconduct himself in or in the vicinity of a counting station or fail to obey any lawful order of the CRO (Subsectors) or the RO, otherwise he commits an offence punishable with a fine and imprisonment and may be ordered by the CRO (Subsectors) or the RO to leave the area. A person misconducts himself if he disrupts the counting of votes or disturbs or causes inconvenience to any person in the counting station. The RO may also order a person to leave the counting station if the person conducts himself in such way that the purpose of his presence is not that for which he was authorised or permitted to enter or remain in the counting station. If he fails to leave immediately, he may be removed by a police officer or by any other person authorised in writing by the CRO (Subsectors) or the RO. The person so removed may not re-enter the counting station except with the permission of the CRO (Subsectors) or the RO. [Ss 67 and 68 of the EAC (EP) (EC) Reg]

5.43 The RO will conduct the count in the presence of the candidates, their election agents or counting agents, if they are present. After the RO has opened the ballot boxes, the candidates and their agents may request to inspect any papers other than ballot papers taken from the ballot boxes before they are

disposed of. **At no time should a candidate, his election agent or counting agent touch any ballot papers.** *[Amended in January 2010]*

Invalid Ballot Papers

5.44 A ballot paper is invalid if:

- (a) it is endorsed on the front with the word “TENDERED”;
- (b) it is endorsed on the front with the word “UNUSED”;
- (c) it is endorsed on the front with the word “SPOILT”; or
- (d) no vote has been marked on it.

These ballot papers will be set aside as invalid on the spot. They will not be counted and will not be treated as questionable ballot papers. A candidate, an election agent or a counting agent may inspect these ballot papers but is not entitled to make representations to the relevant RO concerning these ballot papers. [Ss 74A(b) and 77 of the EAC (EP) (EC) Reg] *[Amended in September 2006 and October 2011]*

Questionable Ballot Papers

5.45 Ballot papers with doubtful validity in the following areas are set aside as questionable ballot papers. A questionable ballot paper will be decided as invalid if in the opinion of the RO:

- (a) it has any writing or mark by which the voter can possibly be identified;

- (b) it is not marked in accordance with s 56 of the EAC (EP) (EC) Reg,
ie
 - (i) not marked by shading the ovals opposite the names of the candidates of a voter/AR's choice; or
 - (ii) in case where a chop with a "✓" is to be used:
 - (aa) not marked with the chop; or
 - (bb) not marked by affixing the chop to give a single "✓" in the circle opposite the names of the candidates of the voter/AR's choice (however, the RO may count the vote on that ballot paper if he is satisfied that the intention of the voter/AR is clear); or
 - (iii) votes given for more than the number of vacancies for a subsector;
- (c) it is substantially mutilated; or
- (d) it is void for uncertainty.

[Ss 56, 74A(a), 77 and 78 of the EAC (EP) (EC) Reg] *[Amended in September 2006]*

5.46 The validity of all questionable ballot papers will be decided by the RO of the relevant subsector. When deciding on the validity of the ballot papers in (a) above, where appropriate, the RO will make reference to the judgment made by the Court on an election petition case (HCAL 127/2003). In that case,

the Court ruled that the handwritten tick found on the ballot paper in question in the said election petition was considered a mark by which the voter could possibly be identified. The validity of ballot papers with any other writings or mark will remain to be determined by the RO on a case-by-case basis. For ballot papers at (b) above, the RO may count that ballot paper if he is satisfied that the intention of the voter/AR is clear notwithstanding that the vote is not marked by affixing the chop to give a single “✓” in the circle opposite the name of the candidate as the voter’s or AR’s choice [S 77 of the EAC (EP) (EC) Reg]. Before the RO makes his decision, a candidate or his election agent or counting agent, if present at the counting zone, may inspect and make representations to the RO on the questionable ballot paper. After considering the representation, if any, the RO will decide on the validity of the questionable ballot paper. *[Amended in September 2006]*

5.47 A relevant candidate or his election agent or counting agent may object to the acceptance or rejection of a questionable ballot paper by making his objection known to the RO for the particular EC subsector, who will decide whether the ballot paper (or the vote recorded thereon) is valid or to be rejected and, in the latter event, endorse on the ballot paper the word “rejected”. [S 78(5) of the EAC (EP) (EC) Reg] *[Amended in September 2006]*

5.48 A relevant candidate or his election agent or counting agent may object to the rejection of a ballot paper by the RO, in which case the RO shall add to the endorsement the words “rejection objected to”. Questionable ballot papers which are accepted by the RO but objected to by a relevant candidate or his election agent or counting agent will be marked “acceptance objected to”. [S 78(5) and (6) of the EAC (EP) (EC) Reg] *[Amended in September 2006]*

5.49 The decision of the RO for a particular subsector in regard to any question arising in respect of any ballot paper relating to that subsector shall be

final, but may be subject to appeal [s 79 of the EAC (EP) (EC) Reg]. The appeal is to be heard by the Revising Officer and an application has to be made to him.

5.50 The counting of votes will proceed continuously, as far as possible, until the counting is completed.

5.51 After the count, the RO for a particular subsector will make known the result to the relevant candidates or their election agents or counting agents present. Such a candidate or his election agent may request the RO to re-count the votes and the relevant RO shall comply with any such request unless in his opinion it is unreasonably made. [S 76 of the EAC (EP) (EC) Reg] *[Amended in January 2010]*

PART VIII : DECLARATION OF RESULT

5.52 When the counting of votes and re-counts, if any, are completed and a result obtained, the RO for a particular subsector shall declare the candidate(s) elected⁷ for that subsector. The RO shall display a notice of result of the election of that subsector in a prominent place outside the counting station [s 80 of the EAC (EP) (EC) Reg]. The result will also be published in the Gazette within 7 days of the declaration of the result [s 81 of the EAC (EP) (EC) Reg].

⁷ The ROs of the CCPCC subsector, HYK subsector, Hong Kong and Kowloon DCs subsector and New Territories DCs subsector will declare who are elected as “Special Members” after declaring the successful candidates elected for each related subsector in 2011 ECSS Elections. Please also see footnote no. 1 in page 1.

PART IX : DISPOSAL OF DOCUMENTS

5.53 As soon as practicable after the RO has ascertained the result of the poll, he will seal all the relevant documents and ballot papers into packets. Candidates and their agents may observe the packaging, if they so wish. [S 82 of the EAC (EP) (EC) Reg]

5.54 These sealed packets of documents will then be deposited with the CEO for safe custody for 6 months before they are destroyed. [Ss 83 and 85 of the EAC (EP) (EC) Reg]

5.55 **Except pursuant to a court order** in relation to an appeal or a criminal proceeding, **no person may inspect any ballot paper in the custody of the CEO.** [S 84 of the EAC (EP) (EC) Reg]

CHAPTER 6

APPEALS

PART I : APPEALS AGAINST RESULT OF AN ELECTION

6.1 A person claiming to be a candidate at an EC subsector election may appeal to a Revising Officer against the result of that election by lodging an appeal in the form of an appeal notice. The appeal notice may be lodged only on the ground that the person declared by the RO in accordance with the regulations in force under the EACO to have been elected as a member⁸ of the EC at that election was not duly elected because:

- (a) the person was not eligible to be, or was disqualified from being, a candidate at the election; or
- (b) material irregularities occurred in relation to the election, to the poll or the count.

6.2 The appeal notice may be lodged only during the period of 7 days following the date on which the RO has published in the Gazette the result being appealed against and such notice must reach the Revising Officer on a date not later than the last day of such period.

[S 39 of the Schedule to the CEEO and s 3 of the EC (Appeals) Reg]

⁸ This includes "Special Members" for 2011 ECSS Elections according to s 2A(9) and (18) of the Schedule to the CEEO.

**PART II : APPEALS IN RELATION TO REGISTRATION OF
NOMINEES OF RELIGIOUS SUBSECTOR DECLARED BY
THE RO AS MEMBERS OF THE EC**

6.3 A person who considers that a declared member is not eligible to be registered as a member of the EC on the ground that –

- (a) the declared member was not eligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularities occurred in relation to the process of nomination;
- (c) material irregularities occurred in relation to the determination of the RO as to the validity of the nomination of the declared member; or
- (d) material irregularities occurred in relation to the determination of the RO under s 7(6) of the Schedule to the CEEO,

may object to the registration of the declared member as a member of the EC in the IR or the FR, as the case may be⁹, and request the Revising Officer to determine whether some other nominee nominated by the designated body concerned (of the religious subsector) should be declared and registered as an EC member instead, by submitting a written representation to the Revising Officer during the period of 7 days following the date of the publication of the IR or the FR. Such written representation must reach the Revising Officer on a date not later than the last day of such period. [S 4 of the EC (Appeals) Reg] *[Amended in September 2006]*

⁹ IR in the case of a subsector ordinary election, and FR in the case of a subsector by-election.

PART III : HEARING OF APPEAL AND RULING OF REVISING OFFICER

6.4 When the Revising Officer receives an appeal notice or a written representation, as the case may be, he will, as soon as practicable, arrange to hold a hearing. At the hearing, the appellant is entitled to appear in person and to be represented by a legal practitioner or any other person authorised by the appellant. At the end of a hearing, the Revising Officer shall determine whether the person whose election is questioned was or was not duly elected or whether the declared member concerned should have been registered as a member of the EC. The determination of the Revising Officer on such an appeal is final. Moreover the Revising Officer may review any ruling made and for that purpose, may rehear the matter and reverse or confirm his previous ruling. The Revising Officer will direct the ERO to amend the IR or the FR, as the case may be¹⁰, after the hearings. [S 39 of the Schedule to the CEEO and ss 3 to 10 of the EC (Appeals) Reg] *[Amended in September 2006]*

¹⁰ IR in the case of a subsector ordinary election, and FR in the case of a subsector by-election.

CHAPTER 7

APPOINTMENT AND ROLES OF ELECTION AGENT, ELECTION EXPENSE AGENTS, POLLING AGENTS AND COUNTING AGENTS

PART I : GENERAL

7.1 This chapter deals with the appointment of agents at an election and their roles.

7.2 A candidate should think carefully before selecting any of his agents. He should choose persons suitable for the task. They will be viewed as his representatives and their conduct may affect the public's perception of him.

PART II : TYPES AND NUMBERS OF AGENTS

7.3 If he so wishes, a candidate may appoint the following agents to assist him in an election:

- (a) **1** election agent [s 23(1) of the EAC (EP) (EC) Reg];
- (b) **any number** of election expense agents [s 25 of the EAC (EP) (EC) Reg] [*Amended in September 2006 and October 2011*];

- (c) not more than **2** polling agents for **each polling station** other than a dedicated polling station situated in a prison in respect of the EC subsector for which he is nominated [s 42(3) and (5A) of the EAC (EP) (EC) Reg];
- (d) **1** polling agent for **each dedicated polling station** situated in a prison other than a maximum security prison [s 42(5A) of the EAC (EP) (EC) Reg]; and
(For arrangements regarding admission of election agents or polling agents to dedicated polling stations situated in prisons, please refer to paras. 7.12 to 7.15 and paras. 7.24 to 7.27 below.)
- (e) not more than such number of counting agents as will be specified by the EAC [s 64(2) of the EAC (EP) (EC) Reg].

[Amended in January 2010]

PART III : QUALIFICATIONS OF AGENTS

7.4 The election, polling and counting agents should be holders of the Hong Kong identity card and have attained the age of 18 years [ss 23(2), 42(4) and 64(3) of the EAC (EP) (EC) Reg] while an election expense agent needs to be a person who has attained the age of 18 years [s 25(1) of the EAC (EP) (EC) Reg].

PART IV : CIVIL SERVANTS ACTING AS AGENTS

7.5 Civil servants, other than directorate officers, Administrative Officers, Police Officers and Information Officers and those officers acting in the above grades and ranks with a view to substantive appointment thereto, ie other than for temporary relief purpose, may act as agents or assist in electioneering activities provided that they are not already appointed as ROs, PROs, polling or counting staff, that there is no conflict of interest with their official duties, that no use of public resources is involved, and that no government uniform is worn. To avoid any unfairness, semblance of unfairness or conflict of interest, civil servants who work in a subsector or have extensive contacts with the public in a subsector are strongly advised not to accept appointment by a candidate in the subsector to be his agent and/or participate in electioneering activities in the subsector concerned. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidate should not use or be seen to use any public resources in such activities. *[Amended in October 2011]*

PART V : ELECTION AGENT

Appointment

7.6 A candidate may appoint **1** election agent to assist him and to act on his behalf in an election [s 23(1) of the EAC (EP) (EC) Reg]. The appointment may be made at any time after a candidate hands in his own nomination form.

7.7 The candidate must give notice of such appointment to the RO for the subsector for which the candidate is nominated [s 23(3) of the EAC (EP) (EC) Reg]. The notice must be in the specified form and signed by both the candidate and the agent [s 23(5), (6) and (13) of the EAC (EP) (EC) Reg]. The appointment will not be effective until the notice of appointment is received by the RO [s 23(4) of the EAC (EP) (EC) Reg].

7.8 However, before the notice of appointment is received, the acts of the election agent purported to be appointed by the candidate and the expenses incurred by any purported agent for promoting the election of the candidate or for prejudicing the election of another candidate or other candidates may be treated as the candidate's own acts and election expenses. It is **important** to note that it is an **illegal conduct** for any person other than a candidate or a candidate's election expense agent to **incur such expenditure** [s 23 of the ECICO].

Revocation

7.9 The appointment of an election agent may be revoked by the candidate at any time. The candidate must also give notice of the revocation in writing and in the specified form to the RO. A revocation of an appointment of an election agent will not be effective until such notice is received by the RO [s 23(8), (9), (10) and (13) of the EAC (EP) (EC) Reg]. *[Amended in October 2011]*

7.10 If an election agent passes away or has his appointment revoked, the candidate may appoint another election agent. In such a case, the candidate must give notice of the replacement appointment in the specified form to the RO in accordance with para. 7.7 above [s 23(11), (12) and (13) of the EAC (EP) (EC) Reg]. If the new election agent wishes to observe the poll at a dedicated polling station situated in a prison (other than a maximum security prison), he is required

to follow the arrangements set out in paras. 7.12 to 7.15 below. *[Amended in January 2010]*

Notification

7.11 Not later than 5 days after the expiration of the nomination period, and thereafter as required, each validly nominated candidate or his election agent will receive from the RO a notice containing the particulars of all the election agents (such as names and addresses) appointed by all candidates for the subsector concerned [s 24 of the EAC (EP) (EC) Reg]. The RO will also display outside his office a notice of the particulars of the election agents [s 24(5) of the EAC (EP) (EC) Reg]. *[Amended in October 2011]*

Role of an Election Agent

7.12 A duly appointed election agent ranks in the **most important position** amongst all kinds of agents of a candidate. He has the **authority to do everything a candidate is authorised to do** for the purposes of the election, **except:**

- (a) anything a candidate is required to do in relation to his nomination;
 - (b) to withdraw the candidate's candidature;
 - (c) to incur election expenses save where he has been appointed as an election expense agent by the candidate;
 - (d) to authorise an election expense agent to incur election expenses;
- and

- (e) to be present in a dedicated polling station situated in a maximum security prison.

[S 23(14) and (15) of the EAC (EP) (EC) Reg] *[Amended in September 2006, January 2010 and October 2011]*

IMPORTANT :

An election agent is, along with the candidate, responsible for the management of the election campaign. A candidate is responsible for all the acts of his election agent. If the election agent fails in his duties, he may contravene the law, in particular, the ECICO, and may commit criminal offences for which the candidate may also be liable, with serious consequences. An election agent will need to be authorised by a candidate to incur election expenses. If so authorised, the election agent becomes also an election expense agent. [See Part VI of this chapter.] *[Amended in October 2011]*

7.13 Candidates and their election agents are entitled to be present at the counting of the votes and are normally allowed admission to all polling stations. Due to security reasons, only candidates may enter dedicated polling stations situated in maximum security prisons to observe the poll. An election agent, who wishes to observe the poll at a dedicated polling station situated in a prison other than a maximum security prison, must lodge an application in the specified form with the CEO at least one week before the polling day. The election agent may not be present at that dedicated polling station unless the CCS has given consent to his presence. If the CCS refuses to give consent to the application lodged, he will notify the candidate or his election agent as soon as practicable. [S 23(15) and (18) of the EAC (EP) (EC) Reg] *[Amended in January 2010]*

7.14 The CCS may, on an application lodged during the week before the polling day, give consent if he is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote for the relevant subsector at the dedicated polling station concerned, is admitted or transferred to the prison concerned during that week and the application is lodged without undue delay after the admission or transfer. The REO will post and update on its website the number of registered voters/ARs who are imprisoned or held in custody in individual prisons on every working day starting from three weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. [S 23(17) of the EAC (EP) (EC) Reg] *[Added in January 2010]*

7.15 No election agent may be present at a dedicated polling station situated in a prison if a polling agent has already been appointed by the same candidate for that polling station. [S 23(16) of the EAC (EP) (EC) Reg] *[Added in January 2010]*

7.16 The PRO of a polling station may regulate the number of candidates and their agents to be admitted to the polling station at any one time, for the purpose of maintaining order in the polling station and ensuring that the polling is conducted smoothly. **Whilst inside a polling station or a counting station, the provisions to be observed by polling agents and counting agents are also applicable to candidates and their election agents.** They are therefore advised to familiarise themselves also with the guidelines set out in Parts VII and VIII of this chapter.

PART VI : ELECTION EXPENSE AGENTS

Authorisation

7.17 A candidate may authorise **any number** of election expense agents to incur election expenses on his behalf in an election. The authorisation will remain in force until the end of the election period, ie the end of the polling day or the last polling day if there is more than 1 polling day [ss 2 and 23 of the ECICO].
[Amended in October 2011]

7.18 The authorisation shall be in writing on a specified form and state the name, identity document number and address of the election expense agent, and must specify the maximum amount of election expenses the agent may incur [s 25(2) and (3) of the EAC (EP) (EC) Reg]. It should be signed by both the candidate and the agent [s 25(4) of the EAC (EP) (EC) Reg]. A copy of the authorisation must be lodged with the relevant RO, or the CEO if the RO has not been appointed, by the candidate [s 25(5) of the EAC (EP) (EC) Reg].

7.19 The authorisation is not effective until it has been received by the relevant RO or the CEO as the case may be. Before the authorisation is received, no election expense should be incurred by a person purported to be authorised in the authorisation as an election expense agent. It is also important to note that it is an illegal conduct for any person other than a candidate or a candidate's election expense agent to incur such expenses [s 23 of the ECICO]. The expenses so incurred may also be counted as the candidate's election expenses.

Revocation

7.20 The authorisation of an election expense agent may be revoked by a candidate at any time. The candidate must give notice of the revocation as soon

as possible in writing and in the specified form to the RO, or the CEO if the RO has not been appointed. The RO or the CEO, as the case may be, will only regard a revocation as effective when he receives the notice [s 25(9) and (10) of the EAC (EP) (EC) Reg]. The election expenses already incurred will still be counted as election expenses of the candidate. *[Amended in October 2011]*

Role of Election Expense Agents

7.21 An election expense agent is authorised **to incur election expenses on behalf of a candidate**. He must not incur election expenses in excess of the amount specified in the form of authorisation; otherwise he commits a criminal offence [s 23(4) of the ECICO].

Candidate's Duty to Know the Details of Election Expenses Incurred by His Election Expense Agents

7.22 Every candidate is under a **duty**, subject to criminal penalty for breach, to submit to the CEO a return and declaration of his election expenses and donations with supporting invoices and receipts issued by recipients of the payments not later than 30 days after the publication in the Gazette of the result of the election, or not later than 30 days after the declaration of the termination of the election proceedings under the relevant electoral law, or not later than 30 days after the declaration of the failure of the election under the relevant electoral law [s 37 of the ECICO and Part IV of Chapter 16]. For the efficient and effective discharge of his duty, the candidate should **make sure** that his election expense agents will keep account of all election expenses incurred on his behalf and will provide to him, as soon as practicable but not later than the same 30-day period, a detailed statement of expenditure in which each item of expenditure of \$100 or above has to be supported by an invoice and a receipt. If any item of expenditure incurred by the election expense agents is paid or defrayed or contributed to by a

donation, the candidate should **make sure** that they will provide him with a statement stating the expenses. If an item is not explicit in monetary terms, it should be assessed at a reasonable value; and if any item is more than \$1,000, it should be supported by a copy of receipt issued to a donor (in a specified form signed by the donor). Without such statements, invoices and receipts issued by recipients of the payments provided by the election expense agents, the candidate will no doubt have difficulty in discharging his duty to file the return and declaration of election expenses and donations, which **may render him liable for a criminal offence**. *[Amended in September 2006 and October 2011]*

Public Inspection of Authorisation of Election Expense Agents

7.23 The RO or the CEO, as the case may be, will make available for public inspection all copies of authorisations of election expense agents submitted by candidates until the expiration of the period for which copies of the election return lodged by the candidates are available for inspection, ie up to the first anniversary of the date on which the result of the election is published. This offers the public and other candidates an opportunity to scrutinise the maximum amount of election expenses that could be incurred by the election expense agents on behalf of the candidates [s 26 of the EAC (EP) (EC) Reg]. *[Amended in October 2011]*

PART VII : POLLING AGENTS

Appointment

7.24 A candidate may appoint **not more than 2 polling agents** for each polling station (other than a dedicated polling station situated in a prison) in

respect of the subsector for which he is nominated. A candidate may appoint only one polling agent for a dedicated polling station situated in a prison subject to the consent of the CCS. No polling agent may be appointed if the CCS has given consent to the presence of the election agent of that candidate in that polling station. No polling agent may be appointed for a dedicated polling station situated at a maximum security prison. [S 42(3) and (5A) of the EAC (EP) (EC) Reg] *[Amended in January 2010]*

7.25 The appointment of a polling agent for a polling station not situated in a prison shall be made on a specified form. The candidate must give notice of such appointment in writing signed by him to the CEO at least **1 week** before the polling day [s 42(5) and (8) of the EAC (EP) (EC) Reg]. Where a candidate appoints a polling agent after the above deadline, he is required to give notice of the appointment to the PRO of the polling station for which that agent has been appointed. Such a notice must be given by the candidate or the election agent **personally** by delivering the notice of appointment to the PRO (or the Deputy PRO or an Assistant PRO) at the relevant polling station on the polling day and before the agent concerned enters the polling station [s 42(6) of the EAC (EP) (EC) Reg]. The appointment will not be effective until the notice of appointment is received by the CEO or the PRO, as the case may require [s 42(7) of the EAC (EP) (EC) Reg]. *[Amended in January 2010]*

7.26 For the appointment of a polling agent for a dedicated polling station situated in a prison other than a maximum security prison, the candidate must lodge an application in a specified form with the CEO at least one week before the polling day. The appointment will not be effective unless the CCS consents to the appointment. If the CCS refuses to give consent to the application lodged, he will notify the candidate or his election agent as soon as practicable. [S 42(5A) and (5C) of the EAC (EP) (EC) Reg] *[Added in January 2010]*

7.27 The CCS may, on an application lodged during the week before the polling day, give consent if he is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote for the relevant subsector at the polling station concerned, is admitted or transferred to the prison concerned during that week and that the application is lodged without undue delay after the admission or transfer. The REO will post and update on its website the number of registered voters/ARs who are imprisoned or held in custody in individual prisons on every working day starting from three weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. [S 42(5B) of the EAC (EP) (EC) Reg] *[Added in January 2010]*

Revocation

7.28 The appointment of a polling agent may be revoked by the candidate at any time. The candidate must also give notice of revocation in writing and in the specified form to the CEO before polling day or to the PRO (other than a PRO of a dedicated polling station in prison) on the polling day in the same manner as specified in para. 7.25 [s 42(10), (11) and (11A) of the EAC (EP) (EC) Reg]. A revocation of an appointment of a polling agent will not be effective until the notice thereof is received by the CEO or the PRO (other than a PRO of a dedicated polling station situated in a prison), as the case may be [s 42(12) of the EAC (EP) (EC) Reg]. For the revocation of a polling agent appointed for a dedicated polling station in a prison, the candidate must give a notice in the specified form to the CEO. If a replacement polling agent is appointed and he wishes to observe the poll at a dedicated polling station in a prison (other than a maximum security prison), he is required to follow the arrangements set out in paras. 7.24 to 7.27 above. *[Amended in January 2010]*

Role of a Polling Agent

7.29 Polling agents are appointed **to assist a candidate in observing the conduct of the poll** to detect impersonation or irregularity at polling stations.

Provisions which the Polling Agents should be Aware of

7.30 On behalf of each candidate, only 1 polling agent may be admitted at any one time to the polling station for which he has been appointed [s 44(6) of the EAC (EP) (EC) Reg]. He is required to stay and keep his movements within the area designated for observation of the poll and not outside. Where a candidate or his election agent is present within a polling station, a polling agent of that candidate will not be allowed to be present at the same time within the polling station [s 44(7) of the EAC (EP) (EC) Reg]. [See also Part IV of Chapter 5 regarding the admission of candidates, election agents and polling agents to the polling station.] *[Amended in January 2010]*

7.31 Before entering a polling station, every person, other than a voter/AR, a police officer, an officer of the CSD or an officer of a law enforcement agency or a member of the Civil Aid Service on duty, must make a Declaration of Secrecy on a specified form and observe the provisions governing the secrecy of voting [s 92 of the EAC (EP) (EC) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a polling station will observe the secrecy of the vote of the voter and, in particular, not to divulge which voter/AR has voted for which candidate. *[Amended in January 2010]*

7.32 On attending the polling station for which he has been appointed, a polling agent shall report to the PRO and produce his identity card and the

Declaration of Secrecy completed by him for inspection [s 44(10) of the EAC (EP) (EC) Reg].

7.33 The following will occur before, during and after the poll on the polling day:

(a) Before

- (i) Before the commencement of the polling, the PRO will inform the candidates or their agents (either election agent or polling agent) if they are present, the number of ballot papers in his (the PRO's) possession, showing them the books of ballot papers not yet issued to any voter (“**UNISSUED** ballot papers”).
- (ii) The PRO will show the empty ballot boxes to such persons before proceeding to lock and seal them.

(b) During

- (i) In the course of polling, the PRO will show to each candidate or his election or polling agent, who is present at the relevant time, any abandoned ballot papers that have been issued or any torn pieces of such ballot papers found lying anywhere in the polling station (“**UNUSED** ballot papers”). Such ballot papers will not be put into a ballot box and will not be counted at the counting of votes. [Ss 59 and 77 of the EAC (EP) (EC) Reg]

- (ii) Where a person, representing himself to be a particular voter entered on the register, applies for any ballot paper after a person has been issued with any ballot paper as such a voter, he may be issued with a ballot paper with the word “**TENDERED**” endorsed on the front. Such ballot paper will not be counted at the counting of votes. [Ss 58 and 77 of the EAC (EP) (EC) Reg]
- (iii) Any voter who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him may ask the PRO to exchange it for another ballot paper. Such spoilt ballot paper will be endorsed on the front with the word “**SPOILT**” and will be kept by the PRO. The spoilt ballot papers will not be counted at the counting of votes. [Ss 60 and 77 of the EAC (EP) (EC) Reg]

(c) After

The PRO will, in the presence of persons present, lock the flap on the lid of the ballot boxes and seal it. He will also inform each candidate or his agent who is present of the number of the following types of ballot papers in his possession: unissued ballot papers, unused ballot papers, and spoilt ballot papers.

7.34 Generally speaking, a polling agent may observe all proceedings in the polling station for which he has been appointed and record his observations but shall not do anything that may interfere with the conduct of the poll. A polling agent **MAY**-

- (a) leave the polling station at any time during the poll in which case his place may be taken by a candidate, an election agent or another

polling agent appointed to attend at the polling station [see para. 7.30];

- (b) observe the locking and sealing of empty ballot boxes before the poll commences and the locking and sealing of the ballot boxes at the close of poll;

NOTE :

A polling agent who signs the sealing certificate of a ballot box as witness is required to write his name in block letters beneath his signature for easy identification. Candidates are advised to keep a list of their own polling agents to facilitate checking when the sealing certificate is broken at the counting station.

- (c) observe the issue of ballot papers to voters and ARs and the crossing out of the relevant entries from the copy of the register of voters, subject to the condition that they cannot interfere with the work of the polling staff;
- (d) where there is reasonable ground for questioning the bona fides of a voter/AR, ask the PRO to put the following prescribed questions (subject to necessary modifications) to that person at the time of his application for a ballot paper (but not afterwards):
 - (i) Are you the person registered in the subsector FR now in effect for this subsector, as follows (reads the whole of the relevant entry in the register)?
 - (ii) Have you already voted for this subsector?

NOTE :

The person will not be issued with any ballot paper unless he has answered the questions to the satisfaction of the PRO. [S 51(5) of the EAC (EP) (EC) Reg]

- (e) where there is a reasonable cause to believe that a person who has applied for a ballot paper has engaged in impersonation, declare it to the PRO for appropriate action before that person leaves the polling station. This may possibly lead to the arrest of the person. The polling agent must however undertake in writing to substantiate the charge in a court of law [s 52 of the EAC (EP) (EC) Reg].

[Amended in January 2010]

7.35 Inside a polling station, a polling agent **MUST NOT**:

- (a) interfere with or attempt to influence any voter/AR.
- (b) speak to or communicate with any voter/AR if the RO, the ARO, the PRO or any polling officer has given direction to him not to do so, or interfere with or attempt to interfere with any ballot boxes, ballot papers, the marked copy of the register or other relevant election materials. In this regard, a polling agent should station within the designated area demarcated by red adhesive tape, and must not enter, or move close to, the restricted zone delineated with yellow tapes about 1 metre, or 2 metres if the configuration allows, around the voting

compartments. Moreover, it is most improper for a polling agent to ask a voter/AR about his identity card number, let alone check a voter/AR's identity card.

- (c) attempt to obtain information, or disclose any knowledge acquired, concerning the vote of any voter/AR. A polling agent should read and observe carefully the provisions governing the secrecy of voting issued with the form of Declaration of Secrecy.
- (d) exhibit or leave or distribute any campaign material.
- (e) without reasonable excuse, display any badge, emblem, clothing or head-dress which:
 - (i) may promote or prejudice the election of a candidate or candidates at the election; or
 - (ii) makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong.

[Amended in September 2006]

- (f) use a mobile telephone or any telephone or paging machine or any other form of electronic communication device if the RO, the ARO, the PRO or any polling officer has given direction to him not to do so.

7.36 A polling agent must not misconduct himself in or in the vicinity of a polling station or fail to obey any lawful order of the RO or the PRO; otherwise he commits an offence punishable with a fine and imprisonment and may be ordered by such officer to leave the area. If he fails to leave immediately, he may be removed by:

- (a) a police officer if the polling station is not a dedicated polling station; or
- (b) an officer of the CSD or a law enforcement agency if the polling station is a dedicated polling station; or
- (c) any other person authorized in writing by the RO or the PRO to remove him.

The person so removed may not re-enter the polling station during that day except with the permission of the RO or the PRO [s 46 of the EAC (EP) (EC) Reg]. *[Amended in January 2010]*

Other Useful Information for Polling Agents

7.37 Most of the persons admitted to a polling station will be wearing identifications (eg badges). Candidates, their election agents and polling agents will be required to wear an identification device issued by the RO or the PRO for identification. If in doubt, a polling agent may enquire with the PRO as to the identities of the persons inside the polling station. No attempt, however, should be made to obtain information as to the identity of any voter/AR who is about to vote or has voted. [S 93(8) of the EAC (EP) (EC) Reg]

7.38 There may be voters with a disability who have been permitted to vote in the polling station specifically designated for the purpose. Candidates or their agents can make inquiries with the RO for information.

7.39 Only the PRO, the Deputy PRO or an Assistant PRO may, in the presence of one of the Polling Officers as a witness, help a voter who claims he is unable to read or write or incapacitated by visual deficiency or other physical cause to mark a ballot paper to indicate the choice of the voter [s 57 of the EAC (EP) (EC) Reg]. The responsible officer should inform the candidates or their agents who are present when such a request for assistance is received. A candidate or his polling agent in the polling station may request the PRO, the Deputy PRO or an Assistant PRO to choose a particular Polling Officer who is not working at the issuing counter as the witness, but the final decision as to which Polling Officer should be the witness remains with the PRO, Deputy PRO or Assistant PRO. An incapacitated voter's relatives, friends or any other persons are in no circumstances allowed to accompany the voter in the course of voting.

7.40 In each polling station, a number of **templates** are made available for the use of the visually impaired voter, if he chooses, to facilitate him to mark his vote on the ballot paper [s 57(3) of the EAC (EP) (EC) Reg]. The template contains the following features:

- (a) the template for each subsector is of the same width as the ballot paper and it is as long as, if not longer than, the ballot paper;
- (b) the template contains embossed numbers or numbers in braille starting with the first numeral (or code + numeral) in a sequence assigned to the candidates on the top followed downwards by other

numerals in that sequence, and on the right hand side against each of the number is a round hole;

- (c) the **left hand top corner** of the ballot paper and the template is cut so as to enable the voter to place the template on top of the face of the ballot paper in the proper direction; and
- (d) when the template is placed properly on the ballot paper, each embossed or brailled number corresponds with the candidate number, and each of the holes on the template corresponds with the circle on the ballot paper against the candidate number. The number of candidates in the EC subsector equals the number of holes under which there is the ballot paper.

The choice of candidate is made by the visually impaired voter by shading the oval, or pressing the chop with a “✓” sign provided on the circle, as the case may be, (through the holes on the template) against the candidate’s number. Whenever it is necessary, the polling staff will help the visually impaired voter to identify the different ballot papers before the voter proceeds to mark his vote.

7.41 No person may canvass or display any election propaganda material relating to any candidates or the election within a polling station. Candidates and their agents should not bring electioneering literature into the polling station or leave them there and should remove any promotional badges, emblems, clothing or head-dress before entering. A person must not use a sound amplifying system or device for any purpose within the NCZ; nor should he use such system or device or conduct any activities (eg lion dance), for canvassing, so that the sound emitted by it can be heard in the NCZ. However, an officer of the CSD may on the polling day use a sound amplifying system or device in the NCZ of a dedicated polling station situated in a prison for the performance of his/her

duties. [S 40 of the EAC (EP) (EC) Reg] Also a person must not stay or loiter in the NSZ without the express permission of the PRO. [S 41 of the EAC (EP) (EC) Reg] Any person who undertakes photographing, filming and video or audio recording within a polling station without the express permission of the PRO, or the RO, or a member of the EAC, commits an offence [s 45(2) of the EAC (EP) (EC) Reg]. Normally such permission is only granted to members of the media or government photographers for publicity purposes. Polling agents should also read Parts I to VI of Chapter 5 on all matters relating to polling and in particular, paras. 5.31 and 5.32 for activities that are prohibited, and the consequences of conducting such activities, in a polling station. *[Amended in September 2006 and October 2011]*

7.42 If a candidate or his election or polling agent has any complaint about whatever happens inside a polling station, he should follow the procedures laid down in para. 20.9 of Chapter 20.

PART VIII : COUNTING AGENTS

Appointment

7.43 A candidate may appoint not more than such number of counting agents as will be specified by the EAC [s 64(2) of the EAC (EP) (EC) Reg]. The same persons may, but need not, be appointed also as polling agents.

7.44 The appointment should be made on a specified form [s 64(8) of the EAC (EP) (EC) Reg]. The candidate must give notice of such appointment in writing to the RO at least **1 week** before the polling day [s 64(4) and (5)(a) of the EAC (EP) (EC) Reg]. Where a candidate appoints a counting agent after the

above deadline, the notice of the appointment must be given by the candidate or the election agent **personally** by delivering the notice of appointment to the RO (or ARO) during the period from the commencement of the poll to the conclusion of the count, but before the agent concerned enters the counting station [s 64(6) of the EAC (EP) (EC) Reg]. The appointment will not be effective until the notice of appointment is received by the RO [s 64(7) of the EAC (EP) (EC) Reg].
[Amended in September 2006]

Revocation

7.45 The appointment of a counting agent may be revoked by the candidate at any time. The candidate must also give notice of revocation in writing and in the specified form to the RO [s 64(9) and (10) of the EAC (EP) (EC) Reg]. Any such notice given after the commencement of the poll shall be given by the candidate or his election agent **personally** by delivering the notice to the RO (or ARO) [s 64(11) of the EAC (EP) (EC) Reg]. A revocation of an appointment of a counting agent will not be effective until the notice thereof is received by the RO [s 64(12) of the EAC (EP) (EC) Reg].

Role of Counting Agents

7.46 Counting agents are appointed to attend at the counting station **to observe the breaking of the seals on the ballot boxes, the sorting, separation and counting of ballot papers and the counting of votes recorded on the valid ballot papers.** This arrangement ensures the transparency of the counting process and is conducive to openness and fairness. [See Part VII of Chapter 5.]

Provisions which the Counting Agents should be Aware of

7.47 Before the counting commences, every person authorised to be present at a counting station, other than the police officers and members of the Civil Aid Service on duty, must make a Declaration of Secrecy on a specified form and observe the provisions governing the secrecy of voting [s 92 of the EAC (EP) (EC) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a counting station will observe the secrecy of the vote of the voter and, in particular, not to divulge which voter has voted for which candidate. Members of the public present within the area designated by the CRO (Subsectors) or the RO will not be required to make a Declaration of Secrecy. *[Amended in October 2011]*

7.48 On attending the counting station, a counting agent shall report to the relevant RO and produce his identity card and the Declaration of Secrecy completed by him for inspection [s 92(2) of the EAC (EP) (EC) Reg].

7.49 Generally speaking, counting agents are entitled to be present throughout the count to observe the counting proceedings. They will be allowed by the RO to stay close and around the counting table to monitor the count. Nevertheless, they must not handle any ballot papers. A counting agent **MAY**:

- (a) observe the opening of the ballot boxes for the relevant subsector by the RO or AROs;
- (b) inspect any papers other than ballot papers taken from the ballot boxes before they are disposed of;
- (c) observe the conduct of the count by counting officers including how individual votes are counted; and

- (d) observe, where he wishes, the packing of ballot papers by the counting officers and the RO at the conclusion of the count.

7.50 A counting agent **MUST NOT**:

- (a) handle, separate or arrange ballot papers; and
- (b) misconduct himself in or in the vicinity of a counting station or fail to obey any lawful order of the CRO (Subsectors) or the RO in-charge of the subsector, as the case may be; otherwise he commits an offence punishable with a fine and imprisonment and may be ordered by the CRO (Subsectors) or the RO to leave the area. If he fails to leave immediately, he may be removed by a police officer or by any other person authorised in writing by the CRO (Subsectors) or the RO to remove him. The person so removed may not re-enter the counting station except with the permission of the CRO (Subsectors) or the RO, as the case may be.
[S 68 of the EAC (EP) (EC) Reg]

Other Useful Information for Counting Agents

7.51 Counting agents should read Part VII of Chapter 5 on all matters relating to counting and in particular, paras. 5.41 and 5.42 for activities that are prohibited and the consequences of conducting such activities within the counting station.

CHAPTER 8**ELECTION ADVERTISEMENTS****PART I : GENERAL**

8.1 Election advertisement, in relation to the subsector election, means:

- (a) a publicly exhibited notice; or
- (b) a notice delivered by hand or electronic transmission; or
- (c) a public announcement made by radio or television or by video or cinematographic film; or
- (d) any other form of publication,

published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election [s 2 of the ECICO].

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for election at any time before the close of nominations for the election, whether or not he has submitted a nomination form [s 2 of the ECICO].

8.2 **Election advertisement** includes the following if it is published for the purpose of promoting or prejudicing the election of any candidate in the election: *[Amended in October 2011]*

- (a) any address, notice, bill, placard, poster, board, banner, roll-up banner, flag, standard, colour, sign, message, sound, image or picture and any article, thing or material; *[Amended in October 2011]*
- (b) audio/video cassette tapes, discs, diskettes, electronic messages, websites, facsimile transmissions, balloons, caps, badges, emblems, carrier bags, head-dress and clothing; or *[Amended in September 2006 and October 2011]*
- (c) any things or materials published by any person or any organisation, including political organisation, professional or trade organisation, owners' corporation, mutual aid committee, tenants' association, owners' committee, etc (irrespective of whether or not the candidate concerned is an office-bearer or member) showing his or its support for any candidate or advertising the platform or services of such an organisation with reference to a candidate by name or photograph or in any other form or manner.

8.3 Election advertisement also includes:

- (a) publicity materials containing the name or photograph of a candidate issued or displayed during the election period (ie the period beginning with the nomination day for the election and ending with the polling day for the election) even though the content of the publicity material is not, on the face of it, election

related. Examples include surveys, questionnaires, posters publicising functions like vegetarian meals, tours, courses, offer of free legal or medical or other professional service, etc; and

- (b) any printed performance report published or distributed **during** the election period by-
 - (i) a serving member of the LegCo; or
 - (ii) a serving member of a DC; or
 - (iii) a serving member of the HYK; or
 - (iv) a serving chairman or vice-chairman or member of the Executive Committee of a Rural Committee; or
 - (v) a serving village representative (“VR”),

who is running as a candidate for the election. These persons are termed “incumbent candidates” under the ECICO. A performance report means a document giving details of activities organised, services rendered or work done by such an incumbent candidate.

[Ss 33 and 34(9) of the ECICO]

8.4 A performance report whether in the format of a website or a printed document published or distributed by an incumbent candidate **during** or **before** the election period will also be regarded as an election advertisement **if it is published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.** It is important to note that a

performance report which is treated as an election advertisement must comply with all the requirements for an election advertisement.

8.5 If the incumbent members distribute performance reports before they submit their nomination forms or publicly declare their intention to stand as candidates, they are **not** candidates at the time when their performance reports are being distributed. On such basis, the expenditure incurred in the distribution of such reports before the submission of nomination or public declaration of their intention to stand as candidates would not be counted as their election expenses.

8.6 A candidate in an election may put up and display election advertisements in accordance with these guidelines which summarise the relevant law and regulations.

Election Advertisements Prejudicing the Election of a Candidate

8.7 There are occasions that candidates or a third party may publish election advertisements for the purpose of prejudicing the election of a candidate at the election. The concept of “promoting” and “prejudicing” the election of someone can be relative. To publish a document which is designed to persuade voters not to vote for one candidate would have the effect of improving the chances of success of other candidate(s) and could therefore be said to promote the latter’s election.

- (a) If candidate A criticises candidate B in his own election advertisements with a view to prejudicing B’s candidature at the election, candidate A has to include the expenditure incurred in his election expenses.

- (b) If a third party criticises candidate B in an election advertisement and that the election advertisement has the effect of indicating support for candidate A, that person must obtain candidate A's prior consent for incurring the production expenses before he produces that election advertisement. The expenditure incurred will have to be included in candidate A's election expenses.

- (c) If the third party publishes an election advertisement as described in (b) above without the prior consent of candidate A, he will be breaching s 23 of the ECICO as only a candidate or a person who has been duly authorised by a candidate as his election expense agent may incur election expenses. The election advertisement should be regarded as the election advertisement for candidate A. It would only be fair to candidate A that the third party needs to obtain candidate A's consent before publishing such election advertisement since candidate A is ultimately responsible for his own election expenses. It would also prevent candidate A from circumventing the law by asking the third party to publish materials prejudicing candidate B without having to account for the expenses of those materials.

8.8 Materials published by any person, including a candidate, for the purpose of prejudicing a candidate or candidates are treated as election advertisements, if reference could be made from the materials to identify the candidate(s) being prejudiced.

8.9 The **election expenses** allowed by law to be incurred by a candidate include the expenses he incurs for the preparation and publication of election advertisements, and he should therefore be careful in planning how

much he should spend in this area. [For the definition of election expenses, see s 2 of the ECICO.]

8.10 Subject to the maximum amount that can be incurred by a candidate for election expenses [s 24 of the ECICO], there is no restriction as to the quantity of election advertisements employed by him. The maximum amounts allowed for the elections of the subsectors are specified in the Maximum Scale of Election Expenses (Election Committee) Order (Cap 554I). [See para. 16.8 of Chapter 16.] *[Amended in October 2011]*

8.11 A candidate must ensure the correctness and accuracy of all factual statements in his election advertisements. [For criminal sanctions, see ss 25, 26 and 27 of the ECICO.]

PART II : PERIOD AND AREA OF DISPLAY

8.12 With the necessary **written permission or authorisation**, a candidate may display election advertisements on government or private land and property [s 104A(1) of the Public Health and Municipal Services Ordinance (Cap 132) and s 4 of the Land (Miscellaneous Provisions) Ordinance (Cap 28)]. *[Amended in October 2011]*

8.13 Display spots are classified into 2 types:

- (a) **designated spots** which are spots on government land/property and sometimes even on premises owned or occupied privately that have been made available to the Government for allocation to candidates; and

- (b) **private spots** which are spots on private land/property in respect of which written permission or authorisation for display has been obtained from the owner or occupier concerned by the candidate himself.

Government or Private Land/Property - Designated Spots

8.14 Designation of designated spots for the use of contested candidates to display their election advertisements will be made by the RO. Some of the government land and property have been allocated to some public authorities, such as the Housing Authority, and are under their respective control. The RO may designate spots on such allocated land in coordination with the said authorities. **Each candidate** will be as far as practicable allocated **the same number of designated spots**. *[Amended in October 2011]*

8.15 Prospective candidates as well as political organisations are welcome to suggest locations of display in which they are interested. The ROs concerned will take into consideration such suggestions in drawing up the list of “**designated spots**”, with absolute discretion to decide whether to adopt the suggestions.

NOTE :

Suggestions should reach the CEO not later than **8 weeks before the polling day**. *[Amended in October 2011]*

Other Land/Property : Private Spots

8.16 Candidates who wish to display their election advertisements on land/property other than government land/property and other than the designated

spots must obtain the **prior written permission or authorisation** of the owner or occupier [s 104A(1) of the Public Health and Municipal Services Ordinance (Cap 132)]. The obtaining of written permission or authorisation from the private owner or occupier is a matter for private arrangement between the candidate and the owner or occupier, and they are therefore called “**private spots**”. A copy of the written permission or authorisation must be deposited with the RO relevant to the subsector before display. [Please also see para. 8.20 below.] Any consideration, fee or money incurred or agreed to be paid by or on behalf of the candidate to the owner or occupier for display of his election advertisements forms part of his election expenses. If a commercial advertising space for rent is allowed by the private owner or occupier to be used free of charge by a candidate for display of his election advertisements, a reasonable market value for the use of that space will have to be accounted for by the candidate as an election donation and counted as election expenses. Such a provision is to ensure that the candidate concerned will not have unfair advantage over the others who do not have access to such facilities. If the private spot for displaying the election advertisement is normally used for commercial purpose, the actual rent charged or the usual rent or market rent that would normally be charged should be counted as the election expenses of the candidate concerned, irrespective of whether it is owned by the candidate or whether the owner of it allows the candidate to use it free of charge (in which case it would be a donation of the rent). Where a space provided by a particular private owner or occupier for a candidate to display election advertisements is not used for commercial advertising, but similar space belonging to other owners or occupiers is available for commercial advertising, the market value of the space should also be accounted for. The provision of this kind of rent-free space should be regarded as donation. For details on how the estimated value should be assessed, please refer to para. 16.21 of Chapter 16. If a space is not normally used by any private owners or occupiers for commercial advertising, there is no need for the candidate to account for its value. *[Amended in October 2011]*

8.17 The EAC appeals to owners and occupiers of private premises to give all candidates competing in the same subsector **fair and equal treatment** in the display of election advertisements. [For details, please see Chapter 9 : Electioneering at the Living and Working Places of Voters/ARs, Premises of Organisations to which Voters/ARs belong and Buildings which Voters/ARs Frequent.]

8.18 Candidates should note that public corporations may have their own rules for display of election advertisements, eg the Mass Transit Railway Corporation Limited has its own set of rules for such display in residential estates under its management.

General Principle in Allocating Designated Spots

8.19 The RO will allocate the designated spots, as the case may be, to candidates either in accordance with the mutual consent of the candidates or by the drawing of lots after the close of nomination, when the number of candidates contesting will have been ascertained. **No display of election advertisements will be allowed on any designated spots before the allocation.** [Also see the requirements in para. 8.25 and Part V below.] Any election advertisements displayed by the candidates on Government land/property other than designated spots are unauthorised and will be removed, save those election advertisements displayed in connection with electioneering activities conducted on Government land/property with approval by the authorities concerned. A candidate will be provided with a list of the designated spots allocated to him, together with a set of standardised map or maps to help identify the locations. *[Amended in October 2011]*

Written Permission or Authorisation

8.20 The RO will have already obtained prior approval from the relevant authorities under s 104A(1) of the Public Health and Municipal Services Ordinance (Cap 132) and s 4 of the Land (Miscellaneous Provisions) Ordinance (Cap 28) for candidates to display their election advertisements at designated spots. Immediately after the allocation of designated spots is made, a copy of the necessary written permission or authorisation under the relevant legislation will be provided to the candidates by the RO [see Part III below]. For any display at private premises, written permission or authorisation of the private owner or occupier will have to be obtained by the candidates themselves. A person displaying an election advertisement without the necessary written permission or authorisation commits an offence punishable by a fine of up to \$10,000 and, where the offence is a continuing offence, by an additional daily penalty of \$300 for each day during which it is proved to the satisfaction of the court that the offence has continued [s 104A(1) of the Public Health Municipal Services Ordinance (Cap 132)]. The fines so incurred will also be treated as election expenses. **A copy of the written permission or authorisation must be deposited by the candidate with the RO before display or distribution** [s 100(9) of the EAC (EP) (EC) Reg]. *[Amended in October 2011]*

No-Display Areas

8.21 No election advertisement may be displayed within the boundaries of a polling station (including the outer walls of the premises) or within any **NCZ** [see Chapter 14 : Prohibition Against Canvassing Activities Outside Polling Stations], except for static displays that are authorised by the RO or the PRO of the relevant polling station. Where there are private premises situated within the NCZ, the ROs should issue a notice in advance to all the candidates asking them to remove all of their election advertisements, if any, posted up at the private premises within the NCZ which can be seen by voters on their way to the polling stations on the polling day. If the candidates fail to remove the election advertisements as requested by the ROs, the ROs may issue a warning to them to

remove the offending election advertisements immediately. If the candidate fails to do so, the EAC may issue a censure or reprimand. The RO will provide the candidate with one set of sketch maps or plans showing the boundaries of all polling stations and all NCZs outside those polling stations. *[Amended in October 2011]*

8.22 Election advertisements on display must not distract motorists or interfere with the sight lines of motorists and pedestrians, obscure any traffic sign or traffic light signal, or obstruct the circulation of pedestrians. Thus, there will be no designated spots on or over flyovers, bridges including footbridges, lamp posts, central dividers of roads, road signs and railings at corners of road junctions or at or near pedestrian crossings, bus stops and bus termini. *[Amended in October 2011]*

PART III : ALLOCATION OF DESIGNATED SPOTS

8.23 The RO will make known to each contested candidate at the time of receipt of the nomination form the following information:

- (a) the general locations of the designated spots, which may include unleased government land and premises managed by the Housing Department and the Hong Kong Housing Society, and private premises available for allocation to the candidates for a particular subsector. The size and number of spots for allocation will be finalised by the RO, taking into account the number of candidates in the subsectors, **after** the close of nominations. In order to allow all contested candidates to display their election advertisements at all locations, particularly popular ones, the size of each spot may vary from location to location; and

- (b) the date and time for conducting the allocation of designated spots, which would normally be held within 3 days following the close of nominations. The RO will invite representatives from the relevant authorities relating to government land/property, save those who have already given a blanket approval, to be present to give the necessary written authorisation for the spots allocated.

8.24 The RO(s) for the subsector(s) will need to know the exact number of candidates who wish to display election advertisements at designated spots, so that he can finalise the number of designated spots and their size for allocation. Therefore, candidates concerned must contact the relevant RO to register their interest in writing when they submit their nomination forms or before the close of nominations.

8.25 Designated spots are allocated by agreement of the representatives of all the contested candidates or by the drawing of lots. After allocation of the spots and the necessary authorisations have been obtained from the relevant authorities [s 104A(1) of the Public Health and Municipal Services Ordinance (Cap 132) and s 4 of the Land (Miscellaneous Provisions) Ordinance (Cap 28)] and after complying with the requirements set out under Part V, the candidate may display election advertisements at such spots allocated to him. *[Amended in October 2011]*

8.26 A copy of all the permissions or authorisations obtained by a candidate himself, as opposed to those provided to him by the RO, must be provided by him to the relevant RO **before display, distribution or otherwise use of any election advertisement** [s 100(9) of the EAC (EP) (EC) Reg]. *[Amended in October 2011]*

8.27 Designated spots allocated are not transferable. Nor are they exchangeable with other spots. Where a candidate of a particular subsector no longer wishes to use one or more designated spots allocated to him, he should inform the RO of that subsector in writing within 1 week after the allocation of those spots. Upon request by any other candidate of the same subsector, the RO, if he considers appropriate, will re-allocate by agreement or by the drawing of lots the designated spots amongst all candidates of the same subsector except the one first mentioned. In such a case, paras. 8.25 and 8.26 above apply. *[Amended in October 2011]*

NOTE :

In some cases, designated spots allocated in the first round of allocation are left unused for various reasons. The RO may re-allocate such spots to the relevant candidates by mutual consent or the drawing of lots. Candidates may wish to plan accordingly their resources in respect of election advertisements.

8.28 An election advertisement advertising 2 or more subsector candidates is allowed to be displayed on the designated spots allocated to the candidates concerned. Nevertheless, it is important to ensure that the total number of spots as well as the total area of all the spaces actually occupied for joint advertisements and for advertising each one of the joined candidates (ie measured by the dimension of election advertisements) do not exceed the total number of spots as well as the total area of the designated spots allocated to each of the candidates and subject to the size restrictions specified in para. 8.32 below. Through joint advertisement, the candidates concerned promote themselves at the election, and so each of the candidates would benefit from the joint advertisement. The expenses incurred for the joint election advertisements will therefore have to be borne by the candidates concerned in equal or unequal shares

as their respective election expenses, to be calculated by the proportion of the size of the portion advertising each. It is important to note that only a candidate himself or his election expense agent may incur election expenses on his behalf [s 23 of the ECICO]. In order to comply with the requirement stipulated in s 27 of the ECICO, the candidates concerned also have to seek written consent of support from each other before publishing the joint election advertisement [see para. 18.9 of Chapter 18 : Namedropping]. *[Amended in September 2006 and October 2011]*

PART IV : CONDITIONS AND LIMITATIONS ON DISPLAY

Name of the Subsector

8.29 To avoid possible confusion to voters, election advertisements of all candidates of the subsector must bear the name of the subsector for which the candidate concerned is standing. Similarly, in respect of joint election advertisements, the name of the subsector should be stated clearly in relation to each of the candidates advertised. Either the full name of the subsector or its abbreviated name (to be advised by the RO for the subsector) may be used, dependent on the choice of the candidate.

8.30 Likewise, all candidates should make known to the voters the name of their respective subsectors when they conduct joint canvassing activities.

Re-use of Old Publicity Boards

8.31 A candidate may re-use old publicity boards used at a previous election. However, any information in relation to the previous election, eg the

candidate number, name of subsector, party affiliation and names of persons who supported the candidate at that election, should be fully obliterated before any old publicity board is re-used. This would not only avoid confusion to voters but would also help the candidate avoid laying himself open to allegations of false claim of support of persons who might not have consented to support him at the current election. The cost incurred in refurbishing as well as the estimated value of the old publicity boards will be counted towards the candidate's election expenses. *[Amended in October 2011]*

Size

8.32 As a general rule, election advertisements displayed at railings and fences should not exceed 1 metre high and 2.5 metres long. Before displaying election advertisements, candidates are reminded to ensure that the election advertisements must not distract motorists or interfere with the sight lines of motorists and pedestrians, obscure any traffic sign or traffic light signal, or obstruct the circulation of pedestrians. For the rules on display of joint advertisements, see para. 8.28 above. *[Amended in October 2011]*

Mounting and Installation

8.33 The mounting and display of election advertisements must not cause any risk to life or property.

8.34 Permanent fixing devices, such as nails or insoluble glue, should not be used.

8.35 Use “tie-on” posters (rather than “stick-on” posters) to facilitate subsequent removal.

8.36 Do not stick posters on painted or varnished surfaces as their subsequent removal will cause damage or leave irremovable marks.

8.37 Do not erect any structure on pavements, eg nailing boards to the ground.

8.38 Owners or occupiers of a property including a government authority may specify the way in which election advertisements are to be displayed, and may require an indemnity against any claim or damage arising from the display of such materials.

Dismounting

8.39 For a contested election, all candidates should remove all their election advertisements displayed on government land/property **within 10 days** following an election. For an uncontested election, the candidate should remove his election advertisements within 10 days following the publication of the election result in the Gazette. Failure to do so may result in prosecution being brought against the offending candidate and such advertisements removed and seized by the relevant authority. The **cost of removal** will be recovered from the candidate concerned and will be construed as **election expenses**. Relevant authorities will issue demand notes for the removal costs to the candidates concerned within 21 days after the election results have been published in the Gazette (normally the immediate Friday after the polling day). This is to allow sufficient time for the candidates to include all these costs in their election returns which must be submitted not later than 30 days after the publication in the Gazette of the election results, or not later than 30 days after the declaration of the termination of the election proceedings under the relevant electoral law, or not later than 30 days after the declaration of the failure of the election under the

relevant electoral law [s 37 of the ECICO]. *[Amended in September 2006 and October 2011]*

PART V : SERIAL NUMBERING, DECLARATIONS AND COPIES

Serial Numbering

8.40 Save where the exemption applies, all copies of each type of all election advertisements intended to be displayed or distributed by a candidate must be marked distinctly and legibly on the face with **consecutive serial numbers** starting from “1” [s 100(1) and (2) of the EAC (EP) (EC) Reg]. Printed materials are exempted from the requirement of serial numbering if each of them:

- (a) is of or smaller than A4 size, ie 30 cm x 21 cm;
- (b) is contained in a single sheet of paper; and
- (c) bears upon it the printer’s name and address, number of copies printed and date of printing.

Examples of the above may include handbills, leaflets and simulated ballot papers. Election advertisements printed in a registered local newspaper or sent to voters through the free postage service [see Part IX] or transmitted by electronic means (eg facsimile, electronic mail, computer network, electronic display boards) and balloons, badges, carrier bags, head-dress and clothing, or of such other class or types as the EAC may specify by notice published in the Gazette are exempted from the requirement of serial numbering [s 100(15) and (16) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and October 2011]*

8.41 The size of the number marked on each type of election advertisements which are not larger than 60 cm x 42 cm (A2 size) must not be smaller than 2 cm in diameter, and the size of the number marked on those which are larger must not be smaller than 4 cm in diameter.

Declarations

8.42 **Before display, distribution or otherwise use of any election advertisement**, a candidate must make a **declaration in a specified form** to the RO for the subsector (or to the CEO, if the RO has not yet been appointed) declaring the **quantity**, with the **serial numbers** (save those covered by the exemption referred to in para. 8.40 above) of each type of all election advertisements displayed, distributed or otherwise used and **the date of printing/publication**. Such declaration should also show all the **intended places** of display (designated spots or private spots) which may be identified by reference to the permissions or authorisations obtained by the candidate. [S 100(3), (4) and (5) of the EAC (EP) (EC) Reg] A candidate can submit as many declarations as circumstances may from time to time require. A candidate must ensure the correctness and accuracy of all the details contained in his declarations. *[Amended in October 2011]*

8.43 Where an election advertisement is to be distributed by facsimile transmission and where the exemption referred to in para. 8.40 applies (which includes election advertisements sent to voters through the free postage service detailed in Part IX below or transmitted by electronic means), it will not be necessary to state the serial numbers in the declaration. Only the quantity of that election advertisement is to be stated in the declaration.

Submission

8.44 **Before display, distribution or otherwise use of any election advertisement**, a candidate must submit the declaration referred to in para. 8.42 above and copies of the election advertisements declared therein to the RO for his subsector (or with the CEO if the RO has not yet been appointed) in the manner as stipulated below:

- (a) in respect of election advertisements
 - (i) for all printed advertisements, to deposit with the RO the declaration and 2 copies each of the advertisements in original colours bearing in Chinese or English, the name and address of the printer together with the date of printing and the number of copies printed (“printing details”);
 - (ii) for election advertisements recorded in video/audio tapes or discs or diskettes, to deposit with the RO the declaration and 2 identical copies each of the tapes/discs/diskettes;
 - (iii) for any electioneering message sent by electronic means, to either submit to the RO the declaration and an electronic copy each of the messages through an electronic means in accordance with the procedures set out in **Appendix G** and subject to the size limit stipulated therein; or deposit with the RO the declaration and 2 identical copies of a CD-ROM or DVD-ROM each containing the electronic copies of the messages; or deposit with the RO the declaration and 2 hard copies each of the messages.

For the aforesaid advertisements sent by electronic means which are displayed or distributed through a website, the candidate is required to submit the declaration and a copy each of the modified webpages when the contents of the relevant websites are changed or updated. Where it is not practicable to submit such advertisements to the RO before they are displayed, distributed or otherwise used (such as when the messages are sent through social networking or communication websites on the Internet like Twitter, Facebook, blogs etc. and the exchanges are of an interactive and spontaneous nature), to deposit with the RO the declaration and an electronic copy or 2 hard copies each of the advertisements **by the end of the first working day** following the day on which the advertisements are displayed, distributed or otherwise used; and

- (iv) for election advertisements that cannot be practically or conveniently photocopied, to submit to the RO the declaration together with either 2 identical postcard sized colour photographs of the advertisement; or a digital image of the advertisement in accordance with the procedures set out in **Appendix G** and subject to the size limit stipulated therein.

[s 100(4A), (5), (5A), (6), (7) and (8) of the EAC (EP) (EC) Reg]

For the avoidance of doubt, for printed election advertisements, by depositing 2 copies with the RO for the subsector prior to the display, distribution or otherwise use of such election advertisements as stated above, the candidate would have

complied with **both** the requirement in s 100(5), (5A), (6) and (7) of the EAC (EP) (EC) Reg (which requires prior deposit) and that in s 34(4) of the ECICO (which requires deposit not later than 7 days after publication). Details of the relevant section of the ECICO and the reasons for the two different requirements under the two legislations are provided in paras. 17.13 to 17.14 of Chapter 17. *[Amended in September 2006]*

- (b) in respect of permissions or authorisations for display of election advertisement in the form of a bill or poster, to submit to the RO a copy each of all permissions or authorisations for display given or obtained for the purposes of s 104A(1) of the Public Health and Municipal Services Ordinance (Cap 132) [s 100(9) of the EAC (EP) (EC) Reg].
- (c) in respect of consent of support referred to in s 27(1) or (2) of the ECICO, to submit to the RO a copy each of all consents of support in the form at **Appendix R**.

[Amended in October 2011]

8.45 If a candidate has difficulty in depositing with the RO for his subsector an original copy of a declaration and 2 copies of an election advertisement in para. 8.44(a)(i) above before its display, distribution or otherwise use, he may first send to the RO by fax the declaration together with a copy of each election advertisement or by e-mail with an image or digital photograph of each election advertisement. The candidate should ensure that any submissions sent by fax or e-mail should reach the RO properly. The candidate must, within 24 hours during weekdays (ie Monday to Friday) or within 48 hours during weekends (ie Saturday to Sunday) after sending the fax or e-mail, submit

to the RO the original copy of the declaration form and 2 copies of each such election advertisement. *[Added in September 2006 and amended in October 2011]*

8.46 Speeches orally delivered by a candidate during election meetings or ad hoc visits will not be treated as election advertisements unless copies of the speech are provided to the audience or media. If the candidate would like to create certain impact by talking first before providing copies of the speech to the audience or media, he could, after delivering the speech, send a copy of the speech, together with the declaration, to the RO of his subsector by fax or e-mail prior to distributing them to the audience or media. The candidate should ensure proper submissions by fax or e-mail to the RO. The candidate must submit to the RO the original copy of the declaration form and 2 copies of each speech within 24 hours during weekdays (ie Monday to Friday) or within 48 hours during weekends (ie Saturday to Sunday) after sending the fax or e-mail. Since copies of the speeches distributed to the audience in the circumstances above-stated serve to promote the candidate's election, they are regarded as printed election advertisements. The candidates concerned are also required to comply with s 34 of the ECICO in publishing the speech and the provisions on serial numbering in paras 8.40 and 8.41. *[Added in September 2006 and amended in October 2011]*

8.47 In the rare circumstances where candidates contesting different subsectors use identical copies of an election advertisement, the RO of the relevant subsector may exercise his discretion to accept a joint declaration by all the candidates concerned and a joint submission of 2 copies of the election advertisement.

8.48 Where a Declaration of Election Advertisements under s 100 of the EAC (EP) (EC) Reg made by a candidate and deposited with the RO of his

subsector contains a mistake or where the candidate's declared intention as to the number of any type of election advertisements to be displayed or the location of display, etc has changed, the candidate should make a corrective declaration to correct the mistake or record the change. All such corrective declarations must be deposited with the relevant RO at the **latest by 12 noon on the day preceding the polling day**. If no corrective declaration has been so deposited, then the declaration of election advertisements will be used as one of the bases for examining and checking the candidate's return and declaration of election expenses and donations, and as the basis for removal of unauthorised or offending displays. *[Amended in October 2011]*

8.49 No election advertisements shall be displayed apart from those referred to in the declarations made by the candidate and as shown by the copies or on the photographs.

8.50 A candidate must not display his election advertisements other than at the places set out in his declaration.

8.51 The RO for the relevant subsector will make available a copy of the declarations, election advertisements, photographs, permissions or authorisations and consents at a specified address for inspection by the public as soon as practicable after such documents and photographs have been furnished until the expiration of the same period as declarations of election returns lodged by candidates are available for inspection under s 41 of the ECICO, ie until the first anniversary of the date on which the result of the relevant election is published [s 100(10) of the EAC (EP) (EC) Reg].

PART VI : REQUIREMENTS RELATING TO PRINTED ELECTION MATERIALS

Printing Details

8.52 S 34 of the ECICO requires all printed election advertisements, with the exception of those printed in a registered local newspaper, to bear printing details, ie they must bear, in Chinese or English, the name and address of the printer together with the date of printing and the number of copies printed. It applies to all materials reproduced by any method of multiplying copies (eg printing machines, duplicators or photocopiers). The following are some suggested formats:

- (a) Printed by ABC Printing Works,
XX XZY Street, HK
on (date) in (number) copies

or

- (b) Printed by own office machine
XX XZY Street, HK
on (date) in (number) copies

[Amended in October 2011]

Election Advertisements Placed in Print Media

8.53 Where an election advertisement is placed in the print media and takes the form of a news report or any other form which does not clearly show that it is an election advertisement, the words “**Election Advertisement**” or “**選舉廣告**” must be stated in the advertisement, to avoid misunderstanding by readers that it is not an election advertisement.

PART VII : NON-COMPLIANCE AND CONSEQUENCES

Inadvertent Omission of Printing Details

8.54 A candidate who has inadvertently omitted the printing details from his printed election advertisements can make a statutory declaration giving the omitted details, and deposit such declaration with the RO of his subsector **not later than 7 days after** the publication of the offending election advertisement [s 34(3) of the ECICO]. Having taken this remedial step, he will not be prosecuted for contravention of s 34(1) of the ECICO. The statutory declaration will be retained by the RO for 6 months after the result of the election is published [s 34(7) of the ECICO]. *[Amended in October 2011]*

Enforcement and Penalties

8.55 A candidate who fails to provide the printing details or deposit copies of printed election advertisements with the RO of his subsector commits an offence punishable by a fine of up to \$200,000 and imprisonment for up to 3 years [s 34(6) of the ECICO]. However, he may apply to the court for an order allowing the publication of the above election advertisements be excepted from the relevant requirements and relieving him from the penalties, provided that the court is satisfied that the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith [s 35 of the ECICO]. Non-compliance with the requirements of s 100(13) of the EAC (EP) (EC) Reg is punishable with a fine at level 2 (up to \$5,000) and imprisonment for up to 6 months. *[Amended in October 2011]*

8.56 Each candidate must observe and comply with the conditions imposed by the permissions or authorisations for the display of election advertisements. Any election advertisements displayed in contravention of these

guidelines will be removed and seized. Candidates and their supporters should report any non-compliance to the RO and should not take removal action themselves.

8.57 Any unauthorised or offending election advertisements displayed may be seized, disposed of, destroyed, obliterated or covered by the RO or any person authorised by him as he thinks fit [s 100(14) of the EAC (EP) (EC) Reg]. The candidate or his election agent responsible may also be prosecuted and if convicted may be liable to a fine or imprisonment [s 100(13) of the EAC (EP)(EC) Reg]. The cost of removal, being a civil debt, will be counted as election expenses. Such civil debt must be reported in the candidate's return and declaration of election expenses. The seized articles may be kept as evidence and will be disposed of or returned upon application, in accordance with the Public Health and Municipal Services Ordinance (Cap 132) or the Housing Ordinance (Cap 283), as the case may be, and the procedures of the relevant authority. [S 104C of the Public Health and Municipal Services Ordinance (Cap 132) and s 24 of the Housing Ordinance (Cap 283)] *[Amended in September 2006 and October 2011]*

8.58 Each candidate must observe and comply with the conditions agreed between him and the owner or occupier of private land or property for the display of election advertisements, and any additional charges or damages that a candidate is liable to pay to the owner or occupier may be construed as election expenses.

8.59 Complaints should be made to the relevant RO. Upon complaints being received, the EAC may also issue public statements in such manner as it deems fit to censure or denounce any non-compliance with these guidelines. Although a censure may be a further detriment to the candidate in addition to his liability for removal expenses and criminal liability, the EAC will not hesitate to publish one in an appropriate case.

**PART VIII : ADVERTISEMENTS OF POLITICAL,
PROFESSIONAL/TRADE BODIES OR OTHER
ORGANISATIONS**

8.60 Any thing or material published by any organisation, including political organisation, professional or trade organisation, owners' corporation, mutual aid committee, tenants association, owners' committee, etc (irrespective of whether or not the candidate concerned is its office-bearer or member) which advertises its platform or services during or **even before the election period with reference to the candidate** by name or photograph or otherwise may be treated as election advertisement put up by, or on behalf of, or on account of the candidate. The expenses for doing so may be construed as election expenses incurred by or on behalf of the candidate. It is therefore a prudent step for the relevant organisations to suspend their advertising activities. However, if the material published by the organisation concerned, as opposed to the candidate himself, advertises only a particular activity, which:

- (a) is organised from time to time either as part of the organisation's normal functions, and/or according to the local tradition;
- (b) is not related to the election; and
- (c) does not explicitly or implicitly promote or prejudice the election of a candidate in the election,

then the appearance in the published material of the name and/or photograph of a candidate who is involved in organising the activity should not be regarded as an election advertisement.

8.61 It is an offence for anyone to incur election expenses unless he is a candidate or an election expense agent of a candidate [s 23 of the ECICO].

8.62 Candidates should protect their own interest by advising their political bodies or their organisations of these guidelines as soon as they have any intention or plan to run for an election.

8.63 To sum up the important points, where any organisation, including a political organisation, publishes an election advertisement promoting a candidate,

- (a) the expenses incurred will be treated as the candidate's own election expenses;
- (b) the officer-in-charge of the organisation needs to be authorised by the candidate to be the candidate's election expense agent, or else it or the responsible person commits an offence under s 23 of the ECICO;
- (c) such advertisement must comply with the requirements of s 34 of the ECICO and s 100 of the EAC (EP) (EC) Reg; and
- (d) such advertisement can only be displayed at the spots authorised to the candidate.

PART IX : FREE POSTAGE FOR ELECTION ADVERTISEMENTS

Conditions for Free Postage

8.64 A candidate of a subsector who is declared to have been validly nominated in the notice of nomination published in the Gazette in accordance with regulations made under the EACO is permitted to post free of postage **1** letter to each voter of the subsector for which the candidate is nominated [s 38 of the Schedule to the CEEO]. However, before the publication of the notice of nomination, a candidate wishing to exercise his right to free postage may be required to furnish the Postmaster General with a security for the payment of postage in the event that his name is not subsequently shown in the notice [s 6(2)(a) of the Post Office Regulations (Cap 98A)]. *[Amended in October 2011]*

8.65 The purpose of the free postage is to enable the candidate to mail election advertisements to promote or advertise himself and in relation to that election to voters. The free postage, which is the candidate's own privilege, cannot and should not be used for any other purpose or any other election or for promoting or advertising any other person. However, the letter sent under para. 8.64 by a candidate who is validly nominated at a subsector election may contain information on any other candidate of the **same** subsector who is also validly nominated at that election, and this joint election mail will not be regarded as the letter sent by that other candidate. That means that other candidate is still entitled to send free of postage one letter addressed to each voter of the subsector concerned. *[Amended in October 2011]*

8.66 Specifically, the letter must:

- (a) be posted in Hong Kong;
- (b) contain materials relating only to the candidature of the candidate or candidates of the same subsector in the case of joint election mail mentioned in para. 8.65 at the election concerned;
- (c) not exceed 50 grams in weight; and
- (d) be not larger than 175 mm x 245 mm and not smaller than 90 mm x 140 mm in size.

It is important to note that under s 99(3)(a) of the EAC (EP) (EC) Reg, a candidate sending letters to voters in bulk is liable for payment of postage for all letters in that bulk if any letter in the bulk does not meet requirement (a), (b), (c) or (d) above. In the case of joint election mails, candidates concerned should comply with the following requirements regarding (a) prior written authorisation to act as election expenses agent, (b) the sharing of expenditure in respect of the joint election mails among the candidates concerned for the purpose of submission of return and declaration of election expenses and donation and (c) the obtaining of written consent of support from each other before sending the joint election mails [see para. 18.9 of Chapter 18 : Namedropping]. *[Amended in October 2011]*

Postal Requirements Stipulated by the Post Office

Make-up

8.67 The letter may take the form of envelope, lettergramme, card or folder. Items in roll form or enclosed in plastic wrappers are not acceptable.

8.68 Cards and folders must be made of ordinary cardboard or paper not less than 0.25 mm thick, and must be rectangular in shape.

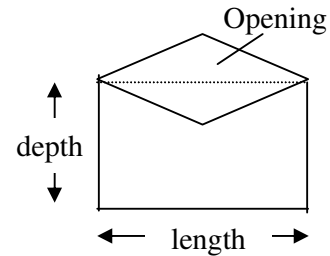
8.69 When a wrapper is used, it must extend over the full length of the item which it encloses. Envelopes must not be fastened with staples or with paper fasteners with sharp edges or points, but they may be closed by means of an adhesive flap or tape.

8.70 Envelopes, folders and lettergrammes having an opening large enough to entrap smaller letters are prohibited. **Unsealed mail items** contained in envelopes with ordinary tuck-in flaps may be used up to the following size limits (s 6.3 of the Post Office Guide) :

Not over 90 mm in depth - opening not over 150 mm in length

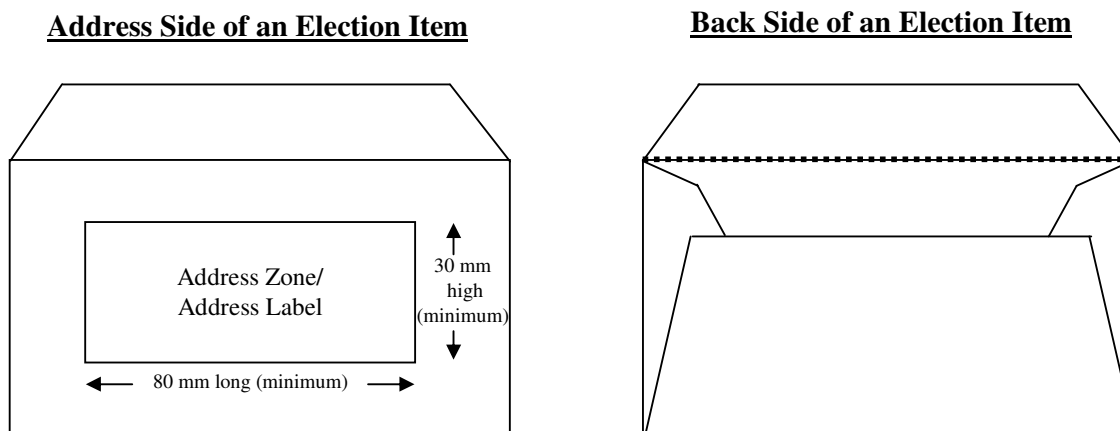
Not over 100 mm in depth - opening not over 140 mm in length

Over 100 mm in depth - opening not over 115 mm in length



8.71 Folders of A4 size with openings should be closed by means of adhesive flap or tape so as to avoid entrapping smaller letters. All open edges must not be longer than 90 mm in width. Otherwise, adhesive tapes should be applied to the midpoints of the open edges to reduce the width. For details, please refer to the illustration in **Appendix H**. *[Amended in October 2011]*

8.72 The characters “選舉郵件” or “選舉廣告” or words “Election Mail” or “Election Advertisement” must be printed on the address (front) side of the election item, or the address side of the folder (unenvloped mail). The layout of the election items is as follows:



[Amended in October 2011]

Addressing

8.73 To avoid delay or misdelivery, the full postal address should be typed or legibly written on the front of the envelope in four rows as follows:

- Name of addressee
- Floor and flat number and name of building
- Street number, name of street
- Name of district

8.74 Addressing slips may be used for the mailing of election advertisements provided that they are legible and **securely pasted** onto the envelopes.

8.75 The name of the candidate and other propaganda slogans, including photographs, should appear on the back or the front (address) side of the item. An address zone of at least 80 mm long and 30 mm high, preferably at the right-hand half or at the centre of the front (address) side for the address of a voter, should be reserved exclusively for the address. If an adhesive address label is used, it should not be less than 80 mm long and 30 mm high. The address label should only contain the name and address of voter(s) and be affixed to the address zone. The whole address zone and address label should be free of advertisement and should appear on the front side of the item. The address zone and address label should be in white background colour while the characters of the postal address should be in black. [Please refer to para. 8.72 for better illustration.] *[Amended in October 2011]*

8.76 No postage-free election advertisement bearing an address outside Hong Kong will be accepted. Specifically, **only one address of voter(s) should be shown on the postage-free election mail.** *[Amended in October 2011]*

Posting Arrangements

8.77 In order to allow adequate time for the Post Office to process the extremely large volume of election mail during the election period, candidates are advised to make their postage-free election advertisement postings before the posting deadline as designated **by the Post Office**. Candidates and their agents are therefore reminded that **postings made after the posting deadline may fail to reach the addressees before the polling day.** *[Amended in October 2011]*

8.78 **Candidates should apply to the Post Office for approval of their election advertisement specimens for free postage. They should carefully study the requirements governing free postage for election advertisements before deciding on the contents of their election**

advertisements and seek advice from the Post Office relating to postal requirement and the REO on other aspects as appropriate if in doubt. Candidates should make every effort to submit their election advertisement specimens to the Post Office for approval as early as possible before mass production of their election advertisements so as to allow sufficient time for revising the contents of their election advertisement specimens, if necessary.

[Added in October 2011]

8.79 Candidates should submit 3 unsealed specimens of their election advertisements, together with a Notice of Posting of Election Mail in duplicate (which will be provided by the REO at the time of candidates submitting their nominations) to the respective Manager of the designated post offices/delivery offices for approval of their election advertisement specimens. At least **1 clear working day's notice** (excluding Saturday) must be given to the respective Manager of the designated post office/delivery office before the postings are made. Candidates who wish to post joint election mails should indicate their intention in the Notice of Posting of Election Mail which should be signed jointly by all the candidates concerned. The specimens of joint election mails should be submitted to the Postmaster General for approval as well. *[Amended in October 2011]*

8.80 Candidates should post their postage-free mail at the respective post offices/delivery offices designated by the Post Office for the election concerned. *[Amended in October 2011]*

8.81 The postings should be made up in bundles of 50 or 100 each for easy counting. All election mails should face the same direction.

8.82 With each posting, the candidate or his representative must present a signed declaration (which will be given to a candidate by the REO upon his submission of nomination) **in duplicate** (the original to be kept by the Post

Office and the duplicate copy duly signed by the Post Office official and kept by the candidate or his representative as acknowledgement of the posting):

- (a) stating the quantity of packets in the posting and the name of the candidate;
- (b) declaring that the posting is his postage-free mail;
- (c) declaring that each packet contains materials relating only to the candidature of the candidate or candidates of the same subsector in the case of joint election mails at the election concerned; is identical to the unsealed specimen submitted by the candidate or his representative for inspection and retention by the Post Office; and is addressed by name to a duly registered voter in respect of the subsector for which the candidate has been nominated; and
- (d) declaring that not more than 1 postage-free mail will be sent to any of the voters.

The declaration form will be provided to the candidates by the REO at the time of their submission of nominations. It is important to note that under s 99(3)(b) of the EAC (EP) (EC) Reg, a candidate sending postage-free mail items to voters in bulk is liable for payment of postage for all the items in that bulk if the declaration made by him or his representative is false in any particular.

[Amended in October 2011]

8.83 If a candidate makes posting in more than one batch, the same declaration form should be presented at the same post office/delivery office on each occasion. *[Amended in October 2011]*

8.84 Government reserves the right to charge a candidate postage where any of the requirements under s 99 of the EAC (EP) (EC) Reg is not met or the free postage arrangements are abused in any way [s 99(3) of the EAC (EP) (EC) Reg]. The charge counts towards the candidate's election expenses and must be included in his return and declaration of election expenses and donations to be sent to the CEO. The EAC may also issue public statements in such manner as it deems fit to denounce any abuse of the free postage arrangements. *[Amended in October 2011]*

8.85 **The postal requirements stated in the above guidelines (paras. 8.67 to 8.84) are quoted for general reference only. Candidates should comply with the latest requirements issued by the Post Office at the time of the election concerned.** *[Added in October 2011]*

Enquiries

8.86 For general enquiries concerning the posting of election advertisements, please contact:

Manager (Retail Business Support)
1/F, 650 Cheung Sha Wan Road,
Kowloon.

Telephone: 2921 2305 / 2921 2190
Fax: 2868 1442

[Amended in October 2011]

**PART X : ELECTION ADVERTISEMENTS FOR REGISTERED
VOTERS AND AUTHORISED REPRESENTATIVES
IN THE CUSTODY OF CSD AND OTHER LAW
ENFORCEMENT AGENCIES**

8.87 Candidates may send election advertisements to registered voters and ARs in the custody of the CSD and other law enforcement agencies according to their registered address or correspondence address (if any). For security reasons, the CSD has laid down a set of guidelines for sending election advertisements to registered voters and ARs in its custody at **Appendix S**. Candidates should adhere to these guidelines. *[Added in January 2010]*

8.88 Candidates may note that persons imprisoned or held in custody by the law enforcement agencies who are registered voters or ARs may access election-related information through the mass media in accordance with the existing policies of the law enforcement agencies on access to the mass media. *[Added in January 2010]*

CHAPTER 9

ELECTIONEERING AT THE LIVING AND WORKING PLACES OF VOTERS/ARs, PREMISES OF ORGANISATIONS TO WHICH VOTERS/ARs BELONG AND BUILDINGS WHICH VOTERS/ARs FREQUENT

PART I : GENERAL

9.1 There are occasions when candidates may wish to target their electioneering activities at an individual voter/AR or a group of voters/ARs at:

- (a) his/their living/working place(s);
- (b) the premises of the organisation(s) to which the voter(s)/AR(s) belong; or
- (c) the building(s) which the voter(s)/AR(s) frequent.

These electioneering activities include visits to, personal contact with people, using amplifying devices to advertise in the common parts of the building, display or distribution of election advertisements and holding of election meetings at, the places mentioned above. **Appendix I** gives some kind of reference as to what activity is to be regarded as electioneering activity. This chapter explains the general guidelines to be observed by candidates in conducting electioneering activities, the rights of all concerned and appeals to the voters/ARs, the management bodies of the organisations to which the voters/ARs belong and the management bodies of the buildings which the voters/ARs

frequent to **provide fair and equal treatment** to all candidates so as to ensure that the election is conducted fairly. *[Amended in September 2006]*

9.2 Candidates are reminded that different organisations may have their own guidelines to allow or disallow the conduct of electioneering activities on the premises under their management. To ensure the smooth conduct of electioneering activities in public or private places, it is always desirable for candidates to consult the relevant authorities or management in advance and to obtain permission from them for the conduct of electioneering activities in the places within their jurisdiction, if required. *[Added in September 2006]*

9.3 The general guidelines to be observed for conducting electioneering activities at the living and working places of voters/ARs, premises of organisations to which voters/ARs belong and buildings which voters/ARs frequent are set out in Part II below. The specific guidelines to be observed for conducting electioneering activities in the premises managed by the Housing Department and the Hong Kong Housing Society are set out in **Appendix J**. *[Added in September 2006]*

9.4 For the purpose of ensuring fair treatment and equal opportunity of access to all candidates in conducting electioneering activities and to avoid causing undue disturbance to the public, Part III below provides the owners/management of premises and organisations with some guidelines in handling applications for conducting electioneering activities in the premises under their control. *[Added in September 2006]*

PART II : GUIDELINES TO BE OBSERVED BY CANDIDATES IN THE CONDUCT OF ELECTIONEERING ACTIVITIES

Visits to Living and Working Places of Voters/ARs

9.5 Candidates should note that voters/ARs are free to invite, or accept the request from, a particular candidate(s), but not the others, to visit them at their own living or working places. *[Amended in September 2006 and October 2011]*

9.6 However, access to a private office may require the approval of the management of the office building or the companies which employ the voters/ARs, and such management when making a decision should have due regard to the fair and equal treatment principle mentioned in Part III below. In conducting electioneering activities at the common parts of the living or working places of voters/ARs, candidates should observe the general guidelines set out in paras. 9.9 to 9.15 below.

9.7 Any government offices, which are working places of voters/ARs, will be treated in the same manner as the premises referred to in this chapter. Government offices may allow or disallow electioneering activities as they wish, but such decision should comply with the fair and equal treatment principle mentioned in Part III below. *[Amended in September 2006]*

9.8 Due to security reasons, arrangements will not be made to facilitate in-person canvassing activities in a prison or the premises of a law enforcement agency. A visitor, who visits a prison or the premises of a law enforcement agency for a business or official purpose, is not allowed to canvass for votes. This is to ensure that such a visitor will not have an advantage over other persons who cannot make the visit. A person, who canvasses for votes during the

aforesaid visit, commits an offence punishable with a fine at level 2 (up to \$5,000) and imprisonment for up to 3 months. [S 87A of the EAC (EP) (EC) Reg] *[Added in January 2010]*

Respect for the Decision and Privacy

9.9 After a candidate has been notified of the decision of an organisation or a building relating to electioneering activities, he should ensure that he and his followers comply with the decision and should not avail himself of or obtain any unfair advantage over any other candidate. *[Amended in September 2006 and October 2011]*

9.10 If a decision to disallow electioneering in an organisation or a building has been made, the candidate or his followers should conduct no electioneering activity in such places. If the candidate concerned acts against the decision of the organisation or building and electioneers in whatever manner, then he commits trespass and the organisation or building management can simply stop him doing the contravening act or carry out the decision to exclude the candidate concerned. If the candidate refuses to leave, it would be wise in such circumstances for the organisation or building management, as the case may be, to report the matter to the Police in the first instance and then to the EAC or its Complaints Committee which will decide whether to publish a **reprimand** or **censure** against the candidate concerned. *[Amended in September 2006]*

9.11 A candidate and his supporters should respect the decisions of the organisation or building management, and it is unwise to enter into **arguments** with members of the organisation or the building residents who obstruct the candidate's electioneering inside the premises of the organisation or the building. Such arguments may affect the candidate's reputation or image with members of the organisation or the residents of the building. Any dissatisfaction with the

decision or act of the organisation or the building should more properly be made a subject of a complaint as soon as possible to the EAC or its Complaints Committee which will decide whether the decision or act is fair or unfair.

9.12 **Privacy of the voters/ARs should be respected.** Candidates and their election agents should read carefully the guidance notes on personal data privacy in respect of electioneering activities at **Appendix K**, prepared by the Office of the Privacy Commissioner for Personal Data, before they undertake such activities. It serves as a general reference on compliance with the requirements of the Personal Data (Privacy) Ordinance (Cap 486) (“PD (P) O”) in relation to electioneering activities that may involve the collection and use of personal data of an individual. Candidates are supplied by the REO with an extract of the subsector FR which contains the name and residential address of the voters/ARs of the relevant subsectors, but not their telephone numbers. Some members of the public do not like or detest being called over the **telephone** or the **entrance intercom system** and others do not like their names being called out aloud. Many voters consider canvassing messages sent to them through **short message service (SMS)** annoying. Their disapproval may be reflected in their choice of candidates on polling day. It is therefore unwise to telephone voters/ARs who find such approaches objectionable or to act in any other way that may antagonise them. As a matter of good practice, candidates and their supporters should maintain a list of voters/ARs that they know finding such electioneering telephone calls or messages or visits objectionable and avoid approaching these voters/ARs again. On the other hand, voters/ARs who receive objectionable telephone calls or messages can just disconnect them. If the caller or sender does not desist from calling or sending messages and causes a nuisance, the voter/AR should report the matter as soon as possible to the **Police** who may take action against the caller or sender. *[Amended in September 2006 and October 2011]*

9.13 Some candidates or their supporters may use **loud-hailers** to assist their campaign. They should exercise restraint in the use of loud-hailers so as not to create a nuisance to the persons in the vicinity, including those who live in the buildings nearby. Candidates are therefore required **NOT** to use loudspeakers in electioneering **between 9 pm and 9 am**. If the EAC comes to know that a candidate has breached the time restriction, it may make a reprimand or censure against the candidate. Excessive noise will amount to an offence and the Police may be called. Anyway, it is unwise to create a nuisance through the use of loud-hailers, for the annoyance of the voters/ARs will obviously be reflected in their choice of candidate. [See also Chapter 12 on “Use of Sound Amplifying Device and Vehicles”.]

9.14 Canvassing through the use of the **entrance intercom system** in a building is prohibited unless it is expressly allowed by the building management. *[Added in October 2011]*

Identification of Canvassers

9.15 For security reasons and for prevention of abuse, the EAC advises that each candidate should provide some forms of identification to his canvassers for them to enter the premises of an organisation or a building for electioneering purposes. The EAC suggests that the candidate should devise an authenticated identification document containing the name and photograph of his canvasser who should produce this identification document together with his identity card for inspection to gain entry into the premises of an organisation or a building. Candidates should note that the production costs of this kind of identification document will be counted as election expenses.

**PART III : GUIDELINES TO BE OBSERVED BY OWNERS,
MANAGEMENT AND ORGANISATIONS FOR HANDLING
APPLICATIONS FOR CONDUCT OF ELECTIONEERING
ACTIVITIES ON THE PREMISES WITHIN THEIR
JURISDICTION**

**Electioneering at Premises of Organisations to which Voters/ARs Belong
and Buildings which Voters/ARs Frequent**

9.16 The premises of the organisations to which the voters/ARs belong and the buildings which voters/ARs frequent usually do not belong to a particular voter/AR or group of voters/ARs. They are usually under the control of the management bodies of the organisations or the buildings concerned. *[Amended in September 2006]*

9.17 The EAC appeals to all management bodies of the organisations or buildings concerned to provide **equal opportunity** to all candidates competing in the same EC subsector for the purposes of electioneering. However, if it is decided **not** to allow a particular candidate to conduct electioneering activities in the premises of the organisation or in the common parts of the building, no other candidate in the same EC subsector should be allowed to do so, for **it is important to provide fair and equal treatment to all candidates** so as to ensure that the election is conducted fairly.

9.18 The **common parts** of a building are usually under the control and management of the owners of the various units in the building. Where there is an owners' corporation of the building incorporated under the former Multi-storey Buildings (Owners Incorporation) Ordinance or the present Building Management Ordinance (Cap 344), the control and management of the common

parts are exercised by the owners' corporation representing all the owners of the building.

9.19 Whatever organisation it is in such a building, be it an owners' corporation, owners' committee, mutual aid committee, tenants association, residents association, management company or managers of the building, the decision that it makes relating to electioneering activities of candidates in the common parts of the building, including the office premises of the organisation and all private streets, etc, **must comply with the fair and equal treatment principle.**

9.20 The organisation concerned should make a decision that applies equally and fairly to all candidates competing in the same subsector instead of dealing with each application from them separately. This will avoid having to convene a meeting to deal with each application upon its receipt, sometimes incurring delay in dealing with some applications. The EAC may treat such delay as a device to avoid compliance with the fair and equal treatment principle and may issue a reprimand or censure.

9.21 As a motion on whether or not electioneering by candidates should be allowed in a building concerns the rights of tenants and occupiers more than those of owners, it is advisable for owners or owners' corporations to allow occupiers who are not owners to vote on the motion and a secret ballot is always the fairest way of voting on such a controversial subject. If approval or consent has been obtained from the owners having the control of the common parts of the building or the owners' corporation, the building management organisation may conduct a questionnaire survey to collect the views of the occupiers of each flat and act according to the majority view relating to matters covered by and in accordance with this chapter.

9.22 Even though such an organisation or any member of it may have reasons to exclude a particular candidate from the building, it should still adhere to the principle of fair and equal treatment for all candidates competing in the same subsector without any discrimination. *[Added in October 2011]*

Notification of Decision

9.23 The management bodies of organisations and buildings are urged to notify the relevant RO in writing as soon as possible of their decision on electioneering by candidates, so as to equip the relevant RO(s) with the correct information to be provided to the candidates who may make inquiries with him. A **form** of the notification to the RO can be obtained from the REO. **Where no notification is received by the RO after the expiration of the nomination period, he may assume that there is no objection from the organisation regarding electioneering by candidates in the building.** Enquiries may be made with the District Office or sub-offices of the District in which the building is located. Nevertheless, candidates are advised to note that some buildings may not be able to make a decision on electioneering by candidates before the close of nomination and therefore have not given the notification to the RO as required. When candidates come across these buildings, they should respect the interim decision of the management bodies of these buildings not to allow electioneering. *[Amended in September 2006 and October 2011]*

Display of Election Advertisements

9.24 The management bodies of the organisations or buildings concerned should avoid handling applications by candidates for display of election advertisements on a first-come-first-served basis as this may create unfairness. For example, if one candidate knows the decision and applies to put up posters and banners on all available spots in the common parts of the building,

no space will be left for other candidates who apply after him. To ensure fairness, management bodies are advised to:

- (a) ascertain all the available spots in their premises for candidates to display posters and banners;
- (b) decide on the maximum size of posters and banners to be allowed;
- (c) after the close of nomination of candidature, find out from the RO(s) how many candidates are contesting in the EC subsector(s) concerned;
- (d) divide all the available spaces according to quality and quantity to ensure equality as far as possible into portions equivalent to the number of candidates;
- (e) when one of the candidates applies for display, allow him to draw lots to obtain a portion of the spots still available at the time of his application; and
- (f) where two or more candidates wish to display their joint election advertisements, they should be allowed to do so but the joint election advertisements should occupy no more than the total of all the portions of the spots allocated to them by the restriction of size under (b) and the drawing of lots under (e).

[Amended in September 2006 and October 2011]

9.25 All persons who put up any publicity materials, including those which do not look election-related, in the nomination period at private premises

should declare to the management body concerned in writing whether they are candidates or intend to stand as candidates in the election. This is to prevent prospective candidates to make use of such device to promote themselves. The management body is also advised to exercise its own judgement whether the publicity materials are serving electioneering purposes and then make a decision with due regard to the fair and equal treatment principle.

PART IV: CONDUCT OF ELECTIONEERING ACTIVITIES IN PREMISES UNDER THE MANAGEMENT OF HOUSING DEPARTMENT AND HONG KONG HOUSING SOCIETY

9.26 The specific guidelines to be observed by candidates and their agents in the conduct of electioneering activities in premises under the management of Housing Department and Hong Kong Housing Society are set out in **Appendix J**. [*Amended in September 2006*]

PART V: SANCTION

9.27 If the EAC receives a complaint of unfair or unequal treatment of candidates by any organisation or building or a person acting or purporting to act on behalf of such organisation or building, and is satisfied that the complaint is justified, it may make a **reprimand** or **censure** in a public statement which will include the names of the candidates favourably and unfavourably treated. Candidates should therefore advise the organisation management or building owners whom they approach of these guidelines. On the other hand, however, if it is proved that a person has made a false, unfounded or unreasonable allegation

of unfair treatment by an organisation or a building, the EAC may issue a reprimand or censure in a public statement against that person.

9.28 Candidates should also refrain from accepting any unfair advantage over other candidates in the same subsector even though such may be readily on offer by an organisation or a building. The EAC may publish a public reprimand or censure against the candidate who contravenes the guidelines in this chapter or whose act or behaviour results in any unfair or unequal treatment by organisations or buildings towards any other candidate.

CHAPTER 10

ELECTION MEETINGS

PART I : GENERAL

10.1 An **election meeting** is a meeting held to promote or prejudice the election of a particular candidate or particular candidates [s 12(5) of the ECICO]. For the avoidance of doubt, election forums organised for all candidates in the same subsector are not treated as election meetings [see Part IV : Election Forums of Chapter 11]. During the election period, a candidate may attend any other meetings as part of his normal activities which are **not election-related**. Insofar as such meetings are **not** held for the purpose of promoting or prejudicing the election of a particular candidate or candidates, they will not be regarded as election meetings. *[Amended in September 2006]*

10.2 Expenses incurred before, during or after an election on account of an election meeting organised for any of the purposes stated above are **election expenses**. There may be cases where a meeting is not organised for any of the above purposes, but has nevertheless been used for such purposes by a candidate or any other person on his behalf. In that event, it will be for the candidate to assess the expenses which have been incurred for the said purposes. [See s 2 of the ECICO and the guidelines on Election Expenses and Donations in Chapter 16.] The person who uses the meeting for promoting the candidate may also be liable for prosecution for his failure in obtaining the candidate's prior authorisation to appoint him as the candidate's election expense agent for incurring election expenses on behalf of the candidate [see s 23 of the ECICO].

10.3 Candidates should refer to the part on “Treating” in Part IV of Chapter 17, regarding the serving of drinks and meals at or incidental to an election meeting.

10.4 In addition to the election expenses incurred, candidates are responsible for the election meetings or public processions which they organise, including the keeping of order and safety, controlling noise level, cleanliness and other liabilities.

10.5 An election meeting may take place in a public place or in private premises. A public procession for election campaigning purposes is a form of election meeting, as is an exhibition organised with a view to promoting or prejudicing the election of a particular candidate or particular candidates.

10.6 Candidates are reminded that individual government departments and management authorities may have their own guidelines to allow or disallow the conduct of election meetings on the premises under their control. To ensure the smooth conduct of election meetings in public or private places, it is always desirable for the candidates to consult the relevant authorities concerned in advance and to obtain any requisite permission from them for the conduct of election meetings on the premises within their jurisdiction, if necessary. *[Added in September 2006]*

10.7 The requirements of the Hong Kong Police Force and the Housing Department/Hong Kong Housing Society with regard to the organisation of election meetings in public places and private premises within their jurisdiction are set out in paras. 10.8 to 10.19 below for reference. *[Added in September 2006]*

PART II : ELECTION MEETINGS IN PUBLIC PLACES

10.8 Any person who organises an election meeting in a public place must notify the Commissioner of Police in writing **not later than 11 am on the same day (if a general holiday, the first day preceding that day which is not a general holiday) of the week in the preceding week as the day on which the meeting is intended to be held** [s 8(1) of the Public Order Ordinance (Cap 245)]. “Public place” means any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place [s 2 of the Public Order Ordinance (Cap 245)].
[Amended in October 2011]

10.9 The written notification shall be **handed in** to the officer in charge of any police station. It should contain the following particulars:

- (a) the name, address and telephone number of the person organising the meeting, any society or organisation promoting or connected with the holding of the meeting and a person able to act, if necessary, in place of the organiser;
- (b) the purpose and subject matter of the meeting;
- (c) the date, location, time of commencement and duration of the meeting;
- (d) an estimate of the number of people expected to attend the meetings;
- (e) the number and names of persons proposed as platform-speakers for the meeting;

- (f) the sound amplification devices, if any, intended to be used at the meeting; and
- (g) the nature, form and contents of the advertisements, printed matter, posters or banners intended for publication, distribution or display in respect of the meeting.

[S 8(4) of the Public Order Ordinance (Cap 245)] *[Amended in October 2006 and October 2011]*

A **form** of notification for a public meeting or procession together with guidance notes provided by the Police will be given to a candidate upon his submission of nomination. The Police has advised that the use of the form will speed up processing time.

10.10 Notification to the Commissioner of Police of an election meeting is not required if the meeting is to be:

- (a) attended by not more than 50 persons; or
- (b) held at the private premises where the number of persons attending will not exceed 500 persons; or
- (c) held in a school, college, university or other educational establishment with the approval of an accredited society or similar body of such school, college or educational establishment **and** consent of the governing body of the establishment concerned.

[S 7(2) of the Public Order Ordinance (Cap 245)]

Where in doubt, a candidate should seek advice from the Police.

[Amended in October 2011]

10.11 The Commissioner of Police may prohibit the holding of any public meeting notified (referred to in paras. 10.8 and 10.9 above) where he reasonably considers such prohibition to be necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others, and if so, he shall give notice of the prohibition to the person who gave the notification not later than 48 hours prior to the time of commencement of the meeting [s 9 of the Public Order Ordinance (Cap 245)]. On the other hand, the Commissioner of Police may give notice to the organisers and impose conditions for the meeting to take place, and the organisers must comply with such conditions and comply forthwith with any direction given by a police officer for ensuring compliance with or the due performance of the conditions and the requirements referred to in para. 10.12 below. [S 11 of the Public Order Ordinance (Cap 245)] *[Amended in October 2006 and October 2011]*

10.12 At every public meeting:

- (a) there shall be present throughout the meeting either the organiser, or if he is not present, a person nominated by him to act in his place;
- (b) good order and public safety shall be maintained throughout the meeting; and
- (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person, shall if so required by a police officer, be surrendered to the police officer for the duration of the meeting.

[S 11(1) of the Public Order Ordinance (Cap 245)] *[Amended in October 2011]*

10.13 A guidance note on safe conduct of election-related activities, issued by the Commissioner of Police, is at **Appendix L**. It serves as a general advice to candidates and organisers of election-related activities, to enable them to conduct such activities safely.

Public Processions

10.14 A public procession for election campaigning purposes may be held without notification to the Commissioner of Police:

- (a) where it consists of not more than 30 persons; or
- (b) where it is held at a place other than a public highway, public thoroughfare or public park.

[S 13(2) of the Public Order Ordinance (Cap 245)] *[Amended in October 2011]*

10.15 In all other cases, written notification of a public procession, including a vehicle procession, must be given by the person organising the procession to the Commissioner of Police (which may be handed in to the officer in charge of any police station) **not later than 11 am on the same day (if a general holiday, the first day preceding that day which is not a general holiday) of the week in the preceding week as the day on which the procession is intended to be held** containing the following information [s 13A(4) of the Public Order Ordinance (Cap 245)]:

- (a) the name, address and telephone number of the person organising the procession, any society or organisation promoting or connected with the holding of the procession and a person able to act, if necessary, in place of the organiser;

- (b) the purpose and subject matter of the procession;
- (c) the date, precise route, time of commencement and duration of the procession;
- (d) in respect of any meeting to be held in conjunction with the procession, the location, time of commencement and duration of the meeting; and
- (e) an estimate of the number of people expected to attend the procession.

A notification **form** mentioned in para. 10.9 above should be used. *[Amended in October 2011]*

10.16 The Commissioner of Police shall issue a notice of no objection for the public procession, or alternatively issue a notice of objection to the procession if he reasonably considers that the objection is necessary in the interest of national security or public safety, public order or the protection of the rights and freedoms of others. If the Commissioner of Police so objects to the public procession, he shall issue a notice of objection to the organiser not later than 48 hours before the commencement time of the procession, otherwise he is taken to have issued a notice of no objection for the public procession. The Commissioner of Police may give notice to the organisers and impose conditions for the procession to take place, and the organisers must comply with such conditions and comply forthwith with any direction given by a police officer for ensuring compliance with or the due performance of the conditions and the requirements referred to in para. 10.17 below. [Ss 14 and 15 of the Public Order Ordinance (Cap 245)] *[Amended in October 2006 and October 2011]*

10.17 At every public procession:

- (a) there shall be present throughout the procession either the organiser of the procession, or if he is not present, a person nominated by him to act in his place;
- (b) good order and public safety shall be maintained throughout the procession; and
- (c) the control of any sound amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person, shall, if so required by a police officer, be surrendered to the police officer for the duration of the procession.

[S 15(1) of the Public Order Ordinance (Cap 245)] *[Amended in October 2011]*

PART III: ELECTION MEETINGS AT PRIVATE PREMISES

10.18 Any person who organises an election meeting at private premises is advised to consult the owner, occupier, owners' corporation, building management or the mutual aid committee etc concerned in advance and to obtain permission from them, if required. Insofar as the decision regarding election meetings by candidates in the common areas of a building accords fair and equal treatment to all candidates, the EAC will not intervene. Specific guidelines for conducting election meetings in the premises managed by the Housing Department and the Hong Kong Housing Society are set out in **Appendix J**. *[Amended in September 2006]*

10.19 Notification in writing to the Commissioner of Police will need to be given, in accordance with the procedures set out in paras. 10.8 and 10.9 above, if at the proposed meeting the attendance will exceed 500 persons.

PART IV : MOBILE EXHIBITIONS

General

10.20 A candidate may hold an exhibition for election campaigning purposes. If such an exhibition is to be held, the candidate should consult the relevant management authorities of the premises concerned in advance, and to obtain prior permission from the Housing Manager, owner, occupier, owners' corporation, building management or the mutual aid committee, etc as appropriate, if required. Relevant guidelines in other parts in this chapter should also be observed, in addition to compliance with regulations and conditions imposed by other relevant authorities. *[Amended in September 2006]*

Premises under the purview of the Housing Department and the Hong Kong Housing Society

10.21 Where approval has been given by a Housing Manager for such an exhibition in housing estates managed by the Housing Department and the Hong Kong Housing Society, the display of election advertisements at the venue of the exhibition will normally be subject to the conditions that they are displayed in connection with the activity in question and for a temporary duration of less than a day. The guidelines in Chapter 8 : Election Advertisements are applicable to such displays and must be observed by the candidate concerned. The Housing Manager should send a copy of the letter of approval to the relevant RO for record and for public inspection. Please also see **Appendix J** for reference. *[Amended in September 2006]*

PART V : FUND RAISING ACTIVITIES AT ELECTION MEETINGS

10.22 A permit is required for organising, providing equipment for, or participating in any collection of money or sale of badges, tokens or similar articles or exchange the same for donations in a public place [s 4(17) of the Summary Offences Ordinance (Cap 228)]. Any person who wishes to raise funds at an election meeting for non-charitable purposes should apply to the Secretary for Home Affairs. A copy of the administrative guidelines and licensing conditions for the issue of such permits with an application form is at the **Appendix M** for general information. *[Amended in September 2006]*

CHAPTER 11

ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS

PART I : GENERAL

11.1 This chapter deals with election broadcasting through electronic means (which covers all programmes including those on current affairs and news reporting on the radio and television), media reporting on election-related matters and the holding of any election forum.

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for election at any time before the close of nominations for the election, whether or not he has submitted a nomination form [s 2 of the ECICO].

PART II : ELECTIONEERING ON TV AND RADIO

11.2 Operators of television broadcasting services licensed under the Broadcasting Ordinance (Cap 562) are not allowed to broadcast advertisements of a political nature. Operators of radio broadcasting services licensed under the Telecommunications Ordinance (Cap 106) are not allowed to broadcast advertisements of a political nature except with the prior approval of the Broadcasting Authority. Other service providers which are not licensable under the above Ordinances are allowed to carry election advertisement territory wide. *[Amended in October 2011]*

11.3 For current affairs or other programmes on TV and radio which are not election-related, candidates may take part as guests in these programmes insofar as their participation is pertinent. For programmes the entire or partial theme of which is on the election (eg for introducing the candidates or reporting/analysing the candidates' election platforms and activities), the **“fair and equal treatment” principle** will apply. Following the “fair and equal treatment” principle, broadcasters should ensure that each of the candidates contesting in the same subsector will be introduced and reported in the programme and no favourable or unfavourable treatment will be given to any of the candidates. *[Amended in October 2011]*

11.4 **No unfair advantage** should be offered to or obtained by any candidate over others regarding election campaigning.

11.5 To comply with the “fair and equal treatment” principle, when inviting a candidate to attend a programme the entire or partial theme of which is on the election, broadcasters should include in the invitation a notice to the invitee that a similar invitation has been or will be made to other candidates of the same subsector, so as to give the invitees an equal opportunity to appear. The EAC also appeals to all candidates to attend these programmes as far as possible in order to enable voters and the public to be apprised of their election platforms. Some candidates may choose not to attend due to personal or other reasons. Under such circumstances, the relevant broadcaster, may continue with the production of the programme as planned without contravening the “fair and equal treatment” principle. The “fair and equal treatment” principle applies to the entire programme and, in particular, requires the broadcaster to give equal time to each of the candidates taking part in the programme to present his election platform. **A record should be kept by the broadcaster of the date, time and contents of the invitation and the notice until 3 months after the election.** In order to provide the audience of the programmes with clear information on the total number and the names of

candidates in the same subsector and to give equal treatment to all candidates concerned, broadcasters should take heed of the observations made by the Court in an election petition relating to the 2010 Legislative Council By-election as set out in **Appendix N** and, where appropriate, follow the arrangement set out therein when producing multi-episode programmes which are election-related. *[Amended in October 2011]*

11.6 If there is evidence to substantiate that the relevant broadcaster has provided/allowed favourable or unfair treatment to some candidates in producing the programme the entire or partial theme of which is on the election, such case will be regarded as a breach of “fair and equal treatment” principle. *[Added in October 2011]*

11.7 The principles stated in paras. 11.3 to 11.6 above apply equally to political parties or political organisations of which the candidate is a member as they apply to the candidate himself. However, the aforesaid principles do not apply to programmes which are entirely news reporting and are not related to the candidates’ participation in the election. *[Amended in October 2011]*

11.8 During the election period (ie the period beginning with the commencement of the nomination for the election and ending with the polling day for the election), broadcasters should ensure that the “fair and equal treatment” principle is applied to all political parties or political organisations who have members contesting the EC subsector election, whether or not contesting the same subsector. If a political party or a political organisation whose members contest as candidates in the election is invited to take part in a current affairs or any other programme the entire or partial theme of which is on the election, then all political parties or political organisations which have members contesting the EC subsector election should also be invited. *[Amended in October 2011]*

11.9 The EAC appeals to broadcasters to treat all candidates competing in the same subsector fairly and equally when making comment on or reference to the candidates in any of their programmes. Comments made for the purpose of promoting or prejudicing a candidate or candidates are treated as election advertisements, if reference could be made from the materials to identify the candidate(s) being promoted or prejudiced [see also para. 8.8 of Chapter 8: Election Advertisements]. Moreover, if such comments are determined as election advertisements, the EAC will refer the matter to the Broadcasting Authority for appropriate action. If there is fair and equal treatment to all candidates of the same subsector, the editorial line of the broadcaster or personal opinions of the programme presenter on each of the candidates can be freely expressed, insofar as they are fair comments and based on true facts. The guidelines do not seek to impose any shackle on the expression of such ideas. However, broadcasters should ensure that in the expression of such ideas, no unfair advantage may result towards any candidate over another or any political parties or organisations to which contesting candidates belong. *[Amended in October 2011]*

Candidates Appearing on TV/Radio/Movie as Presenters, Regular Contributors, Actors, Musicians, Singers or Other Entertainers

11.10 A presenter, including a guest presenter, or a regular contributor should not appear in any programme in his normal programme role after he has publicly declared his intention to stand for the election or during the election period if he becomes a candidate. This is to avoid unfair extra publicity for him at the critical time. A presenter or regular contributor may, of course, appear as a candidate in election forums referred to in Part IV below.

11.11 A person who has contracted to appear as presenter, regular contributor, actor, musician, singer or any other form of entertainer in any performance scheduled to be shown before his declaration of intention to stand

for the election or before and after the election period may always do so and continue to do so. However, such a person should make his utmost endeavours to request the person(s) responsible not to broadcast his appearance in any media after his declaration of intention to run for the election or during the election period if he becomes a candidate. The EAC appeals to the aforesaid responsible person(s) to accede to such a request as far as practicable in order to avoid giving unfair extra publicity to the person concerned. *[Amended in October 2011]*

Candidates Appearing in Commercial Advertisements

11.12 A person should not participate in the making of an advertisement in which his image, name or voice appears ("the relevant advertisement") and which he knows will be broadcast on TV/radio/cinema after his declaration of intention to stand for the election or during the election period if he becomes a candidate.

11.13 If, after the relevant advertisement has been made, the person then decides to run in the election, and it comes to his attention that the relevant advertisement will appear in TV/radio /cinema after his declaration of intention to stand for the election or after the nomination period has commenced if he becomes a candidate during that period, he should make his utmost endeavours to request the person(s) responsible not to broadcast the relevant advertisement after his declaration of intention to stand for the election or during the election period. The EAC appeals to the aforesaid responsible person(s) to accede to such a request as far as practicable in order to avoid giving unfair extra publicity to the person concerned. *[Amended in October 2011]*

PART III : ADVERTISING THROUGH THE PRINT MEDIA

11.14 A candidate is at liberty to advertise in the print media to promote his candidature. Where such an advertisement is placed in the print media and takes the form of a news report or any other form which does not clearly show that it is an election advertisement, the words “**Election Advertisement**” or “**選舉廣告**” must be stated in the advertisement, to avoid misunderstanding by readers that it is not an election advertisement [see para. 8.53 of Chapter 8: Election Advertisements]. The expenses so incurred must be accounted for in the return and declaration of election expenses and donations. Election advertisements printed in a registered local newspaper would be exempted from the requirement of bearing printing details [see also para. 8.52 of Chapter 8 for details]. *[Amended in October 2011]*

11.15 No unfair advantage should be offered by any publisher to a candidate. Nor should a candidate obtain from a publisher any unfair advantage regarding election campaigning. Any free publications (eg special newspaper editions or leaflets) which serve to promote or prejudice the election of a particular candidate/candidates may be construed as election advertisements for the candidate(s) concerned and are subject to the requirements for election advertisements and election expenses as stipulated in Chapters 8 and 16. A publisher is therefore likely to contravene the relevant legislation if the requirements for publishing and distributing election advertisements are not complied with prior to distributing such free publication. Candidates and publishers should consult their legal advisors if they have doubt as to whether a free publication should be treated as election advertisements and counted towards election expenses. *[Amended in October 2011]*

11.16 A regular columnist should not contribute articles to the print media after he has publicly declared his intention to stand for the election or during the election period if he becomes a candidate. This is to avoid unfair

extra publicity for him at the critical time. A person who has contracted to serve as columnist should make his utmost endeavours to request the person(s) responsible not to publish his commentaries in any media after his declaration of intention to run for the election or during the election period if he becomes a candidate. The EAC appeals to the aforesaid responsible person(s) to accede to such a request as far as practicable in order to avoid giving unfair extra publicity to the person concerned. A regular columnist may, of course, appear as candidate in election forums referred to in Part IV below. *[Amended in October 2011]*

11.17 The EAC appeals to members of the print media to provide **fair and equal treatment** to all candidates competing in the same subsector in the reporting of them or their electioneering activities. How fair and equal treatment is to be applied in practice is set out in **Appendix O**. *[Amended in October 2011]*

PART IV : ELECTION FORUMS

11.18 During the election period, broadcasters may organise election forums in their programmes. Broadcasters should ensure that the “fair and equal treatment” principle is applied to all candidates. If a candidate is invited to take part in the election forum, then all candidates of the same subsector should also be invited to be present at such forums so as to give the candidates an equal opportunity to attend the forum and present their election platforms. The “fair and equal treatment” principle applies to the entire election forum and, in particular, requires the broadcaster to give each candidate taking part in the election forum equal time to present his election platform. *[Amended in October 2011]*

11.19 Other organisations, such as professional or trade organisations, academic institutions and schools, etc, may organise election forums for civic education or other purposes. In line with the fair and equal treatment principle, the EAC appeals to all these organisers to invite all candidates of the same subsector to be present at such forums, so that no unfair advantage will be accorded to or obtained by any candidate over others regarding election campaigning. *[Amended in October 2011]*

11.20 The EAC appeals to all candidates to use their best endeavours to take part in election forums in order to enable voters and the public to be apprised of their platforms. Some candidates may choose not to attend due to personal or other reasons. Under such circumstances, the relevant forum organiser may continue to organise such activity as planned without contravening the “fair and equal treatment” principle. *[Amended in October 2011]*

PART V : SANCTION

11.21 If the EAC comes to know of unfair or unequal treatment of candidates by any broadcaster, publisher or forum organiser, it may make a **reprimand** or **censure** in a public statement which will include the names of the candidates favourably and unfavourably treated and the broadcaster, publisher or forum organiser concerned. The EAC may also notify the relevant authorities for appropriate action to be taken. *[Amended in October 2011]*

11.22 The candidates as mentioned in paras. 11.10 to 11.13 and 11.16 above should make their best endeavours as advised thereof to avoid taking unfair extra publicity. If the EAC receives a complaint about a candidate

taking the aforesaid extra publicity and it is subsequently found that the candidate has failed to make such an endeavour, the EAC may make a **reprimand** or **censure** in a public statement against the candidate. *[Added in October 2011]*

CHAPTER 12

USE OF SOUND AMPLIFYING DEVICE AND VEHICLES

PART I : GENERAL

12.1 The law relevant to this chapter can be found in the Public Order Ordinance (Cap 245), the Summary Offences Ordinance (Cap 228), the Noise Control Ordinance (Cap 400) and the Road Traffic Ordinance (Cap 374).

12.2 Candidates are reminded that some members of the public find the sound or noise emitted by loudspeakers annoying and intrusive. When using loudspeakers, candidates should particularly bear in mind possible annoyance caused to people in hospitals, homes for the elderly, kindergartens, nurseries, schools and dwelling houses. Voters' voting preference may be affected as a result of any noise nuisance caused by candidates or their followers. *[Amended in September 2006]*

PART II : USE OF LOUDSPEAKERS AND VEHICLES

12.3 With effect from July 1995, the Commissioner of Police ceases issuing loudspeaker permits under s 4(29) of the Summary Offences Ordinance (Cap 228). Candidates are therefore **NOT** required to submit any application for a permit. However, this does not exempt candidates from complying with the requirements of the law and the conditions imposed by the Commissioner of Police when any amplification device is used in an election meeting or procession. An amplification device includes a loudspeaker and any device

which can emit or amplify sound. [Please refer to Chapter 10 : Election Meetings for details.] *[Amended in October 2011]*

12.4 Although no permit is now required, any person using a loudspeaker should ensure that the noise emitted through the loudspeaker does not cause a nuisance to any other person. Under s 5(1)(b) of the Noise Control Ordinance (Cap 400), making a nuisance by using a loudspeaker, megaphone, or other device or instrument for magnifying sound from which the noise emitted is a source of annoyance either at any domestic premises or public place at any time of the day is an offence, and this includes use of loudspeakers attached to vehicles. In order to reduce the nuisance caused to members of the public, candidates are required **NOT** to use loudspeakers in electioneering **between 9 pm and 9 am**. If the EAC comes to know that a candidate has breached the time restriction, it may make a **reprimand** or **censure** against him. Candidates should note that some members of the public may find the noise emitted from loudspeakers on vehicles disturbing. They should therefore seriously consider the public's tolerance over the noise level and try to keep the noise volume at a reasonable level. *[Amended in September 2006 and October 2011]*

12.5 Should any complaint be received by the Police concerning the volume of the loudspeaker, the volume of sound should be reduced on the instructions of any police officer. If verbal warning or instruction by the police officer is ignored, prosecution may be instituted.

12.6 All vehicles used for and in connection with canvassing activities must comply with the provisions and regulations of the Road Traffic Ordinance (Cap 374). Drivers of such vehicles are obliged to obey all directions given by uniformed police officers and traffic wardens. Additionally, drivers of all vehicles must comply strictly with all the stopping and parking regulations of the Ordinance. Deliberate slow driving may constitute "careless driving" as it

could be deemed as driving “without reasonable consideration for other persons using the road”. *[Amended in October 2011]*

12.7 Paraphernalia attached to a vehicle must also comply with the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374A) of the Road Traffic Ordinance (Cap 374), ie not to interfere with the working or safety of the vehicle. For display of advertisements including election advertisements on public light buses and taxis, their owners/operators should obtain prior written approval from the Transport Department (“TD”) and ensure that the display of election advertisements is in compliance with the conditions as stipulated by TD in the approval letter, including in particular the following conditions:

- (a) no election advertisements should be displayed on all windows and at the areas above the windows and at the exterior roof panel;
- (b) no luminous or reflecting material should be used for the election advertisements; and
- (c) no election advertisements should obstruct any statutory lighting/label/markings required to be shown on the vehicle body as specified by the Commissioner for Transport or stipulated in the Road Traffic Ordinance and Regulations.

According to the TD’s performance pledge which is applicable to only public light buses and taxis, it normally takes no more than 7 working days to process an application for display of an election advertisement on public light buses and taxis.

[Amended in September 2006 and October 2011]

12.8 Candidates and their supporters are reminded that they should observe the statutory requirements of the Road Traffic (Safety Equipment) Regulations (Cap 374F) and Road Traffic (Traffic Control) Regulations (Cap 374G) under the Road Traffic Ordinance (Cap 374), including those relating to seating requirement, the wearing of seat belts and the permission to carry passengers in a vehicle. Standing up in moving vehicles would be **illegal** for both the drivers and standees except on trams, single-decked public service buses and the lower deck of double-decked buses. Passengers can also stand up on a vehicle used as a float if approved by the Commissioner of Transport. Candidates should apply to the Licensing Office of the TD for exemption of the vehicles from carriage of standing passengers. *[Amended in September 2006 and October 2011]*

12.9 Any vehicle modified to a float configuration for display or canvassing purposes must be approved by the Commissioner for Transport. Application procedures for approval of float design are included at **Appendix P**.

12.10 Candidates should also note that the use of loudspeakers will not be permitted within the NCZ outside the polling station, nor will it be permitted in the vicinity where the sound emitted can be heard within the NCZ. [See also Chapter 14 : Prohibition Against Canvassing Activities Outside Polling Stations.]

PART III : SANCTION

12.11 If the EAC comes to know that any candidate is in breach of the guidelines in this chapter, apart from notifying the relevant authorities for actions to be taken, it may make a **reprimand** or **censure** in a public statement

which will include the name of the candidate concerned. The censure may be in addition to the criminal liability for offences inside the NCZ, punishable with the maximum penalties of \$5,000 fine and imprisonment for 3 months [s 45 of the EAC (EP) (EC) Reg]. Candidates should remind their supporters to observe these guidelines when they are campaigning on behalf of the candidate. *[Amended in September 2006 and October 2011]*

CHAPTER 13

ELECTIONEERING ACTIVITIES CONDUCTED IN SCHOOLS OR PARTICIPATED BY SCHOOL PUPILS

PART I : GENERAL

13.1 Candidates, school supervisors, principals and teachers are requested to take note of these guidelines when considering allowing the conduct of electioneering activities in their schools or seeking the assistance of pupils in electioneering activities.

13.2 Involvement of school pupils in electioneering activities has always been a matter of public concern. Anybody in authority must **NOT** use his position to exert undue influence on youths of school age under his charge to recruit them for electioneering activities. If the EAC comes to know that a person has abused his position by involving youths of school age under his charge in electioneering activities, it may make a reprimand or censure against the person. For use of force or duress on a person's voting preference, please see s 13 of the ECICO.

PART II : SCHOOL PUPILS

13.3 While it is for the promotion of civic education that school pupils are encouraged to take an interest in community affairs, including elections, it is considered undesirable for them to be involved in electioneering activities at too

young an age. Unattended young children can cause control problems and, particularly where large numbers are involved, or in overcrowded situations, can create a danger to themselves and the others. The EAC therefore advises strongly against any pre-primary or primary school pupil taking part in electioneering activities.

13.4 Distribution of election advertisements is a form of electioneering activity. There may be school supervisors, principals or teachers who may support a particular candidate. While they are free to support any candidate they prefer, they should not distribute or help distribution of election advertisements of any candidate to the parents of pre-primary, primary or secondary pupils using the pupils as conduits. Moreover, they must not ask such pupils to request their parents to vote for any particular candidate. The same applies to candidates who are themselves school supervisors, principals or teachers. This guideline is based on the same principle stated in para. 13.2 above, and could avoid any semblance of undue influence on young children under the charge of these persons in authority in the school.

13.5 The EAC adopts the advisory circular issued by the Secretary for Education to all schools for general guidance, emphasising the following points:

- (a) participation by pupils in electioneering activities must be **entirely voluntary**;
- (b) the **written consent** of a parent or guardian must be obtained beforehand;
- (c) in no circumstances should pre-primary or primary school pupils be asked to take part in such activities;

- (d) there should be no disruption of the pupils' education, and in no circumstances should normal lessons be interrupted to enable pupils to take part in such activities; and
- (e) in no circumstances should pupils be asked to take part in activities in areas where they may be subject to various elements of danger, including those created by traffic.

13.6 Pupils who take part in canvassing activities should pay attention to their own school regulations, and in particular those regarding the wearing of school uniform in such activities.

13.7 The EAC recognises that school pupils who are 18 years of age or over are by law old enough to be responsible for their own acts and make election-related decisions for themselves.

PART III : ELECTIONEERING ACTIVITIES IN SCHOOLS

13.8 During the election period, school supervisors, principals or teachers may invite or be approached by candidates to give talks on topical issues to students in their schools. The topic to be covered by such a talk may or may not have direct reference to an election. In any case, the presence of the candidate delivering it and the copies of the speech which may be circulated to students and brought home to their parents may have the effect of promoting or advertising that candidate and should, therefore, be regarded as his electioneering activity. [See also para. 13.4 above.]

13.9 In line with the **fair and equal treatment** principle, the EAC appeals to all school supervisors, principals and teachers to provide equal opportunity to all candidates of the same EC subsector for the purpose of electioneering. If a school authority has decided to allow a particular candidate to conduct electioneering activities in the school, other candidates of the same EC subsector should be informed and given the opportunity to do the same, so that no unfair advantage will be accorded to or obtained by any candidate over others regarding election campaigning. Information on the name and address (and contact numbers if the candidate has no objection to releasing the same) of candidates can be obtained from the REO.

PART IV : SANCTION

13.10 If the EAC comes to know that any candidate or school or a person is in breach of the guidelines in this chapter, it may make a **reprimand** or **censure** in a public statement which will include the name of the candidate, the school and person concerned, and may also refer the case to the Education Bureau. Candidates should therefore apprise the school or person concerned who offers them assistance of these guidelines. *[Amended in October 2011]*

CHAPTER 14

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

14.1 This chapter deals with the ban on canvassing activities **outside** polling stations on the polling day.

14.2 A “No Canvassing Zone Scheme” is employed for the purpose of prohibiting canvassing activities outside polling stations on the polling day in order to maintain free and safe passage for voters, and to ensure that they are not unduly harassed on their way to a polling station.

PART II : DECLARATION OF A NO CANVASSING ZONE AND NO STAYING ZONE

14.3 The RO for a subsector must determine an area outside each polling station used for polling for that subsector to be a NCZ. In so doing, he will take into account the characteristics and special conditions of the polling station. He must also determine an area within the NCZ outside the entrance/exit of the polling station as a NSZ. These two zones are to be determined with reference to a map or plan [s 40(1) of the EAC (EP) (EC) Reg].
[Amended in September 2006]

14.4 For a polling station which is used for more than one EC subsector, the determination of the NCZ or NSZ is to be made by the RO specified by the CEO [s 40(2) of the EAC (EP) (EC) Reg].

14.5 The RO who made the determination of declaring a NCZ or NSZ in respect of a polling station must, at least **7 days** before the polling day, give notice of the declaration to the candidates of his own EC subsector and to the ROs of other EC subsectors for which polling will be held in the polling station; and thereafter each of the ROs of these other EC subsectors must give notice of the declaration to the candidates of his own EC subsectors as soon as practicable [s 40(3), (4) and (5) of the EAC (EP) (EC) Reg]. *[Amended in September 2006]*

14.6 The notice will be given in writing, either in person or by post or by facsimile transmission, to the candidates or to the election agents or polling agents [s 40(12) of the EAC (EP) (EC) Reg].

14.7 Where the circumstances so warrant, the RO who has made a determination may vary the NCZ or NSZ. Notice of the variation must be given as soon as practicable after the variation in the same manner as a notice referred to in para. 14.6 above [s 40(7) of the EAC (EP) (EC) Reg]. However, a notice of variation need not be given to the candidates if it is not reasonably practicable to do so before the close of poll [s 40(11) of the EAC (EP) (EC) Reg].

14.8 A notice of the determination or the variation, together with indication of the boundaries of the NCZ or the NSZ, need to be displayed, on polling day, at or near the relevant polling station, in order to make the determination or variation effective [s 40(8), (9) and (10) of the EAC (EP) (EC) Reg].

14.9 The RO who is empowered to determine NCZ and NSZ may authorise his ARO or the PRO of the relevant polling station to exercise the power to vary the determination and to perform the associated duties on polling

day [ss 40(9A) and 89 of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and October 2011]*

PART III : CONDUCT INSIDE THE NO CANVASSING ZONE AND NO STAYING ZONE

14.10 Door-to-door canvassing and, for the purpose of such canvassing, the display of propaganda material, eg any badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election, or makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong, will be allowed on the storeys above or below street level in a building within a NCZ other than a building in which there is a polling station provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not posed to voters and no sound amplifying device is used [s 40(15) of the EAC (EP) (EC) Reg]. Apart from this, no other canvassing activities (including suggesting not to vote for any candidate) will be allowed within a NCZ except for static displays of election advertisements that are authorised by the RO or the PRO of the relevant polling station. Where there are premises situated within the NCZ, the ROs should issue a notice in advance to all the candidates asking them to remove all of their election advertisements, if any, posted up at the premises within the NCZ which can be seen by the voters on their way to the polling stations on the polling day. If the candidates fail to remove the election advertisements as requested by the ROs, the ROs may issue a warning to them to remove the offending election advertisements immediately. If the candidate fails to do so, the EAC may issue a censure or reprimand. Canvassing activities may take many different forms. A list of common canvassing activities which are forbidden in a NCZ is at **Appendix I**. *[Amended in September 2006 and October 2011]*

14.11 On the polling day, the PRO will make his best endeavours to ensure that no person carries out any activity other than those permitted activities described in para. 14.10 above in the NCZ in respect of his polling station to persuade or induce any elector to vote or not to vote. Any unauthorised display of election advertisements in the area will be removed by the RO or other persons authorised by the RO [s 100(14) of the EAC (EP) (EC) Reg]; and any person found to have conducted canvassing activities in the area will be asked to leave the area [s 41 of the EAC (EP) (EC) Reg]. *[Amended in September 2006]*

14.12 The use of loudspeakers or loud-hailers will not be permitted within the NCZ, nor will any such device or any activity (eg lion dance) be permitted in the vicinity so that the sound emitted can be heard within the NCZ [s 40(14) of the EAC (EP) (EC) Reg]. Save for canvassing activities allowed in para. 14.10, candidates and their supporters are not allowed to pass, let alone shout, appeal message to persons while inside the NCZ. [See Part II of Chapter 12 regarding the use of loudspeakers.] *[Amended in September 2006]*

14.13 Within the NCZ but immediately outside the entrance/exit of each polling station (and sometimes the entrance is also the same as the exit), there will be a **NSZ**, in which no person is allowed to stay or loiter, except where a person has been expressly permitted to do so by the PRO [s 41(1)(e) of the EAC (EP) (EC) Reg]. This is for the purpose of securing safe and smooth passage of voters into and out of polling stations. *[Amended in September 2006]*

14.14 A person shall not obtain or attempt to obtain (in any manner) information as to which candidate an elector of the relevant polling station is about to vote for or has voted for, in a NCZ or in a NSZ without the express permission of the PRO who should have regard to exit pollsters who have complied with the requirements set out in Chapter 15 : Exit Poll.

14.15 Any person who misconducts himself or carries out any forbidden activity in a NCZ or NSZ, or fails to obey a lawful order of the RO (who has made the determination in respect of that NCZ or NSZ) or the PRO, commits an offence punishable with a fine and imprisonment and may be ordered by such officer to leave the NCZ or NSZ [s 41(2) of the EAC (EP) (EC) Reg]. If he fails to leave immediately, he may be removed from the relevant zone by a police officer, an officer of the CSD or the law enforcement agency, or by any other person authorised in writing by the RO or the PRO [s 41(3) of the EAC (EP) (EC) Reg]. The person so removed may not re-enter the NCZ or NSZ on that day except with the permission of the RO or the PRO [s 41(4) of the EAC (EP) (EC) Reg]. *[Amended in September 2006 and January 2010]*

14.16 Nevertheless, the RO or the PRO shall not exercise their powers to remove a person from the NCZ or NSZ so as to prevent him from voting [s 41(5) of the EAC (EP) (EC) Reg].

PART IV : PENALTY

14.17 Any canvassing within a NCZ except those exempted, any attempt to obtain information as described in para. 14.14 without the necessary permission and any conduct prohibited under paras. 14.13 and 14.15 above will each be an offence under s 45(4) of the EAC (EP) (EC) Reg, punishable by a fine at level 2 (up to \$5,000) and imprisonment for up to 3 months. Any attempt to obtain information as described in para. 14.14 above without the necessary permission will be an offence under s 93 of the EAC(EP)(EC) Reg, punishable by a fine at level 2 (up to \$5,000) and imprisonment of up to 6 months. *[Amended in October 2011]*

CHAPTER 15

EXIT POLL

PART I : GENERAL

15.1 This chapter sets out the guidelines for the conduct, publication and broadcast of exit polls to avoid unfair interference with the election process by unduly influencing voters. The aim is to ensure that elections are conducted honestly and fairly and, at the same time, to strike a good balance between the need to maintain order outside polling stations and upholding the freedom of expression, freedom of the press and academic freedom. *[Amended in October 2011]*

15.2 **The EAC appeals to the media and organisations concerned for self-regulation, goodwill and voluntary cooperation in the conduct of exit polls, and the publication and broadcast of the result of exit polls so that voter behaviour will not be unduly affected.** *[Amended in October 2011]*

PART II : SECRECY OF THE VOTE

15.3 **The ballot is secret.** It is a voter's right to keep his vote secret. A voter does not have to disclose his choice of candidate if he does not want to. **It is a criminal offence for a person, without lawful authority, to require, or purport to require, a voter to disclose the name of, or any particular relating to, the candidate for whom the voter voted at an election** [s 93 of the

EAC (EP) (EC) Reg and s 37 of the Schedule to the CEEEO]. **Those who conduct exit polls must respect the voters' right and wish not to be disturbed.** The interviewers should inform the voters being interviewed that their participation in the exit poll is voluntary prior to the conduct of exit poll.

15.4 Any announcement of the results of exit polls or predictions, particularly in relation to any individual candidate during the polling hours may affect voter behaviour and have an impact on election results. **The EAC, therefore, reminds the media and organisations concerned that they should not announce the results of exit polls or make specific remarks or predictions on the performance of individual candidate before the close of poll.** *[Amended in October 2011]*

15.5 Broadcasters' attention is invited to the provisions of the Television and Radio Code of Practice on Programme Standards which require news and current affairs programmes to be fair, objective and impartial. *[Amended in October 2011]*

PART III : CONDUCT OF EXIT POLLS

15.6 Exit polls may be conducted by any person or organisation. For security reasons, no exit poll may be conducted for dedicated polling stations. For the purpose of better control of the conduct of exit poll, persons or organisations intending to conduct exit polls must provide the following to the REO at **the latest 10 days before the polling day:**

- (a) the name and address of the person or organisation intending to conduct an exit poll on the polling day;

- (b) the identity document number and name of the person responsible together with his telephone number(s) for contact, especially during the polling hours; and
- (c) a list showing the number of persons who will be employed for the conduct of the exit poll at each polling station on the polling day together with the identity document number and name of each of all the persons who will be so employed.

[Amended in January 2010 and October 2011]

15.7 On the receipt of the application, the REO will consider the application and issue approval to the concerned person or organisation as appropriate. Before the grant of approval, the person or organisation to be allowed to conduct exit poll will be required to sign an **undertaking** to abide by its terms and the guidelines governing the conduct of exit poll. If a person or an organisation who/which fails to comply with the terms of the undertaking and the guidelines set out in this chapter, the approval to conduct exit poll on the polling day(s) or during the polling hours may be revoked. The EAC may also make a reprimand or censure in a public statement which will include the name of the person or organisation who/which fails to comply with the terms of the undertaking/guidelines. A notice showing the persons or organisations allowed to conduct exit poll together with their contact telephone numbers will be released to the public prior to the polling day for the reference of the public and candidates. Such a notice will also be displayed at the respective polling stations.

[Amended in October 2011]

15.8 Interviews are not allowed inside polling stations. Interviewers should note that canvassing activity is prohibited under criminal sanction within

the NCZ except door-to-door canvassing activities on the storeys above or below street level in a building other than the one in which there is a polling station provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not posed to voters and no sound amplifying device is used. Interviewers must therefore be extremely careful in conducting the exit poll so as not to give rise to any suspicion that they are canvassing voters inside the NCZ. Interviewers, like any other person, are not allowed to stay or loiter in the area designated as the NSZ (within the NCZ but immediately outside the entrance/exit to each polling station) [s 41(1) of the EAC (EP) (EC) Reg]. Interviewers are also not allowed to accost voters in the NSZ. All these measures are for the purpose of securing safe and smooth passage of voters into and out of the polling stations. The PRO of a polling station may, if circumstances require, designate an area outside the exit of the polling station so that interviewers may only conduct exit poll within that area. *[Amended in September 2006 and October 2011]*

PART IV : IDENTIFICATION OF INTERVIEWERS

15.9 There had been occasions where exit poll interviewers were mistaken to be government officials or polling staff. Such interviewers are therefore required to display prominently an identification device showing the identity of the organisation/person conducting exit poll so that voters will not be misled into thinking that they are appointed by Government. In addition, the interviewers are required to make known to the voters that any response is entirely voluntary. Arrangements should be made for voters to be aware of the name of the organisation/person conducting the interview and the fact that the exit poll is not commissioned by the Government. *[Amended in October 2011]*

15.10 After receipt of the information referred to in para. 15.6 above, the REO will notify the organisation or person concerned to collect a number of identification devices bearing the name of the organisation/person that is required to be displayed prominently by each of the persons included in the list in para. 15.6(c) above when conducting an exit poll. Any person not displaying prominently such a device will not be allowed to conduct an exit poll outside any polling station. *[Amended in October 2011]*

PART V : SANCTION

15.11 Apart from the criminal sanction provided in the CEEO, if the EAC comes to know that any broadcaster or organisation has failed to heed or comply with the guidelines in this chapter, it may make a **reprimand** or **censure** in a public statement which will include the name of the broadcaster or the organisation concerned. *[Amended in October 2011]*

CHAPTER 16

ELECTION EXPENSES AND DONATIONS

PART I : WHAT CONSTITUTES ELECTION EXPENSES

16.1 Provisions relating to election expenses can be found in the ECICO.

16.2 **Election expenses** mean expenses incurred or to be incurred **before, during or after an election**, by a candidate or his election expense agent on his behalf for the purpose of promoting his election, or prejudicing the election of another candidate or other candidates and include the value of election donations consisting of goods and services used for that purpose [s 2 of the ECICO]. The term “candidate” relating to election expenses (and donations) therefore includes a person **who has publicly declared an intention to stand for election** in respect of a subsector at any time before the close of nominations for the election, regardless of whether he has submitted his nomination form, or after submission of the nomination form he has withdrawn his nomination or his nomination is ruled invalid by the RO [s 2 of the ECICO]. *[Amended in September 2006]*

16.3 A candidate may receive **donations** for the purpose of meeting the costs of his election expenses. Donation, in relation to a candidate or candidates at an election, means any of the following donations:

- (a) any money given to or in respect of him for the purpose of meeting or contributing towards meeting his election expenses;
- or

- (b) any goods given to or in respect of him for the purpose of promoting his election or of prejudicing the election of another candidate or other candidates and includes any goods given incidental to the provision of voluntary service; or
- (c) any service provided to or in respect of him for the purpose of promoting his election or of prejudicing the election of another candidate or other candidates, but does not include voluntary service.

[S 2 of the ECICO]

All such donations, whether in cash or in kind, when spent or used, are counted as election expenses. [For details, see Part III of this chapter.]

16.4 There is no defined time as to when expenses are incurred whereby they will or will not be counted as election expenses. It is a question of fact in each case. For as long as an expense is incurred either for the purpose:

- (a) of promoting the election of a candidate; or
- (b) of prejudicing the election of another candidate or other candidates;

it will be an election expense, irrespective of when it is incurred, either before, during or after the election, and regardless of the source of funding.

16.5 A list of common expenditure items which may be counted towards election expenses is at **Appendix Q**. The list is only illustrative and should not be considered as having precedence over the legislation. Whether a particular item of expenditure should be regarded as an election expense is a question of fact to be answered in the circumstances of each case. Each case

should be determined by reference to the purpose behind the expenses, taking account of the nature, circumstances and context of the expenditure. Personal expenses incurred in the normal course of a candidate's daily life are not election expenses. Use of staff and other resources which are available to a candidate in his official capacity or at work for the purpose of promoting his candidature in the election should also be counted as election expenses. Candidates should consult their legal advisers if they have doubt as to whether an expenditure item should be counted as an election expense. Any legal fees incurred as a result will not themselves be counted as election expenses.

16.6 A candidate should not use any public resources for the purpose of promoting his election or prejudicing the election of another candidate or other candidates at the election. However, any security, transportation, secretarial and living quarters services to which he is entitled to use for his private purposes by virtue of his post or job are not treated as public resources in this context. *[Amended in October 2011]*

PART II : WHO MAY INCUR ELECTION EXPENSES AND THEIR LIMIT

Maximum Scales of Election Expenses

16.7 The maximum scales of election expenses for the EC subsector elections are prescribed by the Maximum Scale of Election Expenses (Election Committee) Order (Cap 554I) made by the CE in Council pursuant to s 45 of the ECICO to limit the maximum amount of expenses a candidate may incur on account of the election. These expenses limit control the extent of election campaigns and serve to prevent candidates with ample financial resources from having an unfair advantage. *[Amended in October 2011]*

16.8 The maximum scales of election expenses are set out in the following table. For ascertaining the number of registered voters referred to in items (b), (c) and (d), inquiry can be made with the RO for the EC subsector concerned.

| | |
|--|-----------|
| (a) for an election for one of the following 8 EC subsectors, viz, Agriculture and Fisheries, Insurance, Transport, Hotel, CPPCC, HYK, Hong Kong and Kowloon DCs, and New Territories DCs subsectors | \$100,000 |
| (b) for an election for an EC subsector other than those in (a) above with not more than 5,000 registered voters | \$160,000 |
| (c) for an election for an EC subsector with between 5,001 and 10,000 registered voters | \$320,000 |
| (d) for an election for an EC subsector with over 10,000 registered voters | \$480,000 |

[S 2 of the Maximum Scale of Election Expenses (Election Committee) Order (Cap 554I)]

[Amended in October 2011]

16.9 A candidate must not incur any election expenses in excess of the maximum amount prescribed [s 24 of the ECICO].

Persons Authorised to Incur Election Expenses

16.10 Only a candidate or a person who has been duly authorised by a candidate as the candidate's election expense agent may incur election expenses [s 23(1) of the ECICO]. The authorisation should follow the procedures specified in Part VI of Chapter 7. *[Amended in October 2011]*

16.11 **Negative campaigning (ie canvassing against other candidates):** Before incurring expenses in carrying out any negative campaigning for or for the benefit of a candidate, a person will need the authorisation of the candidate to be the election expense agent of the candidate. Such expenses will be counted towards election expenses of the candidate. If the negative campaign includes election advertisements, all the requirements of the ECICO and of the EAC (EP) (EC) Reg must also be complied with. *[Amended in September 2006]*

16.12 Candidates should advise the organisations with which they are associated and which may incur expenses to support them of these guidelines as soon as they have any intention or plan to run for the election, to avoid any offences being committed by these organisations out of ignorance.

16.13 A candidate will be responsible for the overall amount of his election expenses. In the event the total amount incurred by him and/or on his behalf exceeds the limit prescribed, he will be liable for contravening the law, unless he can prove that the excess was incurred without his consent, or beyond his authorisation, and not due to any negligence on his part. The election expense agent, on the other hand, should not incur an amount of election

expenses which exceed the limit authorised by the candidate, lest the agent will contravene s 23(4) of the ECICO. [Ss 23 and 24 of the ECICO] *[Amended in October 2011]*

PART III : DONATIONS

General Provisions

16.14 A person who has made known his intention to stand as a candidate in the election may receive donations for the sole purpose of meeting his election expenses.

16.15 Donations can only be used for meeting, or contributing towards meeting, a candidate's election expenses, or in the case of an election donation consisting of goods or services, for the purpose of promoting the election of the candidate or of prejudicing the election of another candidate or other candidates [s 18 of the ECICO].

16.16 Donations can be in cash or in kind, and include any money's worth, any valuable security or other equivalent of money and any valuable consideration. All spent or used donations, whether in cash or in kind, which may be received before, during or after an election, are counted towards the total election expenses which are subject to the maximum amount prescribed.

16.17 Any unspent or unused donations must be given to charitable institution(s) or trust(s) of a public character chosen by the candidate(s). Any amount of donations that exceeds the upper limit of election expenses must also be given to such charitable institution(s) or trust(s). It must be done before the time when the return and declaration of election expenses and donations is

lodged in accordance with s 37 of the ECICO. [S 19 of the ECICO]
[Amended in October 2011]

16.18 Since election donations can only be lawfully spent for meeting or contributing towards meeting election expenses, donations and expenses are often corresponding to each other. For every item of election expense which is avoided or reduced by obtaining the goods supplied or services rendered free of charge or at a discount, there should normally be a corresponding item of donation. The only exception is voluntary services obtained that are not treated as donations (any goods given incidental to the provision of a voluntary service will however be counted as an election donation). These points are elaborated in paras. 16.20 to 16.22 below. *[Amended in October 2011]*

16.19 On receiving a donation, of money or in kind, of more than \$1,000 in value, a candidate must issue to the donor a receipt which specifies the name and address of the donor (as supplied by the donor). A standard form of receipt is obtainable from the REO and will be provided to a candidate at the time of his submitting his nomination form. While it is not uncommon that some donors would like to be anonymous, if a donation, in cash or in kind, is more than \$1,000 in value, then only where the donor's name and address (as supplied by the donor) are shown as required by the standard form of donation receipt can it be used as election donation. Donations exceeding \$1,000 or, in the case of an election donation consisting of goods, of more than \$1,000 in value received from anonymous donors must not be used for election expenses and must be given to a charitable institution or trust of a public character chosen by the candidate. [S 19(2) of the ECICO] *[Amended in September 2006]*

Donations in Kind

16.20 Donations in kind include goods and services obtained free of charge or at a discount. Unless the discount is generally available to all customers, the difference between the market/regular price and the price charged is a donation and must be declared and included as such and correspondingly as an election expense in the form of return. The same principle applies to loans obtained at no interest or at an interest rate lower than usual. Unless the facility is generally available to others, the interest not charged must be declared and included as a donation and election expense in the form of return. For premises provided free of charge to a candidate for his election campaign, a reasonable amount should be assessed as the deemed rental for the premises and such be included as a donation and election expense in the form of return.

16.21 For services or goods obtained free of charge, a candidate must include in the return their estimated value as if the expenses had been incurred. Where the services or goods are furnished by a person who deals in similar services or goods with the public, their estimated value should be assessed at the lowest price at which the person offers his services or goods to the public at the time when they are furnished. Where such services or goods are furnished by persons who do not deal in similar services or goods with the public, their estimated value should be assessed at the lowest market retail price at the time when they are furnished.

16.22 **Voluntary service** is the only service rendered free of charge which may be excluded from being counted as election expenses. In addition to being free of charge, the service must be provided by a natural person, voluntarily and personally, in his own time for the purpose of promoting the election of the candidate or candidates, or of prejudicing the election of another candidate or other candidates. [S 2 of the ECICO] Otherwise, the service provided should be treated as a donation and counted towards election expenses at a fair estimated value. *[Amended in September 2006]*

**PART IV : RETURN AND DECLARATION OF ELECTION EXPENSES
AND DONATIONS**

16.23 A candidate must keep an accurate account of all election expenses incurred and donations (whether in cash or in kind) received, and submit to **the CEO a return and declaration of election expenses and donations in a specified form** (which will be given to a candidate upon his submission of nomination) **not later than 30 days after the publication in the Gazette of the result of the election, or not later than 30 days after the declaration of the termination of the election proceedings under the relevant electoral law, or not later than 30 days after the declaration of the failure of the election under the relevant electoral law** [s 37 of the ECICO].
[Amended in September 2006]

16.24 The return must cover all the election expenses incurred by the candidate or the person(s) so authorised by him, services or goods obtained free of charge or at a discount and any unpaid claims. It must be submitted with supporting invoices and receipts issued by recipients of the payments for all payments each of \$100 and above. The copy of receipts issued by the candidate for any donations of more than \$1,000 and those issued by charitable institutions or trusts of a public character for the collection of any unspent or excessive donations should also be attached. A declaration verifying the contents of the return should also be submitted together with the return. [S 37 of the ECICO] *[Amended in October 2011]*

16.25 At the time of his submitting his nomination form, a candidate will be given:

- (a) the specified form for making the return and declaration of election expenses and donations mentioned in para. 16.23 above,

together with a standard form of receipt for donations mentioned in para. 16.19 above;

- (b) the specified form for advance return of donations (see paras. 16.32 to 16.34 below);
- (c) a specimen of the specified form with examples showing how the return and declaration can be completed; and
- (d) explanatory notes on how to complete the returns.

A candidate should read the explanatory notes carefully in completing the return, and make reference to the specimen whenever necessary. *[Amended in October 2011]*

Statutory Relief Mechanism for Errors and False Statements

16.26 If a candidate is unable or fails to send to the CEO the return and declaration of all election expenses and donations before the end of the permitted period due to his own illness or absence from Hong Kong or the death, illness, absence from Hong Kong or misconduct of any agent or employee of the candidate or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and not due to the candidate's bad faith, he has the right to make an application to the Court of First Instance ("CFI") for an order to send in the return and declaration late [s 40(1) and (2) of the ECICO]. *[Amended in September 2006 and October 2011]*

16.27 If a candidate makes an error or a false statement in the return and declaration of election expenses and donations due to misconduct of any agent or employee of the candidate or by reason of inadvertence or accidental

miscalculation by the candidate or any other person, or any reasonable cause, and not due to the candidate's bad faith, he may apply to the CFI for an order enabling him to correct any error or false statement in the return or in any document accompanying the return [s 40(3) and (4) of the ECICO].
[Amended in October 2011]

16.28 Notwithstanding the provision set out in para. 16.27 above, if a candidate makes an error and/or a false statement in the election return, the nature of which is either a failure to set out in the election return any election expense of the candidate at the election or any election donation received by or on behalf of the candidate in connection with the election, or incorrectness in the amount of any election expense or any election donation, **and** the aggregate value of the error(s) and/or false statement(s) does **not** exceed \$500, he may, subject to the conditions set out in para. 16.29 below, seek to have the error and/or false statement rectified in accordance with a simplified relief arrangement for minor errors or false statements as provided under s 37A of the ECICO. Under the arrangement, the candidate may lodge with the CEO a revised election return which will be a copy of the original election return earlier submitted to the CEO marked with the necessary revision to have the errors or false statements in question corrected. *[Added in October 2011]*

16.29 A copy of the revised election return lodged by a candidate is of no effect unless it is:

- (a) lodged within 30 days after the date on which the candidate receives a notice from the CEO relating to the error and/or false statement in the election return;
- (b) accompanied by all relevant documents as required under s 37(2)(b) of the ECICO (eg invoice and/or receipt) and, if applicable, an explanation; and
- (c) a declaration to be made by the candidate in a specified form verifying the contents of the revised election return.

In case a candidate has identified an error and/or a false statement in his election return on his own, he should inform the CEO in writing providing all the necessary details and requesting permission for rectification under the simplified relief mechanism. When satisfied that the request is prima facie allowable under the relief mechanism, the CEO will issue a notice relating to the error or false statement to the candidate for correction in accordance with the mechanism. A copy of the revised election return made under the relief mechanism cannot be withdrawn or further amended after it has been lodged with the CEO. If the candidate fails to correct the error or false statement within the specified period, the election return will be subject to the normal checking and investigation under the ECICO. *[Added in October 2011]*

16.30 The relief mechanism will not be applicable if, after including the cumulative amount of errors or false statements, the aggregate amount of election expenses incurred at or in connection with the election, exceeds the maximum amount of election expenses prescribed for a candidate, which is an illegal conduct under s 24 of the ECICO. If the ICAC has received complaints or intelligence indicating that a candidate may have made a statement that he knows or ought to know is materially false or misleading which amounts to corrupt conduct, the ICAC will conduct investigation into this case despite the relief arrangement set out above. The rectifications of the election return under the relief arrangement will not exempt the candidate from being investigated or subsequently prosecuted under the ECICO in such circumstances. Moreover, this relief mechanism will not relieve the candidate from liability under other offence provisions in ECICO if the election return concerned has contravened any such provisions. [S 37A of the ECICO] *[Added in October 2011]*

16.31 When the candidate finds himself in any of the situations set out in paras. 16.26 and 16.27 above, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 16.28, it would be wise of him to make the application to the CFI and inform the REO

as soon as possible. The legal costs so incurred will not be regarded as his election expenses. It is a corrupt conduct if a candidate who, in an election return lodged under s 37 of the ECICO or a copy of an election return lodged under s 37A of the ECICO, makes a statement that he knows or ought to know is materially false or misleading [s 20 of the ECICO]. *[Amended in September 2006 and October 2011]*

PART V : ADVANCE RETURN OF DONATIONS

16.32 Any candidate who is an incumbent public servant under the POBO, eg a serving member of the LegCo or a DC, etc, may give advance disclosure to the CEO of any donations received. This may enable such incumbent member to avoid any inadvertent contravention of the provisions of the POBO relating to the acceptance of “advantages”. The donations so disclosed must also be incorporated in the return and declaration of election expenses and donations to be submitted to the CEO not later than 30 days after the publication in the Gazette of the result of the election, or not later than 30 days after the declaration of the termination of the election proceedings under the relevant electoral law, or not later than 30 days after the declaration of the failure of the election under the relevant electoral law [see s 37 of the ECICO]. The general provisions regarding donations in Part III must be observed. *[Amended in September 2006]*

16.33 Any **advance return of donations** must be made on the specified form mentioned in para. 16.25 above.

16.34 Depending on the time and the number of donations received, a candidate may submit any number of advance returns of donations to the CEO.

PART VI : ENFORCEMENT AND PENALTY

Enforcement

16.35 The returns will be made available at the REO for public inspection up to the first anniversary of the date on which the result of an election is published. Copies of the returns will be furnished to any person upon request subject to payment of a copying fee at a fixed rate. [S 41 of the ECICO]

16.36 Any complaint or report of breach of these guidelines may be made to the relevant RO, the REO or to the EAC or its Complaints Committee direct. The EAC or its Complaints Committee may, after consideration, refer the cases to the relevant authorities for investigation and prosecution.

16.37 The REO will check all returns of election expenses and donations. Irregularities detected will be reported to the relevant authorities for investigation.

Penalties

16.38 It is an illegal conduct for a candidate to incur election expenses in excess of the maximum amount prescribed. It is also an illegal conduct for a person, other than a candidate or a candidate's election expense agent, to incur election expenses. An election expense agent engages in illegal conduct if he incurs election expenses in excess of the amount authorised. Such illegal conduct is punishable by a fine of up to \$200,000 and imprisonment for up to 3 years. [Ss 22, 23 and 24 of the ECICO]

16.39 A candidate who uses any donation for any purpose other than for meeting his election expenses, or fails to dispose of unspent or excessive donations in accordance with s 19 of the ECICO commits a corrupt conduct punishable by a fine of up to \$500,000 and imprisonment for up to 7 years. [Ss 6, 18 and 19 of the ECICO] *[Amended in October 2011]*

16.40 A candidate who fails to submit the return and declaration of election expenses and donations by the prescribed date or who fails to provide an accurate account of all expenses incurred and all donations received with the required supporting invoices and receipts issued by recipients of the payments commits an offence, punishable by a fine of up to \$200,000 and imprisonment for up to 3 years. [S 38 of the ECICO] *[Amended in October 2011]*

16.41 A candidate who knowingly makes a materially false or misleading statement in his return and declaration of election expenses and donations commits a corrupt conduct punishable by a fine of up to \$500,000 and imprisonment for up to 7 years. [Ss 6 and 20 of the ECICO] *[Amended in October 2011]*

16.42 A candidate, who having been elected to the EC, acts in the office or participates in the affairs of the EC without filing the return and declaration of election expenses and donations before the end of the permitted period commits an offence, punishable by a fine of \$5,000 for every day after such expiration on which he so sits or votes in such body. [S 39 of the ECICO]

16.43 A person convicted of a **corrupt conduct or illegal conduct** within the meaning of the ECICO will, in addition to the penalties set out in paras. 16.38 to 16.42 above, be disqualified:

- (a) for 5 years from being nominated as a candidate for the election of, or from being elected as, the CE, a member of the LegCo or

DC or a VR from the date of the conviction [ss 14 and 20 of the CEEO, s 39 of the LCO, s 21 of the DCO and s 23 of the VREO];
and

- (b) for 3 years from being nominated as a candidate for the EC Subsector Elections, or from being nominated or elected as, an EC member from the date of the conviction [ss 9 and 18 of the Schedule to the CEEO].

[Amended in September 2006, January 2010 and October 2011]

CHAPTER 17

CORRUPT AND ILLEGAL CONDUCT

PART I : GENERAL

17.1 This chapter sets out the guidelines against corrupt and illegal conduct in conducting election-related activities. It is important that candidates are aware of the common pitfalls in election activities, which may involve corrupt and illegal conduct, and take appropriate preventive measures to guard against committing offences out of oversight.

17.2 Provisions relating to corrupt and illegal conduct can be found in the ECICO. To help candidates and their agents get acquainted with the major provisions of the Ordinance, the ICAC will prepare an Information Booklet on “Support Clean Elections” for distribution to candidates. The content of the Information Booklet will also be uploaded onto the website of the ICAC (www.icac.org.hk). *[Amended in October 2011]*

17.3 A person who engages in:

- (a) a **corrupt conduct** will be liable to a fine of up to \$500,000 and imprisonment for up to 7 years and to pay to the court the amount or value or such part as specified by the court of any valuable consideration he or his agents received in connection with the conduct [s 6 of the ECICO]; and
- (b) an **illegal conduct** will be liable to a fine of up to \$200,000 and imprisonment for up to 3 years [s 22 of the ECICO].

In addition to these penalties, a convicted person will be disqualified from being nominated as a candidate in elections. For details, please see para. 17.33 below. *[Amended in January 2010]*

PART II : CORRUPT CONDUCT RELATING TO NOMINATION AND WITHDRAWAL OF CANDIDATURE

Offences relating to Candidature

17.4 Any act to affect a person's candidature by bribery, force, duress or deception is prohibited. Candidature includes standing as a candidate, not standing as a candidate, or withdrawal of nomination. It will be a corrupt conduct if a person corruptly:

- (a) offers an advantage to another person as an inducement or reward to affect his candidature or for not using his best endeavours to promote his election;
- (b) offers an advantage to another person as an inducement or reward to affect the candidature of a third person or to get the third person not to use his best endeavours to promote his election;
- (c) solicits or accepts an advantage from another person as an inducement or reward to affect the candidature of himself or for not using his best endeavours to promote his election; or
- (d) solicits or accepts an advantage from another person as an inducement or reward to affect the candidature of a third person or to get the third person not to use his best endeavours to promote his election.

17.5 Similarly, a person engages in corrupt conduct if he uses or threatens to use force or duress against another person to affect the candidature of that person or a third person. The use of deception to induce another person to affect the candidature of that person or a third person is also a corrupt conduct. [Ss 8 and 9 of the ECICO] *[Amended in October 2011]*

17.6 It will also be a corrupt conduct if a person defaces or destroys a completed or partly completed nomination paper with intent to prevent or obstruct another person from standing for election [s 10 of the ECICO]. *[Amended in October 2011]*

PART III : ILLEGAL CONDUCT RELATING TO ELECTIONEERING

False Statement that a Person is or is not a Candidate

17.7 A person must not publish any statement that a candidate is no longer a candidate at an election if he is a candidate, or that another person who has been nominated as a candidate is no longer a candidate at the election, or that he or another person is a candidate at an election, knowing that the statement is false [s 25 of the ECICO].

False or Misleading Statement about a Candidate

17.8 A person must not publish any materially false or misleading statement of fact about a particular candidate or particular candidates for the purpose of promoting or prejudicing the election of the candidate or candidates. Similarly, a candidate must not publish any materially false or misleading statement of fact about himself or another candidate or other candidates for the purpose of promoting the election of himself or prejudicing the election of another candidate or other candidates. Any such publication will amount to

an illegal conduct. It should be noted that materially false or misleading statements about a candidate or candidates include, but are not limited to, statements concerning the character, qualifications or previous conduct of the candidate or candidates to promote or prejudice the election of the candidate, eg a person who makes a materially false or misleading statement of fact, thereby calling into question the integrity and honesty of that candidate, may contravene the above provision. [S 26 of the ECICO] Any person, who wishes to publish a statement about a candidate or candidates, should make every effort to ensure its accuracy before its publication. *[Amended in October 2011]*

False Claim of Support

[Please also see Chapter 18 : Namedropping]

17.9 A candidate must obtain **prior written consent** from a person or an organisation before using the name or logo of that person or organisation, or a pictorial representation of that person in any of his election advertisements or activities as an indication of support from that person or organisation. Oral consent is **not** sufficient. [S 27 of the ECICO] The EAC provides a standardised consent form for this purpose. Any indication of support in election advertisements, be it a text, a photograph or any other material, must be covered by a written consent from the person or organisation concerned. A copy of the consent form must be deposited with the relevant RO **prior to display, distribution or otherwise use of the election advertisements** [s 100(9A) of the EAC (EP) (EC) Reg]. It is important to note that it is still an offence even if such an election advertisement contains a statement to the effect that it does not imply support from the person or organisation concerned [s 27(4) of the ECICO]. It is also an offence for a person to give information which he knows or ought to know is materially false or misleading to a candidate or candidates for promoting or prejudicing the election of a candidate or candidates [s 27(6) of the ECICO]. *[Amended in September 2006 and October 2011]*

17.10 Consent given can be revoked. In case of a revocation, in order to avoid dispute, it is advisable for the person or organisation who has revoked the consent to send a notice or copy of the revocation to the candidate concerned and to the relevant RO. Every candidate is required to deposit a copy of the completed consent form with the relevant RO and to notify the RO in writing of any revocation of consent.

17.11 S 28 of the ECICO provides for an injunction order by the Court to restrain the publication of any materially false or misleading statement or false claim of support. An application for such an injunction order may be made by a candidate, his election agent, a voter of a particular EC subsector and the person or body to whom or which the false information is related.

Requirements relating to Printed Election Advertisements

17.12 Insofar as electioneering is concerned, it is also an offence if a candidate does not comply with the requirements relating to printed election advertisements. [For details of the requirements, please refer to Chapter 8 on Election Advertisements, in particular Parts I, VI and VII thereof.]

17.13 A person must, **not later than 7 days after** publishing a printed election advertisement, deposit **2 copies** of the advertisement to the relevant RO [s 34(4) of the ECICO].

17.14 The provisions of s 100 of the EAC (EP) (EC) Reg are more stringent. **Before** a candidate displays, distributes or otherwise uses an election advertisement, he must allocate a **number in a separate series** to each type of election advertisement, and make a **declaration** in a specified form to state the quantity of each type of election advertisement he proposes to so use. For a better control over the display of unauthorised election advertisements and to facilitate the ROs in handling such complaints, the declaration and **2 copies** of the election advertisement must be deposited with the relevant RO

before the election advertisement is displayed, distributed or otherwise used. If the relevant RO has not yet been appointed, the declaration and copies should be deposited with the CEO. By doing so, the candidate should have complied with s 34(4) of the ECICO as mentioned in para. 17.13 above.

PART IV : CORRUPT CONDUCT RELATING TO ELECTIONEERING AND VOTING

Bribery

17.15 Any act to affect a person's voting preference by offering or soliciting or accepting an advantage is prohibited [s 11 of the ECICO]. Voting preference covers voting for a particular candidate or candidates, not voting at an election, or not voting for a particular candidate or candidates. *[Amended in October 2011]*

Treating

17.16 A person must not at any time provide or meet all or part of the cost of providing another person with any food, drink or entertainment for the purpose of influencing that person's or a third person's voting preference. Likewise, the corrupt solicitation or acceptance of any such treating is prohibited. [S 12 of the ECICO]

17.17 The serving of non-alcoholic drinks only at an election meeting will not be deemed corrupt for the above purposes. [S 12(5) of the ECICO] An election meeting is any meeting held to promote or prejudice the election of a particular candidate or particular candidates. [See Chapter 10: Election Meetings for details.]

17.18 Treating arises in daily situations. If it is used (by a candidate or another person) for affecting a person's voting preference, it is an offence under s 12 of the ECICO. If a person or an organisation hosts a banquet for a non-election-related purpose but, during the occasion, innocently calls on the guests to vote for a particular candidate, the candidate concerned should immediately stop any promotion of his election and disown or dissolve with whatever has been said or done to promote his candidature. Otherwise, the occasion will be regarded as an election meeting held to promote his candidature and the expenses incurred will have to be counted towards his election expenses. *[Amended in October 2011]*

17.19 If a banquet, albeit apparently not related to any election, is used to affect a person's voting preference, then both the host and the candidate will be guilty of a corrupt conduct. *[Amended in October 2011]*

Force and Duress

17.20 The use of or the threat to use force or duress against a person to induce him to vote or not to vote at an election or to vote or not to vote for a particular candidate or particular candidates or to get a third person to do so is a corrupt conduct. [S 13 of the ECICO] *[Amended in October 2011]*

17.21 Persons in position to exert pressure and influence on others should be careful not to breach the provisions under the ECICO, eg employers over employees, school principals or teachers over students, religious advisers over believers and doctors over patients, etc.

Voting Offences

17.22 It is a corrupt conduct for any person:

- (a) to vote at an election knowing that he is not entitled to vote at

that election;

- (b) to vote at an election after having knowingly or recklessly given materially false or misleading information to an electoral officer, or to vote at an election after having knowingly omitted to give material information to an electoral officer;
- (c) to vote at an election more than once except as expressly permitted by an electoral law; or
- (d) to invite or induce another person to commit (a), (b) or (c) above.

[S 16 of the ECICO]

PART V : CORRUPT AND ILLEGAL CONDUCT RELATING TO ELECTION EXPENSES AND DONATIONS

17.23 Candidates should be careful when handling election expenses and donations as non-compliance with the relevant requirements will be a corrupt or illegal conduct. For details of the requirements that have to be observed, please refer to Chapter 16: Election Expenses and Donations.

PART VI : POWER OF COURT TO EXCUSE INNOCENT ACTS

17.24 S 31 of the ECICO provides a mechanism for a candidate to apply for a Court order to relieve himself of criminal responsibility if he contravenes the illegal conduct provisions due to inadvertence, accidental

miscalculation or any reasonable cause, and not due to bad faith. No prosecution against him may be instituted or carried on until the application is disposed of by the Court. He will not be liable to be convicted of an offence if the illegal conduct is the subject of a Court order.

17.25 A candidate who fails to provide the printing details or deposit copies of printed election advertisements with the relevant RO commits an offence. However, he may apply to the Court for an order allowing the publication of the above election advertisements be excepted from the relevant requirements and relieving him from the penalties, provided that the Court is satisfied that the non-compliance was due to inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith [s 35 of the ECICO].

17.26 A candidate who is unable or has failed to send to the CEO the return and declaration of all election expenses and donations before the end of the permitted period due to his own illness or absence from Hong Kong or the death, illness, absence from Hong Kong or misconduct of any agent or employee of the candidate or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and not due to the candidate's bad faith, has the right to make an application to the CFI for an order to send in the return and declaration late [s 40(1) and (2) of the ECICO]. *[Amended in September 2006 and October 2011]*

17.27 If a candidate makes an error or a false statement in the return and declaration of election expenses and donations due to misconduct of any agent or employee of the candidate or by reason of inadvertence or accidental miscalculation by the candidate or any other person, or any reasonable cause, and not due to the candidate's bad faith, he may apply to the CFI for an order enabling him to correct any error or false statement in the return or in any document accompanying the return [s 40(3) and (4) of the ECICO]. *[Added in October 2011]*

17.28 When the candidate finds himself in any of the situations set out in paras. 17.26 and 17.27 above, other than the situations where correction of errors or false statements is allowed under the relief arrangement in para. 16.28 of Chapter 16, it would be wise of him to make the application to the CFI and inform the REO as soon as possible. *[Amended in October 2011]*

PART VII : NON-COMPLIANCE WITH THE LAW AND SANCTION

17.29 Any complaint or report of breach of these guidelines may be made to the RO, the REO or the EAC direct. The EAC may, after consideration, refer the cases to the relevant authorities for investigation and prosecution.

17.30 The ICAC may, subject to the decision of the Secretary for Justice, prosecute, issue a warning or caution to candidates and any other persons in appropriate cases concerning any breach of the electoral law or regulation, especially the ECICO.

17.31 The Director of Public Prosecutions has informed the EAC that the Department of Justice will not hesitate to prosecute appropriate cases of electoral offences.

17.32 The EAC may also issue public statements in such manner as it deems fit to reprimand or censure any non-compliance with these guidelines.

17.33 A person convicted of a **corrupt conduct or illegal conduct** within the meaning of the ECICO will, in addition to the penalties set out in this chapter, be disqualified:

- (a) for 5 years from being nominated as a candidate for the election of, or from being elected as, the CE, a member of the LegCo or DC or a VR from the date of conviction [ss 14 and 20 of the CEEO, s 39 of the LCO, s 21 of the DCO and s 23 of the VREO]; and
- (b) for 3 years from being nominated as a candidate for the EC Subsector Elections, or from being nominated or elected as, an EC member from the date of the conviction [ss 9 and 18 of the Schedule to the CEEO].

[Amended in September 2006, January 2010 and October 2011]

17.34 It is worthy to note that the Courts of Hong Kong view election-related offences and contravention of the ECICO as serious crimes. On 27 November 1997, the Court of Appeal laid down sentencing guidelines that a person found guilty of any serious election-related offence should be punished by an immediate custodial sentence. *[Amended in September 2006]*

CHAPTER 18

NAMEDROPPING

False Claim of Support

[Please also see paras. 17.9 to 17.11 of Chapter 17.]

18.1 A candidate must obtain **prior written consent** from a person or an organisation before using the name or logo of that person or organisation, or a pictorial representation of that person in any of his election advertisements or activities as an indication of support from that person or organisation. Oral consent is **not** sufficient. [S 27 of the ECICO.] The EAC provides a standardised consent form for this purpose. Any indication of support in election advertisements, be it a text, a photograph or any other material, must be covered by a written consent from the person or organisation concerned. The written consent is a requirement under the ECICO. It protects the candidates from unnecessary complaints and disputes which may arise if only oral consent is obtained. It also protects the voters from being misinformed as to whether a candidate has the support of a person or an organisation. Prior written consent is required if the inclusion of the name, logo or pictorial representation of a person or an organisation, as the case may be, implies support of the candidate concerned. What amounts to “support” will depend on the circumstances of each case. The question to consider is whether any reasonable man who has seen the pictorial representation would have the perception that the persons appearing in the election advertisement support the candidate.

18.2 It is important to note that it is still an offence even if such an election advertisement contains a statement to the effect that it does not imply support from the person or organisation concerned [s 27(4) of the ECICO]. It is also an offence for a person to give information which he knows or ought to

know is materially false or misleading information to a candidate or candidates for the purpose of promoting or prejudicing the election of the candidate or candidates [s 27(6) of the ECICO]. *[Amended in October 2011]*

18.3 To avoid confusion, it is advisable for the written consent to set out clearly whether consent is given:

- (a) by a person in his personal capacity - in which case no mention should be made of any office title which he may have in the candidate's election advertisements and campaign activities;
- (b) by a person in his official capacity - in which case his office title may be used by the candidate concerned for the said purposes (please see para. 18.4 below); and
- (c) by an organisation (which may be signed by an authorised person such as its director, chairman or chief executive, etc.) - in which case the name of the organisation may be used by the candidate concerned for the said purposes.

18.4 Care must also be exercised in the use of the office title of an individual and this should be cleared with the person concerned when seeking his written consent. In the case where an office-bearer of an organisation wishes to use his office title to support a candidate, he should be careful not to give the impression that it represents the support of the whole organisation except where a decision has been so taken by the governing body of the organisation or by a resolution of the members of that organisation passed at a general meeting [s 27(5) of the ECICO]. This will prevent dispute and dissatisfaction amongst the members. Depending on circumstances, the approval of an organisation or a committee may or may not be needed if an office bearer uses his office title to support a candidate. If a supporter being included in an election advertisement bears the title of "the principal of a

school” (for example, “Chan Tai Man, the Principal”) or “chairman of an owners’ corporation” (for example, “Chan Tai Man, Chairman of Owners’ Corporation”), it would not be necessary for the candidate to seek the consent of the school or the owners’ corporation concerned since there is no specific mentioning of which school or owners’ corporation. However, it would be desirable for the candidate to seek the organisation’s prior written approval as well if the election advertisement is posted in the school or the building in which he is serving. *[Amended in September 2006 and October 2011]*

18.5 When a candidate has obtained consent of support from a person who holds a certain position in an organisation, he must make sure that in his election advertisements he does not misrepresent that he has the support of the organisation. He must ensure that his election advertisements do not give any misleading information that he has the support of the organisation as opposed to the person who holds the position in the organisation. When he has the support of an organisation, he must ensure that his election advertisements do not represent or give a misleading impression that he has the support of all the members of that organisation, unless the decision of that organisation in giving him support was made at a meeting of all its members present and voting.

18.6 Consent of support in writing by an organisation must be approved by the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting [s 27(5) of the ECICO].

18.7 Consent can be given to 2 or more candidates even if they are competing in the same subsector, although that may cause confusion. Consent given can be revoked. In case of a revocation, in order to avoid dispute, it is advisable for the person or organisation who has revoked the consent to send a notice or copy of the revocation to the candidate concerned and to the relevant RO.

18.8 Once consent has been revoked, the candidate concerned should be careful to cease immediately using any election advertisement which contains the support of the person or organisation who has made the revocation. The costs incurred for the production of election advertisements bearing such support which have been used before revocation should still be regarded as the candidate's election expenses and be declared in the return and declaration of election expenses and donations.

18.9 On the question of whether expenditure incurred by an election advertisement will need to be borne by candidate A if candidate A's name or photograph appears in the election advertisement of candidate B to indicate support for candidate B, this would depend on whether the publicity material in question has explicitly or implicitly promoted the election of candidate A. There may be 2 different scenarios in such cases:

Scenario A

If the appearance of candidate A in candidate B's election advertisement is solely to indicate support for candidate B but not to promote the election of candidate A, the election advertisement should not be treated as a joint election advertisement. The election expenses incurred should be counted as candidate B's election expenses only, but not as candidate A's. Candidate B has to obtain the prior written consent of support from candidate A before using candidate A's names or photographs in his election advertisements [s 27 of the ECICO].

Scenario B

If candidate B wishes to publish the election advertisements for promoting his candidature and that of candidate A as well, he must obtain prior written authorisation from candidate A to act as

his election expense agent and the expenses so incurred will have to be borne by the candidates A and B in equal or unequal shares as their respective election expenses, to be calculated by the proportion of the size of the portion advertising each.

It should be noted that the election advertisement mentioned in Scenario B above should be treated as a joint election advertisement. To comply with the requirement stipulated in s 27 of the ECICO, both candidates A and B also have to seek written consent of support from each other before publishing the joint election advertisement. *[Added in October 2011]*

18.10 It is not uncommon for candidates to put photographs, with appearance of other persons (which may include other candidates in the election), in their election advertisements to show their past activities. However, it may be possible for voters to believe that those persons appearing in the photograph support a particular candidate when they receive such election advertisements. To minimise misunderstanding, for instance, if an election advertisement carries a photograph of the candidate attending an activity with other attendees, a caption specifying the particular nature of the event could be added underneath the photograph in such a way that will not imply, or likely to cause voters to believe, that the candidate has the support of those persons appearing in the photograph. If the photograph is likely to cause voters to believe that the candidate has the support of those persons appearing in the photograph, it is advisable that prior written consent of support should be obtained by the candidate. *[Amended in October 2011]*

18.11 To avoid misleading the voters to believe that a candidate has obtained support from a certain person, organisation, government agency or department, which is not the case, a candidate should not attach any materials published by any such person, organisation, government agency or department together with his own election advertisements.

18.12 As advised by the Office of the Privacy Commissioner for Personal Data, an image of an identified person will constitute his personal data and its use for a purpose other than the original purpose of collection or a directly related purpose, without the consent of the person concerned, will be an infringement of his personal data. Therefore, candidates when using the aforesaid image should also observe the relevant data protection principle as set out in the guidance notes on personal data privacy in respect of electioneering activities at **Appendix K**. *[Added in October 2011]*

Form of Consent

18.13 The standard form “**Consent of Support**” is at **Appendix R**. It should be noted that the form is designed to cover a specific subsector in a particular election. A candidate who subsequently switches to another subsector should seek afresh the consent from the person or organisation concerned.

18.14 There are occasions (as allegations and complaints were received) requiring confirmation of the compliance of the law by a candidate. Therefore, every candidate is **required to deposit a copy** each of the **completed consent forms** with the relevant RO **before** the display, distribution or otherwise use of the relevant election advertisement [s 100(9A) of the EAC (EP) (EC) Reg]. The relevant RO will then be in a position to answer such enquiries, thus saving the trouble and sometimes the embarrassment of the candidates. Candidates are also **required to notify** the relevant RO in writing of any **revocation** of consent. Such consent forms and notices of revocation (with the identity document numbers of the persons involved obliterated) will be made available for public inspection at the office of the relevant RO. *[Amended in October 2011]*

Penalty

18.15 It is an illegal conduct under the ECICO for a person to make false claim of support (ie a claim without **prior** written consent from the person or organisation concerned). For details of penalty and sanction, please refer to para. 17.3(b) and Part VII of Chapter 17.

CHAPTER 19

PARTICIPATION IN ELECTION-RELATED ACTIVITIES BY CIVIL SERVANTS AND OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM AND ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH GOVERNMENT OFFICIALS AND CANDIDATES

PART I : GENERAL

19.1 This chapter sets out the general guidelines on the participation in election-related activities of an EC Subsector Election by civil servants and officials under the Political Appointment System and the attendance at public functions by government officials which are also attended by candidates.
[Amended in October 2011]

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for election at any time before the close of nominations for the election, whether or not he has submitted a nomination form [s 2 of the ECICO].

PART II : PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS

19.2 Civil servants who wish to participate in EC subsector elections should observe the regulations, rules and guidelines issued by the Civil Service

Bureau (“CSB”). Under the CSB guidelines currently in force, certain officers at the senior level and those who may be particularly susceptible to accusations of bias because of the nature of their duties, namely directorate officers, Administrative Officers, Police Officers and Information Officers and those officers acting in these grades and ranks with a view to substantive appointment thereto ie other than for temporary relief purpose, are prohibited from becoming a member of the EC and from participating in any electioneering activities within the Hong Kong context, including seeking election donations for any candidate. They should not openly support any candidate or be seen to lend support to a candidate. *[Amended in October 2011]*

19.3 There is no objection in principle to individual civil servants, other than those listed in para. 19.2 above, putting their names forward to become a member of the EC and/or supporting electioneering activities of a candidate provided that it does not give rise to any conflict of interest with their official duties, and that it does not involve the use of public resources or the wearing of any government uniform. *[Amended in October 2011]*

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY GOVERNMENT OFFICIALS

On the Occasion of being Invited

19.4 Government officials should exercise care in accepting invitations from persons or organisations to attend any public function that may also be attended by a candidate(s) (“the function”).

19.5 They should take such care when any person has publicly declared an intention to run for election in respect of a particular EC subsector

or when the nomination commences, whichever is the earlier, up to the end of the polling day.

19.6 Before deciding to attend the function, a government official should satisfy himself that:

- (a) by attending the function, he is performing an official duty normally required of the post he is currently holding; and
- (b) to his best knowledge, the organiser of the function has no intention whatsoever of making use of the function to promote or prejudice any candidate.

When Attending

19.7 The EAC appeals to government officials not to have photographs taken with candidates at the function since such photographs, if published, may be seen as their lending support to the candidate. A government official may do so, however, if the photograph taking:

- (a) arises from the need for him to perform his official duty at the function normally required of the post he is currently holding;
- (b) is a natural part of the function which, if he declines to participate, would be seen as breaching the protocol appropriate to that function; or
- (c) is participated by all other candidates of the same EC subsector.

[Amended in October 2011]

PART IV : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

19.8 Similarly, the EAC appeals to all candidates who attend public functions not to have photographs taken with the government officials, since such photographs, if published, may be seen as an unfair advantage over other candidates. A candidate may do so, however, if the photograph taking:

- (a) arises from the need for him to perform his role at the function as requested by the function organiser;
- (b) is a natural part of the function which, if the candidate declines to participate, would be seen as breaching the protocol appropriate to that function; or
- (c) is participated by all other candidates of the same EC subsector.

[Amended in October 2011]

PART V : OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM

19.9 The terms “government officials” and “civil servants” used in the earlier parts of this chapter do not include officials under the Political Appointment System. Officials under the Political Appointment System are political appointees and they may belong to or be affiliated with political organisations. Politically appointed officials have to comply with a “Code for Officials under the Political Appointment System”. *[Amended in October 2011]*

19.10 Politically appointed officials may, subject to the guidelines below, participate in election-related activities. *[Amended in October 2011]*

19.11 Politically appointed officials are disqualified from being nominated as a candidate at an election of the CE, of the LegCo or of a DC. *[Amended in October 2011]*

19.12 As far as the EC Subsector elections are concerned, politically appointed officials should not use any public resources for any election-related activities. A politically appointed official should ensure that when taking part in such activities, great care should be taken that there is no actual or potential conflict of interest with the business of the Government or his own official duties. *[Amended in October 2011]*

CHAPTER 20

COMPLAINTS PROCEDURE

PART I : GENERAL

20.1 This chapter deals with the procedure for making complaints relating to **any breach of or non-compliance with the Guidelines and the EAC (EP) (EC) Reg or the spirit of them** which are for ensuring that elections are conducted honestly, fairly and openly.

20.2 A complaint against criminal, illegal or corrupt activities may be made direct to the relevant authorities such as the Police or the ICAC. The procedures for making and processing such a complaint will be handled by these authorities, and are not covered by this chapter.

PART II : TO WHOM A COMPLAINT MAY BE MADE

20.3 The EAC is an independent, impartial and apolitical body established by the EACO to deal with all matters concerning the conduct of elections including handling election-related complaints. The EAC may, if necessary, set up a **Complaints Committee** consisting of its 3 members and one or more judges of the District Court or High Court for the purpose of dealing with complaints. *[Amended in October 2011]*

20.4 Without limiting the right of a citizen to make a complaint to the Police or the ICAC or other authorities, a complaint for breach of or non-compliance with the EAC (EP) (EC) Reg or Guidelines or relating to election matters can be made to one of the following bodies or persons:

- (a) the RO of relevant EC subsector appointed by the EAC to deal with electoral arrangements;
- (b) the REO; or
- (c) the EAC or its Complaints Committee.

20.5 **Caution:** if the complaint is against the conduct, behaviour, or acts of any of the REO officers or the RO personally, it should be addressed to the EAC or its Complaints Committee and marked “CONFIDENTIAL” in order to ensure that only the EAC or its Complaints Committee will receive it.

PART III : TIME AND PROCEDURE FOR MAKING COMPLAINT

20.6 The Guidelines deal with election-related activities, and any non-compliances, abuses and irregularities that can be redressed should be remedied as soon as practicably possible. It is **imperative** that **all complaints should be made as soon as possible**, for any delay in the making of complaint may result in remedial measures being useless or futile and necessary evidence being lost. No complaint received **later than 45 days** after the date of the relevant election will be entertained.

20.7 No specified or specific form is required for making a complaint. A complaint can be made either orally or in writing, either in Chinese or in English. A person who wishes to make an oral complaint can call the REO Complaints Hotline.

20.8 In each case, the complainant is required to identify himself and provide his identity document number, address, telephone number and other means of communication. A written complaint must be signed. Save where it relates to a matter of minor nature or which requires urgent action, an oral complaint received will be recorded in writing and the complainant will be required to sign the written record afterwards. All personal particulars of a complainant will be **treated in strict confidence**.

PART IV : COMPLAINTS INSIDE A POLLING STATION

20.9 If a person has any complaint about whatever happens inside a polling station, he should follow the following procedures:

- (a) he should direct his complaint to the PRO, the Deputy PRO or an Assistant PRO immediately.
- (b) if the matter is not resolved, or if the complainant still feels aggrieved or if his complaint is directed at the PRO, the Deputy PRO or an Assistant PRO, he should as soon as possible report the matter to the relevant RO by using the telephone number appearing in the guide on procedures for complaint.

- (c) where the matter is still not resolved by the RO, the complainant should without any delay telephone the Complaints Hotline of the REO to report his complaint by giving a gist thereof. He should then try to obtain as much evidence as possible in order to substantiate his complaint. As he is not allowed to talk to or communicate with any voter inside the polling station, he may need to go outside the polling station to obtain necessary evidence.
- (d) a member of the EAC or its Complaints Committee or an officer of the REO will handle the complaint as soon as practicable.

A copy of the guide on procedures for handling of complaints at a polling station (together with telephone numbers of the relevant RO(s) and the REO Complaints Hotline) will be available for inspection inside each polling station.

20.10 The PRO or his Deputy or Assistant PRO must record any complaint mentioned in para. 20.9(a) and (b) and any other complaints and enquiries concerning a voter's data.

PART V : THE PROCESSING OF COMPLAINTS

20.11 The RO, PRO and the CEO are obliged under s 98 of the EAC (EP) (EC) Reg to report irregularities to the EAC or its Complaints Committee. By these guidelines, they are also required to report all complaints received by them to the EAC or its Complaints Committee. Except where a complaint is of a minor nature or the RO has been delegated with the authority to deal with it, any complaint received by the RO or the REO will be forwarded to the EAC or its Complaints Committee with comments and all the relevant information relating

to the complaint. When the EAC or its Complaints Committee receives a complaint, it may seek additional information and comments from the relevant RO or the REO, if necessary.

20.12 The EAC or its Complaints Committee, the RO or the REO (when they are so authorised by the EAC or its Complaints Committee), may seek further information on the complaint from the complainant or may arrange interviews with the complainant in order to seek clarification or evidence. The complainant may be required to make a statutory declaration for the truth and correctness of his complaint or statement. If the further information required is not provided by the complainant or if he refuses to be interviewed or to make the statutory declaration, the EAC or its Complaints Committee, the RO or the REO may or may not take further action on the complaint.

20.13 All bona fide complaints will be processed and considered by the RO who has been delegated with the necessary authority or by the EAC or its Complaints Committee, as soon as reasonably practicable, taking into account the merits of the complaint with all the information and evidence gathered [see s 6(3) of the EACO].

20.14 Where a complaint is substantiated, a decision will be made on the appropriate course to be taken, including one or more of the following:

- (a) take remedial measures against the matter complained of, such as the removal of election advertisements displayed in breach of the guidelines in that regard;
- (b) issue to the relevant person a warning on the matter under complaint after making a reasonable effort to contact the person and giving him a reasonable opportunity to give explanations.

Where necessary, immediate rectification action against complaints proven on the spot should be taken without delay;

- (c) publish a public statement of reprimand or censure against the acts or omissions and the person or persons complained of [see various chapters in these Guidelines] after making a reasonable effort to contact the person or persons and giving him or them a reasonable opportunity to make representations [s 6(4) of the EACO];
- (d) with or without comments, refer the matter to the ICAC for investigation and/or further action [s 5(e) of the EACO]; and
- (e) with or without comments, refer the matter to the Secretary for Justice or the Police for further action such as prosecution of the culprit [s 5(e) of the EACO].

20.15 The EAC or its Complaints Committee will also notify the complainant in writing of its decision, and if the decision is that the complaint is not substantiated, it will also give reasons.

PART VI : ELECTORAL AFFAIRS COMMISSION'S REPORT ON COMPLAINTS

20.16 The EAC is required to report to the CE on any complaint made to it in connection with an election within 3 months of the conclusion of the election [s 8(1) and (2) of the EACO].

**PART VII : OBLIGATIONS OF THE RETURNING OFFICER,
THE PRESIDING OFFICER AND THE
CHIEF ELECTORAL OFFICER**

20.17 The RO(s), PRO(s) and the CEO are required to report as soon as practicable to the EAC or its Complaints Committee (in writing or otherwise as circumstances may demand) on any complaints received by them and on any occurrence which they consider to be a material irregularity relating to an election, poll or count. *[Amended in October 2011]*

PART VIII : SANCTION FOR FALSE COMPLAINT

20.18 Any person who knowingly makes or causes to be made to an ICAC officer a false report of the commission of any offence or misleads such an officer by giving false information or by making false statements or accusations is guilty of an offence punishable by \$20,000 and imprisonment for 1 year [s 13B of the ICAC Ordinance (Cap 204)]. A similar offence is committed where a false report is made or false information given to a police officer [s 64 of the Police Force Ordinance (Cap 232)]. If a person knowingly makes a false complaint and gives false information to the EAC or its Complaints Committee knowing that the EAC or its Complaints Committee will refer or direct such complaint and information to the ICAC or the Police, the person concerned will similarly be guilty of the relevant offence. If a person knowingly and wilfully makes to the EAC or its Complaints Committee, the RO or the REO a statement false in a material particular and such a statement is in a statutory declaration, he commits an offence punishable by imprisonment for 2 years and a fine [s 36 of the Crimes Ordinance (Cap 200)]. *[Amended in September 2006]*

Election Committee Subsector Elections
Action Checklist for Candidates

A. Major Steps to be Observed

Before and during
Nomination Period

1. Obtain the following from the Returning Officer (“RO”), any District Office (“DO”) of the Home Affairs Department or the Registration and Electoral Office (“REO”):
 - (a) nomination form;
 - (b) Grid paper and Guide on Completion of Grid Paper (for inclusion in the Introduction to Candidates); and
 - (c) the form on “Intention to Display Election Advertisements at Designated Spots”.

During Nomination
Period

2. Except where the Chief Electoral Officer (“CEO”) authorises otherwise, personally deliver the following to the RO before expiry of the Nomination Period:
 - (a) the duly completed Nomination Form; and
 - (b) an election deposit of \$1,000 in cash or by cashier order or cheque made payable to “The Government of the Hong Kong Special Administrative Region”.

In order to avoid the risk of invalidation of the nomination due to dishonoured cheques, candidates are strongly advised to submit the election deposit in cash or cashier order.

3. Obtain from the RO the following:
 - (a) copies of the relevant legislation;
 - (b) relevant extracts from the Final Register of Voters (both gum labels and soft copies) on signing an Undertaking on the Use of Electoral Records;
 - (c) information regarding display spots on government land or property that are available to candidates for display of election advertisements (“EAs”);

- (d) Summary on Free Postage for Election Mails;
- (e) forms -
 - (i) Notice of Appointment of Election Agent
 - (ii) Notice of Authorisation of Person to Incur Election Expenses
 - (iii) Return and Declaration of Election Expenses and Election Donations
 - (iv) Notice of Appointment of Polling Agents for a Polling Station Not Situated in a Prison
 - (v) Application for Consent to the Presence of Election Agent/Polling Agent in a dedicated Polling Station Situated in a Prison (other than a maximum security prison)
 - (vi) Notice of Appointment of Counting Agents
 - (vii) Notice of Revocation of Appointment of Agent
 - (viii) Notice of Revocation of Authorisation to Incur Election Expenses
 - (ix) Notice of Withdrawal of Candidature
 - (x) Declaration of Election Advertisements not Submitted by E-mail
 - (xi) Declaration of Electronic Election Advertisements Submitted by E-mail
 - (xii) Notification of E-mail Address for Submission of Electronic Election Advertisements and Declaration
 - (xiii) Corrective Declaration of Election Advertisements not Submitted by E-mail
 - (xiv) Corrective Declaration of Electronic Election Advertisements Submitted by E-mail

- (xv) Notification of Decision on Electioneering Activities
 - (xvi) Consent of Support
 - (xvii) Permission for Display/Distribution of Election Advertisements or Conduct of Electioneering Activities at Private Premises
 - (xviii) Standard Receipt for Election Donations
 - (xix) Declaration of Secrecy
 - (xx) Return of Election Deposit
 - (xxi) Advance Return and Declaration of Election Donations
 - (xxii) Notice of Posting of Election Mail
 - (xxiii) Declaration for Posting of Election Mail
 - (xxiv) Notification of the Intention to hold a Public Meeting/Procession; and
- (f) Notice for Collection of Voters' Information.
4. Lodge with the RO a Notice of Withdrawal of Candidature if the candidate wishes to withdraw his/her candidature.
- Any time before, during or after handing in Nomination Form
5. (a) Except for the categories exempted, assign a serial number to all copies of each type of EAs intended for display, distribution or otherwise use.
- (b) Submit to the RO (or CEO if RO has not yet been appointed) a Declaration of Election Advertisements **before EAs are displayed, distributed or otherwise used except for EAs**
- which are displayed, distributed or otherwise used by electronic means (see para. 8.44(a)(iii) of the Guidelines); and
 - cannot be practically submitted in advance (see para. 8.44(a)(iii) of the Guidelines).

Candidates may submit as many declarations as required from time to time.

- (c) Ensure that all printed EAs contain the name and address of the printer, date of printing and the number of copies printed.
- (d) Submit to the RO (or CEO if RO has not yet been appointed) 2 hard copies of each type of EAs **before they are displayed, distributed or otherwise used except for EAs**
- which are displayed, distributed or otherwise used by electronic means (see para. 8.44(a)(iii) of the Guidelines); and
 - cannot be practically submitted in advance (see para. 8.44(a)(iii) of the Guidelines).
- (e) Submit to the RO (or CEO if RO has not yet been appointed) a Notification of E-mail Address for Submission of Electronic Election Advertisements and Declaration at least **one working day before sending the copy of EA and declaration to RO by electronic means.**
- (f) Submit to the RO (or CEO if RO has not yet been appointed) **before EAs are displayed, distributed or otherwise used** at private premises, a copy of Permission for Display/Distribution of Election Advertisements or Conduct of Electioneering Activities at Private Premises.
- (g) Submit to the RO (or CEO if RO has not yet been appointed), **before EAs are displayed, distributed or otherwise used**, a copy of Consent of Support, where necessary.
6. Lodge with the RO (or CEO if RO has not yet been appointed) Notices of Authorisation of Persons to Incur Election Expenses on or before the end of election period.
7. Submit to the CEO an Advance Return and Declaration of Election Donations when a donation is received.
- Any time after handing in Nomination Form 8. Lodge with the RO (or CEO if RO has not yet been appointed) a Notice of Appointment of Election Agent.

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| <p>Any time after handing in Nomination Form, but before expiry of Nomination Period</p> | <p>9. (a) If a candidate wishes to have his photograph and election platform printed in the Introduction to Candidates, he should:</p> <ul style="list-style-type: none"> (i) lodge with the RO a duly completed grid paper affixing a colour photograph of the candidate which must be in a specified size and taken within the last 6 months; and (ii) provide 2 additional copies of his photograph identical to the one affixed to the grid paper with his name label affixed on the back. <p>(If a candidate does not submit the grid paper, the Introduction to Candidates will only show the name and candidate number in respect of him, and “Relevant Information has not been provided by the candidate” will be printed in the space provided for the election platform.)</p> <p>(b) Lodge with the RO an “Intention to Display Election Advertisements at Designated Spots”.</p> |
| <p>Any time after handing in Nomination Form, but not later than 3 weeks before polling day (other than the DCs subsectors) / 2 weeks before polling day (the DCs subsectors)</p> | <p>10. Make a request to the CEO for obtaining, within 5 working days, one set of address labels of voters and/or a CD-ROM containing information of voters in the subsector. On receiving the address labels and/or a CD-ROM, candidates or their election agents are required to sign an Undertaking on the Use of Voters’ Information.</p> |
| <p>Any time after handing in Nomination Form, but not later than 1 week before polling day</p> | <p>11. Lodge with the CEO Notices of Appointment of Polling Agents for a Polling Station not situated in a Prison.</p> <p>12. Lodge with the RO Notices of Appointment of Counting Agents.</p> <p>13. Lodge with the CEO on a specified form for seeking the consent of the Commissioner of Correctional Services (“CCS”) to the presence of an election agent at or the appointment of a polling agent for a dedicated polling station situated in a prison (other than a maximum security prison).</p> |

(Note: (a) No consent will be given to the presence of an election agent at a dedicated polling station situated in a prison (other than a maximum security prison) if a polling agent has been appointed for that polling station. On the other hand, if consent has been given by the CCS to the presence of an election agent at a dedicated polling station situated in a prison, no polling agent may be appointed for that polling station.)

(b) No polling agent may be appointed nor may election agent be present at a dedicated polling station situated in a maximum security prison.)

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| Within 3 days after expiry of Nomination period | <p>14. Attend the briefing for candidates and collect from the RO the following:</p> <p style="margin-left: 20px;">(a) location maps of the polling/counting station; and</p> <p style="margin-left: 20px;">(b) name badges for candidates and their agents.</p> <p>15. Attend meetings held by the RO to determine the candidate numbers by drawing of lots and to allocate display spots for display of EAs.</p> <p>16. Receive from the RO copy of the permission/authorisation for display of EAs at designated spots allocated to the candidate.</p> |
| Within 5 days after expiry of Nomination Period | <p>17. Receive from the RO information about the election agents appointed by other candidates for the same subsector.</p> |
| Within 14 days after expiry of Nomination Period | <p>18. Receive from the RO the notice on all other validly nominated candidates for the same subsector.</p> |
| At least 1 clear working day before posting of postage-free election mail | <p>19. Give notice of the free postage of election mail and intention to use joint election mail (if applicable) by using the Notice of Posting of Election Mail (in duplicate), and present 3 unsealed election mail specimens to the relevant Manager (Retail Business) of the Hongkong Post for inspection and retention.</p> |

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| Not later than the period specified by the Post Office | 20. Post postage-free election mail and present to the Post Office a Declaration for Posting of Election Mail (in duplicate). |
| Not later than 7 days before polling day | 21. Receive from the RO information regarding the delineation of no canvassing zones and no staying zones for the polling stations (including dedicated polling stations). |
| During the week before the polling day | <p>22. Lodge with the CEO on a specified form for seeking the CCS's consent to the presence of an election agent at or the appointment of a polling agent for a dedicated polling station situated in a prison (other than a maximum security prison) ONLY if –</p> <p style="margin-left: 40px;">(a) a voter or AR imprisoned or held in custody who is entitled to vote for the relevant subsector at the aforesaid dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and</p> <p style="margin-left: 40px;">(b) the application is lodged without undue delay after the admission or transfer.</p> |
| Not later than 12:00 noon on the day preceding polling day | 23. Lodge with the RO Corrective Declarations of Election Advertisements, if any. |
| At least 1 working day before polling day | 24. Receive information from the RO on when and where the counting of votes is to take place. |
| Before entering polling/counting station | 25. Complete the Declarations of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents). |
| Any time before polling day | 26. Lodge Notices of Revocation of Appointment of Agent, if any, with the RO (or the CEO if the appointment of polling agent is to be revoked). |
| On polling day | <p>27. Attend the poll and the count if so wishes, bringing along the Declaration of Secrecy.</p> <p>28. Candidates or their election agents personally deliver Notices of Appointment of Polling Agents for a Polling Station Not Situated in a Prison and Notices of Revocation of Appointment of Agent to the relevant Presiding Officers (“PRO”) other than a PRO of a dedicated polling station situated in a prison, if not yet submitted to the CEO under paras. 11 and 26 respectively.</p> |

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| <p>Within 10 days after polling day</p> | <p>29. Candidates or their election agents personally deliver Notices of Appointment of Counting Agents and Notices of Revocation of Appointment of Agent to the relevant RO, if not yet submitted to the RO under paras. 12 and 26 respectively.</p> |
| <p>Not later than 30 days after the publication in the Gazette of election result or the declaration of termination of election proceedings or failure of election (if uncontested, the election result will be gazetted in the Notice of Nominations)</p> | <p>30. Remove all EAs on display.</p> <p>31. (a) Lodge with the CEO a Return and Declaration of Election Expenses and Donations signed by the candidate with original invoices and receipts issued by recipients of the payments and duplicate donation receipts.</p> <p>(b) An uncontested candidate who is returned as a Member should lodge with the CEO a Return and Declaration of Election Expenses and Donations signed by the candidate with original invoices and receipts issued by recipients of the payments and duplicate donation receipts not later than 30 days after the publication in the Gazette of the Notice of Nominations.</p> |

Note:

Most of the forms mentioned in this checklist can be downloaded from the REO website at <http://www.reo.gov.hk>.

B. Handling and Declaring Election Expenses***Records Keeping******Before and After Nomination***

1. Record all expenses spent and all donations received.
 2. Keep invoices and receipts issued by recipients of the payments for expenses of \$100 or above.
 3. Issue receipt for any non-anonymous donation of more than \$1,000 and keep a copy of the receipt. (The candidate should use the Standard Receipt for Election Donations provided by the REO.)
 4. Keep copies of all Declaration of Election Advertisements and copies of the EAs lodged with the RO.
- Appointment of Election Agents/Election Expense Agents***
5. Each candidate can only appoint one election agent. He has the authority to do everything a candidate is authorised to do for the purposes of the election except:
 - (a) anything a candidate is required to do in relation to his nomination;
 - (b) to withdraw the candidate's candidature;
 - (c) to incur election expenses unless he has been so authorised by the candidate;
 - (d) to authorise a person as an election expense agent to incur election expenses; and
 - (e) to be present in a dedicated polling station situated in a maximum security prison.
 6. Each candidate can appoint one or more persons authorised to incur election expenses on his behalf, ie the election expense agents, by completing the Notice of Authorisation of Persons to Incur Election Expenses. A candidate **may** also authorise his election agent to incur election expenses for him. These agents may incur expenses only after the candidate has authorised them to do so.

Lodging of Authorisation and Declaration with the appropriate authority

7. Lodge with the RO the Notice of Appointment of Election Agent at any time after handing in Nomination Form.
8. The candidate must serve a notice of the authorisation for persons to incur election expenses to the RO (or CEO if the RO has not yet been appointed). It is important to note that the authorisation is not effective until it has been received by the RO or CEO (if the RO has not yet been appointed).
9. 2 copies of each type of EAs must be deposited with the RO (or CEO if the RO has not yet been appointed) together with a Declaration of Election Advertisements **before the EAs are displayed, distributed or otherwise used except for EAs**
 - which are displayed, distributed or otherwise used by electronic means (see para. 8.44(a)(iii) of the Guidelines); and
 - cannot be practically submitted in advance (see para. 8.44(a)(iii) of the Guidelines)

Submission of Return and Declaration of Election Expenses and Donations

Not later than 30 days after the publication in the Gazette of election result or the declaration of the termination of the election proceedings or the declaration of the failure of election under the relevant electoral law.

10. The completed return and the declaration verifying its contents must be submitted together with all supporting documents as required by s 37 of the ECICO.
11. The completed form should include all donations received by the candidate and all election expenses incurred by him or by his election expense agents, and also the removal cost for his EAs by government departments, if he has not removed all his EAs by the deadline specified by the Electoral Affairs Commission. ***Candidates are required to submit their election returns even if no election expenses have been incurred.***

12. A candidate must make declaration before a Commissioner for Oaths (at District Offices) or a Justice of the Peace or a solicitor holding a practising certificate.
13. (a) A candidate must lodge his completed return with the CEO at 8/F, 98 Caroline Hill Road, Causeway Bay, Hong Kong by the deadline (ie not later than 30 days after the publication in the Gazette of election result or the declaration of termination of election proceedings or the declaration of the failure of the election under the relevant electoral law).

(b) For an uncontested candidate who is returned as a member, he must lodge his completed election return with the CEO not later than 30 days after the publication in the Gazette of the Notice of Nominations.
14. If a candidate is unable or has failed to lodge the return before the deadline, he can apply to the Court of First Instance for an order allowing him to lodge the return within such extended period as may be allowed by the Court.
15. If a candidate wishes to change any information in his election return before the deadline, he may lodge with the CEO before the deadline a supplementary declaration stating the information to be changed.
16. If a candidate wishes to correct any error or false statement in his return (including any document accompanying his return) after the deadline, he must apply to the Court of First Instance for an order enabling him to do so. Notwithstanding this, if the aggregate value of any error or false statement found in the election return does not exceed the relief arrangement limit (ie HK\$500), the candidate may rectify the error or false statement in the election return in accordance with a simplified relief arrangement for minor errors or false statements as provided under s 37A of the ECICO within a specified period upon receipt of a

notice from the CEO relating to the error and/or false statement (see paras. 16.28 to 16.30 of the Guidelines).

(This "Action Checklist for Candidates" is for general reference only. Candidate is advised to refer to the Action Checklist included in the candidate folder of the respective election.)

[Amended in January 2010 and October 2011]

Sectors and Subsectors of the Election Committee

FIRST SECTOR

| <u>Item</u> | <u>Subsector</u> | <u>Number of members starting from February 2012</u> |
|-------------|---|--|
| 1. | Catering | 17 |
| 2. | Commercial (first) | 18 |
| 3. | Commercial (second) | 18 |
| 4. | Employers' Federation of Hong Kong | 16 |
| 5. | Finance | 18 |
| 6. | Financial services | 18 |
| 7. | Hong Kong Chinese Enterprises Association | 16 |
| 8. | Hotel | 17 |
| 9. | Import and export | 18 |
| 10. | Industrial (first) | 18 |
| 11. | Industrial (second) | 18 |
| 12. | Insurance | 18 |
| 13. | Real estate and construction | 18 |
| 14. | Textiles and garment | 18 |
| 15. | Tourism | 18 |
| 16. | Transport | 18 |
| 17. | Wholesale and retail | 18 |
| | | 300 |

SECOND SECTOR

| <u>Item</u> | <u>Subsector</u> | Number of members starting from <u>February 2012</u> |
|-------------|---------------------------------------|--|
| 1. | Accountancy | 30 |
| 2. | Architectural, surveying and planning | 30 |
| 3. | Chinese medicine | 30 |
| 4. | Education | 30 |
| 5. | Engineering | 30 |
| 6. | Health services | 30 |
| 7. | Higher education | 30 |
| 8. | Information technology | 30 |
| 9. | Legal | 30 |
| 10. | Medical | 30 |
| | | <hr/> 300 |

THIRD SECTOR

| <u>Item</u> | <u>Subsector</u> | Number of members starting from <u>February 2012</u> |
|-------------|--|--|
| 1. | Agriculture and fisheries | 60 |
| 2. | Labour | 60 |
| 3. | Religious | 60 |
| 4. | Social welfare | 60 |
| 5. | Sports, performing arts, culture and publication | 60 |
| | | <hr/> 300 |

FOURTH SECTOR

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> | Number of Members starting from February 2012 (Note 1) | |
|-------------|--|---|---|-------------------------------------|
| | | | February to September 2012 | Starting from October 2012 |
| 1. | National People's Congress ("NPC") | Hong Kong deputies to the NPC | 36 | 36 |
| 2. | Legislative Council | Members of the Legislative Council | 60 | 70 |
| 3. | Chinese People's Political Consultative Conference ("CPPCC") | Hong Kong members of the National Committee of the CPPCC | 55 | 51 |
| 4. | Heung Yee Kuk ("HYK") | Chairman and Vice-chairmen of the HYK and the Ex-Officio, Special and Co-opted Councillors of the Full Council of the HYK | 28 | 26 |
| 5. | Hong Kong and Kowloon District Councils ("DCs") | Elected members of the Hong Kong and Kowloon DCs (Note 2) | 59 | 57 |
| 6. | New Territories District Councils ("DCs") | Elected members of the New Territories DCs (Note 2) | 62 | 60 |
| | | | 300 | |

- Note 1: 10 “Special Member” seats will be created temporarily to make up the difference of ten seats until the number of LegCo seats increases from 60 to 70 in October 2012. Four seats of “Special Member” will be allocated to the CPPCC subsector, two to HYK subsector, two to Hong Kong and Kowloon DCs subsector and two to New Territories DCs subsector.
- Note 2: These members refer to the elected members of the DCs for the new term of office starting from 1 January 2012.

The Subsectors with Same Names as Functional Constituencies and their Voters

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|--------------------|---------------------------|--|
| 1. | Heung Yee Kuk | Chairman and Vice-Chairmen of the Heung Yee Kuk and Ex-Officio, Special and Co-opted Councillors of the Full Council of the Heung Yee Kuk. |
| 2. | Agriculture and fisheries | <p>(1) Corporate members of each of the following bodies:</p> <p>(a) The Federation of Vegetable Marketing Co-operative Societies, Limited;</p> <p>(b) The Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Limited;</p> <p>(c) The Joint Association of Hong Kong Fishermen;</p> <p>(d) Federation of Hong Kong Aquaculture Associations;</p> <p>(e) The Federation of Fishermen's Co-operative Societies of Shau Kei Wan District, Limited;</p> <p>(f) The Federation of Fishermen's Co-operative Societies of Tai Po District, N.T., Limited;</p> <p>(g) The Federation of Fishermen's Co-operative Societies of Sai Kung District, Limited;</p> <p>(h) The Federation of Fishermen's Co-operative Societies of Southern District, Limited.</p> <p>(2) Aberdeen Fishermen Friendship Association.</p> <p>(3) The Ap Lei Chau Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(4) The Castle Peak Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(5) The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited.</p> <p>(6) Cheung Chau Fisheries Joint Association.</p> <p>(7) Cheung Chau Fishermen's Welfare Promotion Association.</p> <p>(8) The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd.</p> <p>(9) Fish Farming and Stuff Association.</p> <p>(10) Fisherman's Association of Po Toi Island.</p> <p>(11) Fishery Development Association (Hong Kong) Limited.</p> <p>(12) Fraternal Association of The Floating Population of Hong Kong.</p> <p>(13) The Guild of Graziers.</p> <p>(14) Hang Hau Grazier Association.</p> <p>(15) Hong Kong and Kowloon Fishermen Association Ltd.</p> <p>(16) Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association.</p> <p>(17) Hong Kong Fisheries Development Association.</p> <p>(18) Hong Kong Fishermen's Association.</p> <p>(19) Hong Kong Fishing Vessel Owners Association, Ltd.</p> |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|---|
| (20) | | Hong Kong Florists Association. |
| (21) | | Hong Kong Graziers Union. |
| (22) | | Hong Kong Liner & Gill Netting Fisherman Association. |
| (23) | | Hong Kong Livestock Industry Association. |
| (24) | | Hong Kong N.T. Fish Culture Association. |
| (25) | | Hong Kong N.T. Poultry (Geese & Ducks) Mutual Association. |
| (26) | | Hong Kong Netting, Cultivation and Fisherman Association. |
| (27) | | Hong Kong Off-shore Fishermen's Association. |
| (28) | | Hong Kong Pigfarm Association Limited. |
| (29) | | The Lam Ti Agricultural Credit Co-operative Society, Limited. |
| (30) | | Lamma Island Lo Dik Wan Aquaculture Association. |
| (31) | | Lau Fau Shan Oyster Industry Association, New Territories. |
| (32) | | Ma Wan Fisheries Rights Association Ltd. |
| (33) | | The Mui Wo Agricultural Products Marketing & Credit Co-operative Society, Ltd. |
| (34) | | Mui Wo Fishermen Fraternity Society. |
| (35) | | N.T. Oyster and Aquatic Products United Association. |
| (36) | | The New Territories Chicken Breeders Association, Ltd. |
| (37) | | The New Territories Fishermen Fraternity Association Ltd. |
| (38) | | New Territories Florist Association, Ltd. |
| (39) | | North District Florists Association. |
| (40) | | Outlying Islands Mariculture Association (Cheung Chau). |
| (41) | | Peng Chau Fishermen Association Ltd. |
| (42) | | Quality Broiler Development Association. |
| (43) | | Sai Kung Fishermen Association Limited. |
| (44) | | Sai Kung (North) Sham Wan Marine Fish Culture Business Association. |
| (45) | | Sai Kung Po Toi O Fish Culture Business Association. |
| (46) | | Sai Kung Tai Tau Chau Fish Culture Business Association. |
| (47) | | Sai Kung Tai Wu Kok Fishermen's Association. |
| (48) | | The Sha Tau Kok Marine Fish Culture Association. |
| (49) | | The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited. |
| (50) | | The Shan Tong Vegetable Marketing Co-operative Society, Ltd. |
| (51) | | Shatin Ah Kung Kok Fishermen Welfare Association. |
| (52) | | Shatin Florists Association. |
| (53) | | The Shau Kei Wan Deep Sea Capture Fishermen's Credit Co-operative Society, Unlimited. |
| (54) | | Shau Kei Wan Fishermen Friendship Association. |
| (55) | | The Shau Kei Wan Pair Trawler Fishermen's Credit Co-operative Society, Unlimited. |
| (56) | | The Shau Kei Wan Trawler Fishermen's Credit |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|--|
| | | Co-operative Society, Unlimited. |
| | | (57) Tai O Fishermen (Coastal Fishery) Association. |
| | | (58) The Tai O Sha Chai Min Fishermen's Credit Co-operative Society, Unlimited. |
| | | (59) The Tai Po Fishermen's Credit Co-operative Society, Unlimited. |
| | | (60) Tai Po Florists and Horticulturists Association. |
| | | (61) The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited. |
| | | (62) The Tsing Lung Tau Hand Liner Fishermen's Credit Co-operative Society, Unlimited. |
| | | (63) The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited. |
| | | (64) The Tuen Mun Mechanized Fishing Boat Fishermen's Credit Co-operative Society, Unlimited. |
| | | (65) Tuen Mun Agricultural Association. |
| | | (66) Tung Lung Chau Mariculture Association. |
| | | (67) The Hong Kong Branch of the World's Poultry Science Association. |
| | | (68) Yuen Long Agriculture Productivity Association. |
| | | (69) Yung Shue Au Marine Fish Culture Business Association. |
| | | (70) Tsing Yi Residents Association. |
| | | (71) 荃灣葵青居民聯會（漁民組）. |
| | | (72) 荃灣葵青漁民會. |
| | | (73) The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited. |
| | | (74) Sustainable Ecological Ethical Development Foundation Limited. |
| | | (75) N.T. North District Fishermen's Association. |
| | | (76) Tai Po Off Shore Fishermen's Association. |
| | | (77) Aberdeen Fisherwomen Association. |
| 3. | Insurance | Bodies that are insurers authorized or deemed to be authorized under the Insurance Companies Ordinance (Cap 41). |
| 4. | Transport | (1) Parking Management and Consultancy Services Limited. |
| | | (2) Airport Authority Hong Kong. |
| | | (3) Articulated & Commercial Vehicle's Instructors Union. |
| | | (4) The Association of N.T. Radio Taxicabs Ltd. |
| | | (5) Autotoll Limited. |
| | | (6) The Chartered Institute of Logistics and Transport in Hong Kong. |
| | | (7) China Merchants Shipping & Enterprises Co. Ltd. |
| | | (8) China Tollways Ltd. |
| | | (9) Chu Kong Shipping Enterprises (Holdings) Co. Ltd. |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|---|
| (10) | | Chuen Kee Ferry Ltd. |
| (11) | | Chuen Lee Radio Taxis Association Ltd. |
| (12) | | Citybus Ltd. |
| (13) | | Coral Sea Ferry Service Co., Ltd. |
| (14) | | COSCO-HIT Terminals (Hong Kong) Limited. |
| (15) | | CTOD Association Company Ltd. |
| (16) | | Turbojet Ferry Services (Guangzhou) Limited. |
| (17) | | Discovery Bay Transportation Services Ltd. |
| (18) | | Driving Instructors Merchants Association, Limited. |
| (19) | | Eastern Ferry Co. |
| (20) | | Expert Fortune Ltd. |
| (21) | | Far East Hydrofoil Co. Ltd. |
| (22) | | Fat Kee Stevedores Ltd. |
| (23) | | The Fraternity Association of N.T. Taxi Merchants. |
| (24) | | Fraternity Taxi Owners Association. |
| (25) | | G.M.B. Maxicab Operators General Association Ltd. |
| (26) | | The Goods Vehicle Fleet Owners Association Ltd. |
| (27) | | Happy Taxi Operator's Association Ltd. |
| (28) | | Hoi Kong Container Services Co. Ltd. |
| (29) | | Hon Wah Public Light Bus Association Ltd. |
| (30) | | Hong Kong Air Cargo Terminals Limited. |
| (31) | | Hong Kong & Kowloon Ferry Ltd. |
| (32) | | Hong Kong & Kowloon Goods Vehicle Omnibuses and Minibuses Instructors' Association Ltd. |
| (33) | | Hong Kong & Kowloon Motor Boats and Tug Boats Association Ltd. |
| (34) | | Hong Kong & Kowloon Radio Car Owners Association Ltd. |
| (35) | | Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd. |
| (36) | | Hong Kong and Kowloon Taxi Companies Association Limited. |
| (37) | | HongKong Association of Freight Forwarding and Logistics Limited. |
| (38) | | Hong Kong Automobile Association. |
| (39) | | The Hong Kong Cargo-Vessel Traders' Association Ltd. |
| (40) | | Hong Kong Commercial Vehicle Driving Instructors Association. |
| (41) | | Hong Kong CFS and Logistics Association Limited. |
| (42) | | Hong Kong Container Tractor Owner Association Ltd. |
| (43) | | Hong Kong Driving Instruction Club Ltd. |
| (44) | | Hong Kong Guangdong Transportation Association Ltd. |
| (45) | | The Hong Kong Institute of Marine Technology. |
| (46) | | Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association. |
| (47) | | Hong Kong Kowloon Taxi & Lorry Owners Association Ltd. |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|--|
| (48) | | The Hong Kong Liner Shipping Association. |
| (49) | | Hong Kong Marine Contractors Association. |
| (50) | | Hong Kong Motor Car Driving Instructors Association Ltd. |
| (51) | | Hong Kong Pilots Association Ltd. |
| (52) | | Hong Kong Public & Maxicab Light Bus United Associations. |
| (53) | | Hong Kong Public Cargo Working Areas Traders Association Ltd. |
| (54) | | Hong Kong Scheduled (GMB) Licensee Association. |
| (55) | | The Hong Kong School of Motoring Ltd. |
| (56) | | Hong Kong Sea Transport and Logistics Association Limited. |
| (57) | | The Hong Kong Shipowners Association Ltd. |
| (58) | | Hong Kong Shipping Circles Association Ltd. |
| (59) | | Hong Kong Shipping Industry Institute. |
| (60) | | Hong Kong Logistics Management Staff Association. |
| (61) | | Hong Kong Society of Articulated Vehicle Driving Instructors Ltd. |
| (62) | | The Hong Kong Stevedores Employers' Association. |
| (63) | | Hong Kong Tele-call Taxi Association. |
| (64) | | Hong Kong Tramways, Limited. |
| (65) | | Hong Kong Transportation Warehouse Wharf Club. |
| (66) | | Hong Kong Tunnels and Highways Management Company Limited. |
| (67) | | The Hongkong & Yaumati Ferry Co., Ltd. |
| (68) | | Hongkong International Terminals Ltd. |
| (69) | | Institute of Advanced Motorists (Hong Kong) Limited. |
| (70) | | The Institute of Seatransport. |
| (71) | | Institute of Transport Administration (China - Hong Kong Centre). |
| (72) | | Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd. |
| (73) | | The Kowloon Motor Bus Company (1933) Limited. |
| (74) | | Kowloon Motor Driving Instructors' Association Ltd. |
| (75) | | The Kowloon PLB Chiu Chow Traders & Workers Friendly Association. |
| (76) | | The Kowloon Taxi Owners Association Ltd. |
| (77) | | Kowloon Truck Merchants Association Ltd. |
| (78) | | Kwik Park Limited. |
| (79) | | Lam Tin Wai Hoi Public Light Bus Association. |
| (80) | | Lantau Taxi Association. |
| (81) | | Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd. |
| (82) | | Lok Ma Chau China - Hong Kong Freight Association. |
| (83) | | Long Win Bus Company Limited. |
| (84) | | Lung Cheung Public Light Bus Welfare Advancement |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|--|
| | | Association Ltd. |
| (85) | | Mack & Co. Carpark Management Limited. |
| (86) | | Marine Excursion Association Limited. |
| (87) | | Maritime Affairs Research Association Ltd. |
| (88) | | MTR Corporation Limited. |
| (89) | | Merchant Navy Officers' Guild - Hong Kong. |
| (90) | | Metropark Limited. |
| (91) | | Mid-stream Holdings (HK) Limited. |
| (92) | | Mixer Truck Drivers Association. |
| (93) | | Modern Terminals Ltd. |
| (94) | | N.T. PLB Owners Association. |
| (95) | | N.T. San Tin PLB (17) Owners Association. |
| (96) | | N.T. Taxi Merchants Association Ltd. |
| (97) | | N.T. Taxi Owners & Drivers Fraternal Association. |
| (98) | | N.T. Taxi Radio Service General Association. |
| (99) | | N.W. Area Taxi Drivers & Operators Association. |
| (100) | | New Hong Kong Tunnel Co., Ltd. |
| (101) | | New Lantao Bus Co., (1973) Ltd. |
| (102) | | New Territories Cargo Transport Association Ltd. |
| (103) | | New World First Bus Services Limited. |
| (104) | | North District Taxi Merchants Association. |
| (105) | | Organisation of Hong Kong Drivers. |
| (106) | | Peak Tramways Co., Ltd. |
| (107) | | Private Hire Car for Young Children Association Ltd. |
| (108) | | Public and Private Light Buses Driving Instructors' Society. |
| (109) | | The Public Cargo Area Trade Association. |
| (110) | | Public Light Bus General Association. |
| (111) | | The Public Omnibus Operators Association Ltd. |
| (112) | | Public Vehicle Merchants Fraternity Association. |
| (113) | | Quadripartite Taxi Service Association Ltd. |
| (114) | | Abbo Taxi Owners' Association Limited. |
| (115) | | River Trade Terminal Co. Ltd. |
| (116) | | Route 3 (CPS) Company Limited. |
| (117) | | Sai Kung Public Light Bus Drivers and Owners Association. |
| (118) | | Sai Kung Taxi Operators Association Ltd. |
| (119) | | CSX World Terminals Hong Kong Limited. |
| (120) | | Serco Group (HK) Limited. |
| (121) | | The "Star" Ferry Co., Ltd. |
| (122) | | Sun Hing Taxi Radio Association. |
| (123) | | Taxi Association Limited. |
| (124) | | Tate's Cairn Tunnel Company Limited. |
| (125) | | Taxi Associations Federation. |
| (126) | | Taxi Dealers & Owners Association Ltd. |
| (127) | | Taxi Drivers & Operators Association Ltd. |
| (128) | | The Taxi Operators Association Ltd. |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|--|
| (129) | | Taxicom Vehicle Owners Association Ltd. |
| (130) | | Transport Infrastructure Management Limited. |
| (131) | | Tsuen Wan PLB Commercial Association Ltd. |
| (132) | | Tuen Mun Public Light Bus Association. |
| (133) | | Tung Yee Shipbuilding and Repairing Merchants General Association Limited. |
| (134) | | United Friendship Taxi Owners & Drivers Association Ltd. |
| (135) | | United Radio Taxi & Goods Vehicle Association Ltd. |
| (136) | | Urban Taxi Drivers Association Joint Committee Co. Ltd. |
| (137) | | Wai Fat Taxi Owners Association Ltd. |
| (138) | | Wai Yik H.K. & Kowloon and New Territories Taxi Owners Association. |
| (139) | | West Coast International (Parking) Limited. |
| (140) | | Western Harbour Tunnel Co. Ltd. |
| (141) | | Wilson Parking (Hong Kong) Limited. |
| (142) | | Wing Lee Radio Car Traders Association Ltd. |
| (143) | | Wing Tai Car Owners & Drivers Association Ltd. |
| (144) | | Wu Gang Shipping Co. Ltd. |
| (145) | | Xiamen United Enterprises (H.K.) Ltd. |
| (146) | | Yik Sun Radiocabs Operators Association Ltd. |
| (147) | | School Buses Operators Association Limited. |
| (148) | | Rights of Taxi Owners and Drivers Association Limited. |
| (149) | | New World First Ferry Services Limited. |
| (150) | | New World First Ferry Services (Macau) Limited. |
| (151) | | Hong Kong Container Drayage Services Association Limited. |
| (152) | | Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Limited. |
| (153) | | Hong Kong Waste Disposal Industry Association. |
| (154) | | HK Public-light Bus Owner & Driver Association. |
| (155) | | Container Truck Drivers Union. |
| (156) | | The Concrete Producers Association of Hong Kong Limited. |
| (157) | | Hongkong Guangdong Boundary Crossing Bus Association Limited. |
| (158) | | Tsui Wah Ferry Service Company Limited. |
| (159) | | Quality Driver Training Centre Limited. |
| (160) | | Public and Private Commercial Driving Instructors' Society. |
| (161) | | Shun Tak-China Travel Ship Management Limited. |
| (162) | | Cruise Ferries (HK) Limited. |
| (163) | | Asia Airfreight Terminal Company Limited. |
| (164) | | The Hong Kong Joint Branch of The Royal Institution of Naval Architects and The Institute of Marine Engineering, Science and Technology. |
| (165) | | The Hongkong Salvage & Towage Company Limited. |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|--------------------|-------------------------|---|
| (166) | | The Institute of Chartered Shipbrokers, Hong Kong Branch. |
| (167) | | Hongkong United Dockyards Limited. |
| (168) | | Guangdong and Hong Kong Feeder Association Limited. |
| (169) | | Hong Kong Right Hand Drive Motors Association Limited. |
| (170) | | The Institute of the Motor Industry Hong Kong. |
| (171) | | Hong Kong Vehicle Repair Merchants Association Limited. |
| (172) | | Environmental Vehicle Repairers Association Limited. |
| (173) | | The Hong Kong Taxi and Public Light Bus Association Limited. |
| (174) | | Park Island Transport Company Limited. |
| (175) | | Discovery Bay Road Tunnel Company Limited. |
| (176) | | International Association of Transport Officers. |
| (177) | | Hong Kong Express Airways Limited. |
| (178) | | Hong Kong (Cross Border) Transportation Drivers' Association. |
| (179) | | Hong Kong Logistics Association Limited. |
| (180) | | Hong Kong Container Depot and Repairer Association Limited. |
| (181) | | New World Parking Management Limited. |
| (182) | | The Nautical Institute-Hong Kong Branch. |
| (183) | | The Hong Kong Union of Light Van Employees. |
| (184) | | Worldwide Flight Services, Inc. |
| (185) | | NT Taxi Operations Union; |
| (186) | | Sun Hing Taxi Radio Service General Association; |
| (187) | | Taxi & P.L.B. Concern Group; |
| (188) | | Tai Wo Motors Limited; |
| (189) | | Tuen Mun District Tourists and Passengers Omnibus Operators Association Limited; |
| (190) | | Tsuen Wan District Tourists and Passengers Omnibus Operators Association Limited; |
| (191) | | Yuen Long District Tourists and Passengers Omnibus Operators Association Limited; |
| (192) | | Kowloon District Tourists and Passengers Omnibus Operators Association Limited; |
| (193) | | Hong Kong District Tourists and Passengers Omnibus Operators Association Limited; |
| (194) | | Sino Parking Services Limited; |
| (195) | | Urban Parking Limited; |
| (196) | | Greater Lucky (HK) Company Limited; |
| (197) | | China Hongkong and Macau Boundary Crossing Bus Association Limited; |
| (198) | | Ground Support Engineering Limited; |
| (199) | | Cathay Pacific Services Limited; |
| (200) | | Cathay Pacific Catering Services (H.K.) Limited; |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|---|
| | | (201) LSG Lufthansa Service Hong Kong Limited; (202) Gate Gourmet Hong Kong, Limited; (203) ECO Aviation Fuel Services Limited; (204) Hong Kong Aircraft Engineering Company Limited; (205) China Aircraft Services Limited; (206) Dah Chong Hong – Dragonair Airport GSE Service Limited; (207) Jardine Air Terminal Services Limited; (208) Service Managers Association; (209) Driving Instructors Association; (210) The Chamber of Hong Kong Logistics Industry Limited; (211) New Horizon School of Motoring Limited; (212) Leinam School of Motoring Limited. |
| 5. | Legal | (1) Members of The Law Society of Hong Kong entitled to vote at general meetings of the Society. (2) Members of the Hong Kong Bar Association entitled to vote at general meetings of the Association. (3) Legal officers within the meaning of the Legal Officers Ordinance (Cap 87). (4) Persons appointed under section 3 of the Legal Aid Ordinance (Cap 91). (5) Persons deemed to be legal officers for the purpose of the Legal Officers Ordinance (Cap 87) by section 75(3) of the Bankruptcy Ordinance (Cap 6) or section 3(3) of the Director of Intellectual Property (Establishment) Ordinance (Cap 412). (6) The Legal Adviser of the Legislative Council Secretariat and his or her assistants who are in the full-time employment of The Legislative Council Commission and are barristers or solicitors as defined in the Legal Practitioners Ordinance (Cap 159). |
| 6. | Accountancy | Certified public accountants registered under the Professional Accountants Ordinance (Cap 50). |
| 7. | Medical | (1) Medical practitioners registered or deemed to be registered under the Medical Registration Ordinance (Cap 161). (2) Dentists registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap 156). |
| 8. | Health services | (1) Chiropractors registered under the Chiropractors |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|--|
| | | Registration Ordinance (Cap 428). |
| | | (2) Nurses registered or enrolled or deemed to be registered or enrolled under the Nurses Registration Ordinance (Cap 164). |
| | | (3) Midwives registered or deemed to be registered under the Midwives Registration Ordinance (Cap 162). |
| | | (4) Pharmacists registered under the Pharmacy and Poisons Ordinance (Cap 138). |
| | | (5) Medical laboratory technologists registered under the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap 359A). |
| | | (6) Radiographers registered under the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap 359H). |
| | | (7) Physiotherapists registered under the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap 359J). |
| | | (8) Occupational therapists registered under the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap 359B). |
| | | (9) Optometrists registered under the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap 359F). |
| | | (10) Dental hygienists enrolled under the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap 156B). |
| | | (11) Audiologists, audiology technicians, chiropodists (also known as “podiatrists”), dental surgery assistants, dental technicians, dental technologists, dental therapists, dietitians, dispensers, mould laboratory technicians, orthoptists, clinical psychologists, educational psychologists, prosthetists, speech therapists and scientific officers (medical) who are in the service under the Government, or are employed in Hong Kong, at the following institutions - |
| | | (a) Public hospitals within the meaning of the Hospital Authority Ordinance (Cap 113); |
| | | (b) Hospitals registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165); |
| | | (c) Clinics maintained or controlled by the Government or The Chinese University of Hong Kong or by the University of Hong Kong; |
| | | (d) Services subvented by the Government. |
| 9. | Engineering | (1) Professional engineers registered under the Engineers Registration Ordinance (Cap 409). |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|---------------------------------------|--|
| | | (2) Members of the Hong Kong Institution of Engineers entitled to vote at general meetings of the Institution. |
| 10. | Architectural, surveying and planning | <p>(1) Architects registered under the Architects Registration Ordinance (Cap 408).</p> <p>(2) Members of The Hong Kong Institute of Architects entitled to vote at general meetings of the Institute.</p> <p>(3) Landscape architects registered under the Landscape Architects Registration Ordinance (Cap 516).</p> <p>(4) Members of The Hong Kong Institute of Landscape Architects entitled to vote at general meetings of the Institute.</p> <p>(5) Professional surveyors registered under the Surveyors Registration Ordinance (Cap 417).</p> <p>(6) Members of The Hong Kong Institute of Surveyors entitled to vote at general meetings of the Institute.</p> <p>(7) Professional planners registered under the Planners Registration Ordinance (Cap 418).</p> <p>(8) Members of The Hong Kong Institute of Planners entitled to vote at general meetings of the Institute.</p> |
| 11. | Labour | Bodies that are trade unions registered under the Trade Unions Ordinance (Cap 332) of which all the voting members are employees. |
| 12. | Real estate and construction | <p>(1) Members of The Real Estate Developers Association of Hong Kong entitled to vote at general meetings of the Association.</p> <p>(2) Members of The Hong Kong Construction Association, Limited entitled to vote at general meetings of the Association.</p> <p>(3) Members of The Hong Kong E&M Contractors' Association Limited entitled to vote at general meetings of the Association.</p> |
| 13. | Commercial (first) | Bodies that are members of The Hong Kong General Chamber of Commerce entitled to vote at general meetings of the Chamber. |
| 14. | Commercial (second) | Members of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber. |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|--|---|
| 15. | Industrial (first) | Members of the Federation of Hong Kong Industries entitled to vote at general meetings of the Federation. |
| 16. | Industrial (second) | Bodies that are members of The Chinese Manufacturers' Association of Hong Kong entitled to vote at general meetings of the Association. |
| 17. | Finance | Bodies that are: <ol style="list-style-type: none"> (1) banks within the meaning of the Banking Ordinance (Cap 155). (2) restricted licence banks within the meaning of the Banking Ordinance (Cap 155). (3) deposit-taking companies within the meaning of the Banking Ordinance (Cap 155). |
| 18. | Financial services | <ol style="list-style-type: none"> (1) Exchange participants of a recognized exchange company. (2) Members of The Chinese Gold & Silver Exchange Society entitled to vote at general meetings of the Society. |
| 19. | Sports, performing arts, culture and publication | <ol style="list-style-type: none"> (1) Statutory bodies and registered bodies (other than schools registered under the Education Ordinance (Cap 279) and bodies formed by such schools) that are members of the sports associations affiliated to the Sports Federation & Olympic Committee of Hong Kong, China. (2) Sports associations affiliated to the Sports Federation & Olympic Committee of Hong Kong, China but have no statutory bodies or registered bodies as members. (3) The following district sports associations: <ol style="list-style-type: none"> (a) Central & Western District Recreation & Sports Association; (b) Eastern District Recreation & Sports Advancement Association Ltd.; (c) The Federation of Tsuen Wan District Sports & Recreation Association Ltd.; (d) Islands District Sports Association; (e) Kowloon City District Recreation & Sports Council Limited; (f) Kwai Tsing District Sports Association Limited; (g) Kwun Tong Sports Promotion Association Ltd.; (h) Mong Kok District Cultural, Recreational and Sports Association Limited; (i) North District Sports Association Limited; |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|---|
| | | (j) Sai Kung District Sports Association Ltd.; |
| | | (k) Sha Tin Sports Association Ltd.; |
| | | (l) Sham Shui Po Sports Association Limited; |
| | | (m) Southern District Recreation and Sports Association Limited; |
| | | (n) Tai Po Sports Association Ltd.; |
| | | (o) Tuen Mun Sports Association Limited; |
| | | (p) Wan Chai District Arts Cultural Recreational and Sports Association Limited; |
| | | (q) Wong Tai Sin District Recreation & Sports Council; |
| | | (r) Yaumatei and Tsimshatsui Recreation & Sports Association Ltd.; |
| | | (s) Yuen Long District Sports Association Ltd. |
| (4) | | Bodies listed in a Gazette notice currently in force made under section 3(5) of the Hong Kong Arts Development Council Ordinance (Cap 472) as organisations for the purpose of section 3(4) of that Ordinance. |
| (5) | | Statutory bodies and registered bodies, the primary goal of which is the promotion of arts, and to which grants, sponsorship or performance fees have been approved by the Hong Kong Arts Development Council, the Urban Council, the Regional Council, the Provisional Urban Council, the Provisional Regional Council, the Leisure and Cultural Services Department or the Home Affairs Bureau during the relevant period. |
| (6) | | The following district arts and culture associations: <ul style="list-style-type: none"> (a) Central and Western District Association for Culture and Arts; (b) Eastern District Arts Council; (c) Kowloon City District Arts and Culture Council; (d) Kwai Chung and Tsing Yi District Culture and Arts Co-ordinating Association Limited; (e) Kwun Tong District Culture and Recreation Promotion Association; (f) North District Arts Advancement Association Limited; (g) Sai Kung Culture & Recreational Advancement Association; (h) Sha Tin Arts Association Limited; (i) Sham Shui Po Arts Association Limited; (j) Southern District Arts and Culture Association Limited; (k) Tai Po District Arts Advancement Association; (l) Tsuen Wan Culture & Recreation Co-ordinating Association Limited; (m) Tuen Mun Arts Promotion Association; |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|--|
| | | (n) Wong Tai Sin District Arts Council; |
| | | (o) Yau Ma Tei and Tsim Sha Tsui Culture and Arts Association Limited; |
| | | (p) Yuen Long District Arts Committee. |
| (7) | | Members of each of the following bodies entitled to vote at general meetings of the body - |
| | | (a) Educational Booksellers' Association, Limited; |
| | | (b) The Anglo-Chinese Textbook Publishers Organisation Limited; |
| | | (c) The Hong Kong Educational Publishers Association Limited; |
| | | (d) The Hong Kong Publishers and Distributors Association; |
| | | (e) Hong Kong Book & Magazine Trade Association Limited; |
| | | (f) Hongkong Book and Stationery Industry Association Company Limited. |
| (8) | | Members of the Hong Kong Publishing Federation Limited (other than those referred to in paragraph (7)) entitled to vote at general meetings of the Federation. |
| (9) | | Members of each of the following bodies entitled to vote at general meetings of the body - |
| | | (a) Hong Kong Motion Picture Industry Association Limited; |
| | | (b) Hong Kong Film Awards Association Ltd.; |
| | | (c) International Federation of the Phonographic Industry (Hong Kong Group) Limited; |
| | | (d) Movie Producers and Distributors Association of Hong Kong Ltd; |
| | | (e) Music Publishers Association of Hong Kong Ltd.; |
| | | (f) Hong Kong Theatres Association Ltd. |
| (10) | | Corporate proprietors, the principal business of which is publication, registered under the Registration of Local Newspapers Ordinance (Cap 268). |
| (11) | | Corporate proprietors of newspaper distributors licensed under the Newspapers Registration and Distribution Regulations (Cap 268B). |
| (12) | | Bodies that are holders of one or more of the following classes of licences granted under the Broadcasting Ordinance (Cap 562) - |
| | | (i) licences to provide a domestic free television programme service; |
| | | (ii) licences to provide a domestic pay television programme service; and |
| | | (iii) licences to provide a non-domestic television programme service. |
| (13) | | Holders of licences granted under Part IIIA of the |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|---|
| | | Telecommunications Ordinance (Cap 106) (sound broadcasting licences). |
| (14) | | All Stars Sports Association Ltd. |
| (15) | | The Song Writers' Association of Hong Kong. |
| (16) | | Artiste Training Alumni Association Limited. |
| (17) | | Composers and Authors Society of Hong Kong Limited. |
| (18) | | Friends of the Art Museum, The Chinese University of Hong Kong Limited. |
| (19) | | The Friends of the Hong Kong Museum of Art. |
| (20) | | HK Film Directors' Guild Ltd. |
| (21) | | Hong Kong Anthropological Society. |
| (22) | | Hong Kong Archaeological Society. |
| (23) | | The Hong Kong Children's Choir. |
| (24) | | Hong Kong Chinese Orchestra Limited. |
| (25) | | Hong Kong Chinese Press Association. |
| (26) | | Hong Kong & Macau Cinema and Theatrical Enterprise Association Limited. |
| (27) | | Hong Kong Cinematography Lighting Association Limited. |
| (28) | | Hong Kong Curators Association. |
| (29) | | Hong Kong Dance Company Limited. |
| (30) | | Hong Kong Federation of Journalists Ltd. |
| (31) | | Hong Kong Festival Fringe Ltd. |
| (32) | | Hong Kong Film Academy. |
| (33) | | Hong Kong Film Arts Association Limited. |
| (34) | | Hong Kong History Society. |
| (35) | | Hong Kong Intellectual Property Society. |
| (36) | | Hong Kong Journalists Association. |
| (37) | | Hong Kong Museum of Medical Sciences Society. |
| (38) | | Hong Kong News Executives' Association, Limited. |
| (39) | | Hong Kong PEN (English) Centre. |
| (40) | | Hong Kong Performing Artistes Guild Ltd. |
| (41) | | Hong Kong Philharmonic Orchestra. |
| (42) | | Hong Kong Press Photographers Association. |
| (43) | | Hong Kong Recreation Management Association Limited. |
| (44) | | Hong Kong Repertory Theatre Limited. |
| (45) | | Hong Kong Screen Writers' Guild Ltd. |
| (46) | | Hong Kong Sports Association of the Deaf. |
| (47) | | Hong Kong Sports Press Association Ltd. |
| (48) | | Hong Kong Stuntman Association Ltd. |
| (49) | | Hong Kong Tai Chi Association. |
| (50) | | Hong Kong United Arts Entertainment Co. Ltd. |
| (51) | | Min Chiu Society. |
| (52) | | New Territories Regional Sports Association. |
| (53) | | The Newspaper Society of Hong Kong. |
| (54) | | Pop-Music Authors Society of Hong Kong. |
| (55) | | The Hong Kong Branch of the Royal Asiatic Society. |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|-------------------|---|
| | | (56) Sail Training Association of Hong Kong Limited. |
| | | (57) Society of Cinematographers (Hong Kong) Limited. |
| | | (58) Society of Film Editors (HK) Ltd. |
| | | (59) South China Film Industry Workers' Union. |
| | | (60) South China Research Circle. |
| | | (61) The Hong Kong Swimming Teachers' Association Limited. |
| | | (62) Videotage. |
| | | (63) Zuni Icosahedron. |
| | | (64) Federation of Hong Kong Filmmakers Limited. |
| | | (65) Hong Kong Movie Production Executives Association Limited. |
| | | (66) Hong Kong Sports Institute Limited. |
| 20. | Import and export | (1) Companies licensed under the Dutiable Commodities Ordinance (Cap 109) for the import or export, or import and export, of dutiable commodities. |
| | | (2) Companies licensed under the Dutiable Commodities Ordinance (Cap 109) immediately before the commencement of the Dutiable Commodities (Amendment) (No. 2) Ordinance 2008 (16 of 2008) for the import, or import and export, of alcoholic liquors. |
| | | (3) Companies registered under the Motor Vehicles (First Registration Tax) Ordinance (Cap 330) for the import of motor vehicles for use in Hong Kong. |
| | | (4) Companies licensed under the Control of Chemicals Ordinance (Cap 145) for the import or export, or import and export, of controlled chemicals. |
| | | (5) Members of each of the following bodies entitled to vote at general meetings of the body - |
| | | (a) The Association of Hong Kong Photographic Equipment Importers Limited; |
| | | (b) Hong Kong & Kowloon Steel and Metal Importers and Exporters Association Ltd.; |
| | | (c) The Hong Kong Chinese Importers' and Exporters' Association; |
| | | (d) The Hong Kong Exporters' Association; |
| | | (e) Hong Kong Fresh Fruits Importers Association Ltd.; |
| | | (f) Hong Kong General Association of Edible Oil Importers & Exporters Ltd.; |
| | | (g) Hongkong Rice Importers & Exporters Association; |
| | | (h) Hongkong Watch Importers' Association; |
| | | (i) The Hong Kong Food, Drink & Grocery Association; |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|----------------------|---|
| | | <ul style="list-style-type: none"> (j) Hong Kong & Kowloon Light Industrial Products Importers & Exporters Association Limited; (k) Nanyang Importers and Exporters Association; (l) Hong Kong Industrial Production Trading Association Limited; (m) The Industrial Chemical Merchants' Association Limited; (n) South-China Paper Merchants Association Limited; (o) The Wah On Exporters & Importers Association; (p) The Hong Kong Shippers' Council; (q) The Shippers' Association of Hong Kong. |
| 21. | Textiles and garment | <ul style="list-style-type: none"> (1) Corporate members of the Textile Council of Hong Kong Limited (other than those referred to in paragraph (2)(a) to (l)) entitled to vote at general meetings of the Council. (2) Corporate members of each of the following bodies entitled to vote at general meetings of the body - <ul style="list-style-type: none"> (a) The Federation of Hong Kong Cotton Weavers; (b) The Federation of Hong Kong Garment Manufacturers; (c) Hong Kong Chinese Textile Mills Association; (d) The Hong Kong Cotton Made-up Goods Manufacturers Association, Limited; (e) The Hongkong Cotton Spinners Association; (f) Hong Kong Garment Manufacturers Association Ltd.; (g) Hong Kong Knitwear Exporters & Manufacturers Association Ltd.; (h) Hong Kong Woollen & Synthetic Knitting Manufacturers' Association Ltd.; (i) The Hong Kong Association of Textile Bleachers, Dyers, Printers and Finishers Limited; (j) The Hong Kong Weaving Mills Association; (k) The Hongkong Wool and Synthetic Spinners Association Limited; (l) The Hong Kong General Chamber of Textiles Limited. (3) Members of the Hong Kong Institution of Textile and Apparel Limited entitled to vote at general meetings of the Institution. (4) Textiles & Clothing manufacturers registered under the Factory Registration of the Trade and Industry Department for the purpose of applying for the certificate of Hong Kong origin. (5) Textiles traders who – <ul style="list-style-type: none"> (a) are registered as textiles traders pursuant to regulation |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|----------------------|---|
| | | <p>5A of the Import and Export (General) Regulations (Cap 60A);</p> <p>(b) have been so registered for a period of 12 months immediately before making the application for registration as an elector; and</p> <p>(c) are carrying on business as textiles traders specified in the Fourth Schedule to the Import and Export (General) Regulations (Cap 60A).</p> |
| 22. | Wholesale and retail | <p>Members of each of the following bodies entitled to vote at general meetings of the body -</p> <ol style="list-style-type: none"> (1) Anglo-Chinese Vegetable Wholesale Merchants Association Limited; (2) Association of Better Business & Tourism Services; (3) Cheung Sha Wan Poultry United Wholesalers Association Ltd.; (4) Chinese Medicine Merchants Association Ltd.; (5) Chinese Merchants (H.K.) Association Limited; (6) Chinese Paper Merchants Association Limited; (7) The Cosmetic & Perfumery Association of Hong Kong Ltd.; (8) Eastern District Fresh Fish Merchants' Society; (9) Federation of Hong Kong Kowloon New Territories Hawker Associations; (10) The Federation of Hong Kong Watch Trades and Industries Ltd.; (11) HK Vegetable Wholesaler Community; (12) Hong Kong and Kowloon Bamboo Goods Merchants Association Limited; (13) Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.; (14) Hong Kong Electro-Plating Merchants Association Limited; (15) Hong Kong & Kowloon European Dress Merchants Association; (16) Hong Kong & Kowloon Fresh Water Fish Merchants' & Buyers' Association Limited; (17) Hong Kong & Kowloon Fruit & Vegetable Employees & Employers Guild; (18) Hong Kong & Kowloon Furniture & Shop Fittings Merchants Association; (19) Hong Kong & Kowloon General Association of Liquor Dealers and Distillers; (20) Hong Kong & Kowloon Machine Made Paper Merchants Association Ltd.; (21) Hong Kong and Kowloon Machinery and Instrument |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|--|
| | | Merchants Association Ltd.; |
| (22) | | Hong Kong & Kowloon Marine Products Merchants Association Ltd.; |
| (23) | | Hong Kong & Kowloon Plastic Products Merchants United Association Limited; |
| (24) | | Hong Kong & Kowloon Poultry Dealers Guild; |
| (25) | | The Hong Kong & Kowloon Provisions, Wine & Spirit Dealers' Association Limited; |
| (26) | | Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong); |
| (27) | | The Hong Kong and Kowloon Salt Merchants' Association; |
| (28) | | Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association; |
| (29) | | Hong Kong & Kowloon Tea Trade Merchants Association Ltd.; |
| (30) | | Hong Kong & Kowloon Timber Merchants Association Limited; |
| (31) | | Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association; |
| (32) | | Hong Kong Art Craft Merchants Association, Ltd.; |
| (33) | | Hong Kong Dried Seafood and Grocery Merchants Association Limited; |
| (34) | | Hong Kong Dyestuffs Merchants Association Limited; |
| (35) | | Hong Kong Egg Merchants Association (Fung-Kwai-Tong); |
| (36) | | Hong Kong Embroidery Merchants Association Limited; |
| (37) | | Hong Kong Flower Dealers & Workers Association; |
| (38) | | Hong Kong Flower Retailers Association; |
| (39) | | The Hong Kong Food Council Limited; |
| (40) | | Hong Kong Fresh Fish Merchants Association; |
| (41) | | Hong Kong Fur Federation; |
| (42) | | Hong Kong Furniture & Decoration Trade Association Limited; |
| (43) | | Hong Kong General Chamber of Pharmacy Limited; |
| (44) | | Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Limited; |
| (45) | | Hong Kong Jewellers' & Goldsmiths' Association Limited; |
| (46) | | The Federation of Hong Kong Footwear Limited; |
| (47) | | Hong Kong Live Pig Trade Merchants' Association; |
| (48) | | The Hong Kong Medicine Dealers' Guild; |
| (49) | | Hong Kong Metal Merchants Association; |
| (50) | | The Hong Kong Oil Merchants Association, Limited; |
| (51) | | Hong Kong Paints & Pigments Merchants Association Ltd.; |
| (52) | | Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.; |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|---|
| (53) | | Hong Kong Photo Marketing Association Limited; |
| (54) | | Hong Kong Piece Goods Merchants' Association; |
| (55) | | Hong Kong Plastic Material Suppliers Association Ltd.; |
| (56) | | Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.; |
| (57) | | Hong Kong Provision & Grocery General Commercial Chamber; |
| (58) | | Hong Kong Record Merchants Association Ltd.; |
| (59) | | Hong Kong Rice Suppliers' Association Limited; |
| (60) | | Hong Kong Retail Management Association Limited; |
| (61) | | Hong Kong Silk Piece-Goods Merchants' Association; |
| (62) | | Hong Kong Stamp and Coin Dealers Association; |
| (63) | | Hong Kong Video Industry Association Limited; |
| (64) | | Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.; |
| (65) | | The Hong Kong & Kowloon General Merchandise Merchants' Association Limited; |
| (66) | | Hongkong Kowloon New Territories & Overseas Fish Wholesalers Association Limited; |
| (67) | | The Industrial Chemical Merchants' Association Limited; |
| (68) | | Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club Limited; |
| (69) | | Kowloon Fresh Fish Merchants Association Limited; |
| (70) | | Kowloon Fresh Meat Retailers' Association Ltd.; |
| (71) | | The Kowloon Pearls, Precious Stones, Jade, Gold & Silver Ornament Merchants Association; |
| (72) | | Kowloon Poultry Laan Merchants Association; |
| (73) | | The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits & Vegetables Limited; |
| (74) | | Mongkok Vegetable Wholesale Merchants Association Company Limited; |
| (75) | | The Motor Traders Association of Hong Kong; |
| (76) | | Nam Pak Hong Association; |
| (77) | | Po Sau Tong Ginseng & Antler Association Hong Kong Ltd.; |
| (78) | | The Rice Merchants' Association of Hong Kong Limited; |
| (79) | | Shaukiwan Fishery Merchants Association; |
| (80) | | Kowloon Fruit & Vegetable Merchants Association Limited; |
| (81) | | The Hong Kong And Kowloon Electric Trade Association; |
| (82) | | Hong Kong Poultry Wholesalers Association; |
| (83) | | Diamond Federation of Hong Kong, China Limited; |
| (84) | | Tobacco Association of Hong Kong Limited; |
| (85) | | Hong Kong Chinese Prepared Medicine Traders Association Limited; |
| (86) | | Hong Kong Chinese Medicine Industry Association Limited; |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------------|--|
| | | (87) Hong Kong Chinese Patent Medicine Manufacturers' Association Ltd. |
| 23. | Information technology | <p>(1) Distinguished Fellows, Fellows and Full Members of the Hong Kong Computer Society entitled to vote at general meetings of the Society.</p> <p>(2) Fellows, Members and Graduate Members of Information Technology Division of the Hong Kong Institution of Engineers who are entitled to vote at general meetings of the Division.</p> <p>(3) Professional Members of the Association for Computing Machinery, Hong Kong Chapter entitled to vote at general meetings of the Association.</p> <p>(4) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Computer Chapter entitled to vote at general meetings of the Institute.</p> <p>(5) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Hong Kong Joint Chapter on Circuits and Systems/Communications entitled to vote at general meetings of the Institute.</p> <p>(6) Honorary Fellows, Fellows and Members of The Institution of Engineering and Technology Hong Kong entitled to vote at general meetings of the Institution who are either-</p> <p>(i) persons registered as Chartered Engineers with the Engineering Council UK; or</p> <p>(ii) Corporate Members of The Institution of Electrical Engineers Hong Kong (IEE Hong Kong) before 15 October 2002.</p> <p>(7) Fellows, Members and Associate Members of The British Computer Society (Hong Kong Section) Limited entitled to vote at general meetings of the Society.</p> <p>(8) Fellows, Senior Professional Members and Professional Members of The Hong Kong Association for Computer Education entitled to vote at general meetings of the Association.</p> <p>(9) Full Members (Information Technology) of the Hong Kong Society of Medical Informatics Limited entitled to vote at general meetings of the Society.</p> <p>(10) Full Members of the Information and Software Industry Association Limited entitled to vote at general meetings of the Association.</p> <p>(11) Ordinary Members of the Hong Kong Telemedicine Association entitled to vote at general meetings of the Association.</p> |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|---|
| | | <p>(12) The eligible persons of the following bodies-</p> <p>(a) Hong Kong Software Industry Association Limited;</p> <p>(b) Information Systems Audit and Control Association China Hong Kong Chapter Limited;</p> <p>(c) Internet Professional Association Limited;</p> <p>(d) Professional Information Security Association.</p> <p>(13) Corporate members of each of the following bodies entitled to vote at general meetings of the body -</p> <p>(a) Hong Kong Information Technology Federation Limited;</p> <p>(b) Hong Kong Internet Service Providers Association;</p> <p>(c) Hong Kong Radio Paging Association Ltd.;</p> <p>(d) Communications Association of Hong Kong Limited;</p> <p>(e) Hong Kong Wireless Technology Industry Association Limited;</p> <p>(f) The Society of Hong Kong External Telecommunications Services Providers Limited.</p> <p>(14) Bodies that are holders of one or more of the following classes of licences granted by the Telecommunications Authority under the Telecommunications Ordinance (Cap 106) -</p> <p>(a) Fixed Telecommunications Network Services licences;</p> <p>(b) Services-Based Operator Licence (Class 3 Service);</p> <p>(c) Public Radiocommunications Service licences;</p> <p>(d) Satellite Master Antenna Television licences;</p> <p>(e) Broadcast Relay Station licences;</p> <p>(f) Broadcast Radio Relay Station licences; and</p> <p>(g) carrier licences.</p> <p>(15) Members of the Hong Kong Information Technology Joint Council Limited entitled to vote at general meetings of the Council.</p> <p>(16) APT Satellite Company Limited.</p> <p>(17) Asia Satellite Telecommunications Company Limited.</p> |
| 24. | Catering | <p>(1) Holders of food business licenses under the Public Health and Municipal Services Ordinance (Cap 132).</p> <p>(2) The Association for the Hong Kong Catering Services Management Limited.</p> <p>(3) The Association of Restaurant Managers Limited.</p> <p>(4) Federation of Hong Kong Restaurant Owners Limited.</p> <p>(5) The Hong Kong Restaurant and Eating House Merchants General Association.</p> <p>(6) Hong Kong Catering Industry Association Limited.</p> |

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- Note : (1) In item 19 of this Appendix -
- (a) “registered body” (註冊團體) means a body which is registered or exempt from registration under, or incorporated by, any laws of Hong Kong.
 - (b) “relevant period” (有關期間), in relation to a statutory body or a registered body, means -
 - (i) subject to subparagraph (ii), the period from 1 April 1994 to the date on which the statutory body or registered body applies for registration as an elector of the sports, performing arts, culture and publication functional constituency; or
 - (ii) if the statutory body or registered body applies for such registration on or after 18 July 2003, the period of 6 years immediately preceding the date on which it so applies.
 - (c) “statutory body” (法定團體) means a body established or constituted by or under the authority of an Ordinance.
- (2) In item 23(12) of this Appendix, the “eligible persons” (合資格的人) means -
- (a) Hong Kong Software Industry Association Limited - Full Members, the major business of which, as confirmed by the Association, has been in the research, development or application of information technology or computer software during the relevant period; and which are entitled to vote at general meetings of the Association;
 - (b) Information Systems Audit and Control Association China Hong Kong Chapter Limited - Ordinary Members who are confirmed by the Association to have been holders of the Certified Information Systems Auditor Certification (CISA) during the relevant period; and entitled to vote at general meetings of the Association;
 - (c) Internet Professional Association Limited - Members who are confirmed by the Association to have had experience in the information technology field, as specified in the constitution of the Association, during the relevant period; and entitled to vote at general meetings of the Association; and
 - (d) Professional Information Security Association - Full Members who are confirmed by the Association to have been holders of the Certified Information Systems Security Professional Certification (CISSP) during the relevant period; and entitled to vote at general meetings of the Association,
- where the "relevant period" (有關期間), in relation to a person, means the period of 4 years immediately preceding the date on which that person applies for registration as an elector of the information technology functional constituency.

[Amended in September 2006 and October 2011]

Composition of Three Pairs of Subsectors
Each Corresponding to One Functional Constituency

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|-------------|------------------|---|
| 1(a) | Education | <ul style="list-style-type: none"> (1) Registered teachers registered under the Education Ordinance (Cap 279). (2) Permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap 279). (3) Teachers and principals of schools entirely maintained and controlled by the Government. (4) Persons whose principal or only employment is that of full-time teaching with the following institutions - <ul style="list-style-type: none"> (a) technical institutes, industrial training centres or skills centres established under the Vocational Training Council Ordinance (Cap 1130); (b) industrial training centres established under the repealed Industrial Training (Construction Industry) Ordinance (Cap 317) and maintained under the Construction Industry Council Ordinance (Cap 587); (c) industrial training centres established under the Construction Industry Council Ordinance (Cap 587) (d) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318); (e) Hong Chi Association - Hong Chi Pinehill Integrated Vocational Training Centre; (f) Caritas Lok Mo Integrated Vocational Training Centre of Caritas - Hong Kong incorporated under the Caritas - Hong Kong Incorporation Ordinance (Cap 1092). (5) Registered managers of schools registered under the Education Ordinance (Cap 279). |
| 1(b) | Higher education | <ul style="list-style-type: none"> (1) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in - <ul style="list-style-type: none"> (a) institutions of higher education funded through the University Grants Committee; |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|--------------------|-------------------------|---|
| | | <ul style="list-style-type: none"> (b) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap 320); (c) technical colleges established under the Vocational Training Council Ordinance (Cap 1130); (d) The Hong Kong Academy for Performing Arts; (e) The Open University of Hong Kong; (f) the School of Continuing and Professional Education of the City University of Hong Kong; (g) the School of Continuing Education of the Hong Kong Baptist University; (h) the Lingnan Institute of Further Education of the Lingnan University; (i) the School of Continuing and Professional Studies of The Chinese University of Hong Kong; (j) HKIEd School of Continuing and Professional Education Limited; (k) the School of Professional Education and Executive Development of The Hong Kong Polytechnic University; (l) the HKUST College of Lifelong Learning Limited; (m) the HKU School of Professional and Continuing Education |
| (2) | Members of - | <ul style="list-style-type: none"> (a) the Council of the University of Hong Kong (b) the Council of The Chinese University of Hong Kong (c) the Council of The Hong Kong University of Science and Technology; (d) the Council of the City University of Hong Kong; (e) the Council of The Hong Kong Polytechnic University; (f) the Council of The Hong Kong Academy for Performing Arts; (g) the Council of The Open University of Hong Kong; (h) the Vocational Training Council; (i) the Council of The Hong Kong Institute of Education; |

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|--------------------|---|--|
| | | <ul style="list-style-type: none"> (j) the Council of the Hong Kong Baptist University; (k) the Council of the Lingnan University; (l) the Board of Governors of the Hong Kong Shue Yan University; (m) the Board of Governors of the Caritas Francis Hsu College. |
| 2(a) | Tourism | <ul style="list-style-type: none"> (1) Travel industry members of the body known immediately before 1 April 2001 as the Hong Kong Tourist Association, entitled immediately before that date, under the constitution of that body in force immediately before that date, to vote at general meetings of that body. (2) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council. (3) Members of The Board of Airline Representatives in Hong Kong. |
| 2(b) | Hotel | <ul style="list-style-type: none"> (1) Members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association. (2) Members of Federation of Hong Kong Hotel Owners Limited entitled to vote at general meetings of the Federation. |
| 3(a) | Hong Kong and Kowloon District Councils | Elected members of the Hong Kong and Kowloon District Councils. |
| 3(b) | New Territories District Councils | Elected members of the New Territories District Councils. |

[Amended in September 2006 and October 2011]

Composition of Optional Subsectors
Without an Equivalent Functional Constituency

| <u>Item</u> | <u>Subsector</u> | <u>Constituents</u> |
|--------------------|--|--|
| 1. | Chinese medicine | <p>(a) Members of -</p> <ul style="list-style-type: none"> (1) The Hong Kong Association of Traditional Chinese Medicine Limited; (2) International General Chinese Herbalists and Medicine Professionals Association Limited; (3) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited; (4) Society of Practitioners of Chinese Herbal Medicine Limited; (5) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited; (6) The Hong Kong Federation of China of Traditional Chinese Medicine; (7) Hong Kong Acupuncturists Association; (8) Hong Kong Chinese Herbalists Association Limited; (9) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited; (10) Hong Kong Chinese Medicine Practitioners Association Limited, <p>who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies.</p> <p>(b) Registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap 549).</p> |
| 2. | Chinese People's Political Consultative Conference ("CPPCC") | Hong Kong members of the National Committee of the CPPCC |
| 3. | Employers' Federation of Hong Kong | Members of the Employers' Federation of Hong Kong entitled to vote at the general meetings of the Federation. |
| 4. | Hong Kong Chinese Enterprises Association | Members of the Hong Kong Chinese Enterprises Association entitled to vote at the general meetings of the Association. |

5. Social welfare
- (1) Social workers registered under the Social Workers Registration Ordinance (Cap 505).
 - (2) Corporate members of the Hong Kong Council of Social Service entitled to vote at general meetings of the Council.
 - (3) Exempted societies within the meaning of the Societies Ordinance (Cap 151) that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter –
 - (a) to promote the co-ordination and improvement of social service activities;
 - (b) to develop resources, such as manpower, funds and data, for social service activities; or
 - (c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.
 - (4) Non-profit making companies registered under the Companies Ordinance (Cap 32) that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter –
 - (a) to promote the co-ordination and improvement of social service activities;
 - (b) to develop resources, such as manpower, funds and data, for social service activities; or
 - (c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.

[Amended in September 2006 and October 2011]

**Relationship of the 28 Functional Constituencies
and 38 Election Committee Subsectors**

(A) FCs^(Note 1) and their corresponding subsectors

| Name of FC | Type ^(Note 2) | Choice of FC | Name of corresponding subsector(s) ^(Note 3) | Choice of “optional subsectors”, if eligible ^(Note 3) | Remarks |
|--|--------------------------|--------------|--|--|--|
| 1. Heung Yee Kuk | Individual | No | Heung Yee Kuk | Yes | |
| 2. Agriculture and Fisheries | Body | No | Agriculture and Fisheries | Yes | |
| 3. Insurance | Body | No | Insurance | Yes | |
| 4. Transport | Body | No | Transport | Yes | |
| 5. Accountancy | Individual | Yes | Accountancy | Yes | |
| 6. Architectural, Surveying and Planning | Individual | Yes | Architectural, Surveying and Planning | Yes | |
| 7. Commercial (First) | Body | Yes | Commercial (First) | Yes | |
| 8. Commercial (Second) | Mixed | Yes | Commercial (Second) | Yes | |
| 9. Education | Individual | Yes | (i) Education (ii) Higher Education | Yes | Subject to the choice of “optional subsectors” in Note 3, if eligible for both corresponding subsectors, must be registered in the Higher Education subsector. |
| 10. Engineering | Individual | Yes | Engineering | Yes | |
| 11. Finance | Body | Yes | Finance | Yes | |
| 12. Financial Services | Body | Yes | Financial Services | Yes | |
| 13. Health Services | Individual | Yes | Health Services | Yes | |
| 14. Import and Export | Mixed | Yes | Import and Export | Yes | |
| 15. Industrial (First) | Mixed | Yes | Industrial (First) | Yes | |
| 16. Industrial (Second) | Body | Yes | Industrial (Second) | Yes | |

| Name of FC | Type ^(Note 2) | Choice of FC | Name of corresponding subsector(s) ^(Note 3) | Choice of “optional subsectors”, if eligible ^(Note 3) | Remarks |
|--|--------------------------|--------------|---|--|---|
| 17. Information Technology | Mixed | Yes | Information Technology | Yes | |
| 18. Labour | Body | Yes | Labour | Yes | |
| 19. Legal | Individual | Yes | Legal | Yes | |
| 20. Medical | Individual | Yes | Medical | Yes | |
| 21. Real Estate and Construction | Mixed | Yes | Real Estate and Construction | Yes | |
| 22. Social Welfare | Individual | Yes | Social Welfare | Yes | |
| 23. Sports, Performing Arts, Culture and Publication | Mixed | Yes | Sports, Performing Arts, Culture and Publication | Yes | |
| 24. Textiles and Garment | Mixed | Yes | Textiles and Garment | Yes | |
| 25. Tourism | Body | Yes | (i) Tourism (ii) Hotel | Yes | Subject to the choice of “optional subsectors” in Note 3, if eligible for both corresponding subsectors, must be registered in the Hotel subsector. |
| 26. Wholesale and Retail | Mixed | Yes | Wholesale and Retail | Yes | |
| 27. Catering | Mixed | Yes | Catering | Yes | |
| 28. District Council | Individual | Yes | (i) Hong Kong and Kowloon District Councils (ii) New Territories District Councils | No | See Note 4 |

(B) EC subsectors for which no election is required ^(Note 5)

| Name of subsector | Type ^(Note 2) |
|-------------------------------|--------------------------|
| 1. Religious | Individual |
| 2. National People's Congress | Individual |
| 3. Legislative Council | Individual |

(C) EC subsectors without a corresponding FC (Optional Subsectors) ^{Note 3}

| Name of subsector | Type ^(Note 2) | Remarks ^(Note 6) |
|--|--------------------------|-----------------------------|
| 1. Chinese Medicine | Individual | |
| 2. Chinese People's Political Consultative Conference | Individual | Listed subsector |
| 3. Employers' Federation of Hong Kong | Body | Listed subsector |
| 4. Hong Kong Chinese Enterprises Association | Mixed | Listed subsector |
| 5. Social Welfare (the part for corporate bodies only) ^(Note 7) | Body | |

Note 1 : A person registered as a voter for a subsector is disqualified from voting at a subsector election for that subsector if he has ceased to be eligible to be registered as a voter for that subsector; or he is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or he is a member of the armed forces of the People's Republic of China or any other country or territory.

A corporate body registered as a voter for a subsector is disqualified from voting at a subsector election for that subsector if it has ceased to be eligible to be registered as a voter for that subsector; or it is a consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap 557); or it is an organisation to which section 2 of the International Organisations and Diplomatic Privileges Ordinance (Cap 190) applies or an international organisation defined in section 2 of the International Organisations (Privileges and Immunities) Ordinance (Cap 558).

[Ss 12(21), (22) and 30 of the Schedule to the CEEO]

- Note 2: (a) ‘Individual’ denotes an FC/a subsector which consists of natural persons only;
- (b) ‘Body’ denotes an FC/a subsector which consists only of bodies; and
- (c) ‘Mixed’ denotes an FC/a subsector which consists of both natural persons and bodies.
- Note 3: A subsector bearing the same or similar name as an FC is called a “corresponding subsector”. Section 12(10)(c) of the Schedule to the Chief Executive Election Ordinance (Cap 569) provides that a person who is registered, or has made an application to be registered, as an elector for an FC with a corresponding subsector may be registered only as a voter for that subsector (whether or not the person is eligible to be registered as a voter for any other subsector), except that if the person, subject to Note 4, is eligible to be registered for any of the following 5 subsectors :
- (a) Chinese Medicine;
- (b) Chinese People’s Political Consultative Conference (also a “listed subsector”);
- (c) Employers’ Federation of Hong Kong (also a “listed subsector”);
- (d) Hong Kong Chinese Enterprises Association (also a “listed subsector”); and
- (e) Social Welfare (the part for corporate bodies only),
the person may choose to be registered as a voter in the corresponding subsector or in one of the above 5 subsectors for which he is eligible. The choice of subsector will not affect a person’s registration in an FC. The above 5 subsectors are referred to as “optional subsectors” in Part IV of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541B) (“the Regulation”).
- Note 4: According to section 12(11) of the Schedule to the Chief Executive Election Ordinance (Cap 569), a person who is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector and is also eligible to be registered as a voter for any subsector other than the above two subsectors, he may be registered only as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as the case may be.
- Note 5: The Religious subsector is to return its EC members by nomination. The Hong Kong deputies to the National People’s Congress and the Members of the Legislative Council are ex-officio members of the EC.
- Note 6: Out of the 5 “optional subsectors”, there are 3 “listed subsectors” referred to in Part IV of the Regulation. These “listed subsectors” have a relatively small potential electorate of individual voters. A special notification arrangement is provided for in section 15 of the Regulation so as to register as many voters as possible from the small potential electorate of these subsectors.

Note 7: A person is eligible to be registered as a voter for the Social Welfare optional subsector (the part for corporate bodies) if that person is eligible to be so registered by virtue of being corporate bodies specified in items 5(2), (3) or (4) of Appendix E.

[Amended in September 2006 and October 2011]

Submission Method, Formats and Standard on Sending Electronic Copy of Election Advertisement and Declaration

A candidate may deposit with the Returning Officer (RO) an electronic copy of the election advertisement (EA) and declaration (collectively referred to as “the attachments” hereunder) by e-mail sent through the Internet in accordance with the following requirements, if the EA is to be displayed, distributed or otherwise used by electronic means, or cannot be practically or conveniently photocopied –

Submission Method

2. Each e-mail should contain only **one** declaration and **one** electronic copy **each** of the EAs declared therein.
3. Each email submission must be signed by the candidate with a digital signature (in his/her personal capacity) in accordance with the requirement stipulated in the Electronic Transactions Ordinance (Cap 553). For application of a personal digital certificate in relation to the use of digital signature, candidates may refer to the following website:

<http://www.gov.hk/en/residents/communication/infosec/digitalcert.htm>

4. The e-mail address used must be identical with that included in the digital certificate. A candidate is required to furnish the e-mail address to the RO (or the CEO, if the RO has not yet been appointed) at least one working day prior to submission to allow verification of the digital signature.
5. The attachments should be sent through e-mail; which must conform to the Simple Mail Transfer Protocol (SMTP) and the Secure Multipurpose Internet Mail Extension (S/MIME) standards.
6. An acknowledgement of receipt would be automatically generated and sent to the sender upon a successful transmission of the e-mail to the RO. Candidate should check with the RO if the acknowledgement is not received **within the same day** of the e-mail transmission.

File Size

7. The total file size of each e-mail **should not exceed 10 MB**.
8. The attachments may be compressed as either Zip file (.zip) or GNU zip file (.gz).
9. An email exceeding the limit will not be accepted. In such circumstances, the candidate should deposit with the RO the declaration in hardcopy and two identical copies of a CD-ROM or DVD-ROM, which will not be returned to the candidate, each containing an electronic copy each of the EAs declared therein.

Format

10. The attachments must be given, served or presented in the following file formats –

General Document

- (a) Rich Text Format (RTF);
- (b) Hypertext Mark Up Language (HTML) Format;
- (c) Adobe Portable Document Format (PDF);

Graphics/Images

- (d) Graphics Interchange Format (GIF);
- (e) Joint Photographic Experts Group (JPEG);
- (f) Tag Image File Format (TIFF);

Audio

- (g) Waveform Audio Format (WAV);
- (h) MPEG-1 Audio Layer 3 (MP3);

Video

- (i) Audio Video Interleave (AVI);
- (j) Moving Picture Experts Group (MPEG).

11. The subject of the e-mail must be typed in the following format :

“Name of candidate¹_eEA_submission date_batch number”

Examples:

- (i) Name of candidate_ eEA_30/10_Batch 1
- (ii) Name of candidate_ eEA_30/10_Batch 2(a)
- (iii) Name of candidate_ eEA_30/10_Batch 2(b)
- (iv) Name of candidate_ eEA_2/11_Batch 1

[Note: The candidate may submit a declaration and a copy each of the declared EAs to the RO in one or more e-mails. As shown in examples (ii) and (iii) above, if because of the size the relevant documents have to be sent in two e-mails, the candidate may attach a declaration and any number of the declared EAs in the first e-mail, and the remaining declared EAs in the second e-mail.]

Computer Instructions

12. The attachments given, served or presented must not contain any computer instructions, including but not limited to –

- (a) computer viruses; and
- (b) macros, scripts and fields that depend on the execution environment and the execution of which will cause changes to the attachments themselves or the information system displaying the attachments.

Important Point to Note

13. Attachments, which do not meet any of the requirements set out above, will render the submission invalid.

[Added in October 2011]

¹ The candidate should use the same name in all e-mails to facilitate subsequent sorting and retrieval if required.

Methods of Folding of Election Mail
 郵寄選舉郵件採用的摺疊方法

Figure 1 : Folder of A4 (296mm) size
 圖示一：對摺的A4(296毫米)尺寸紙張

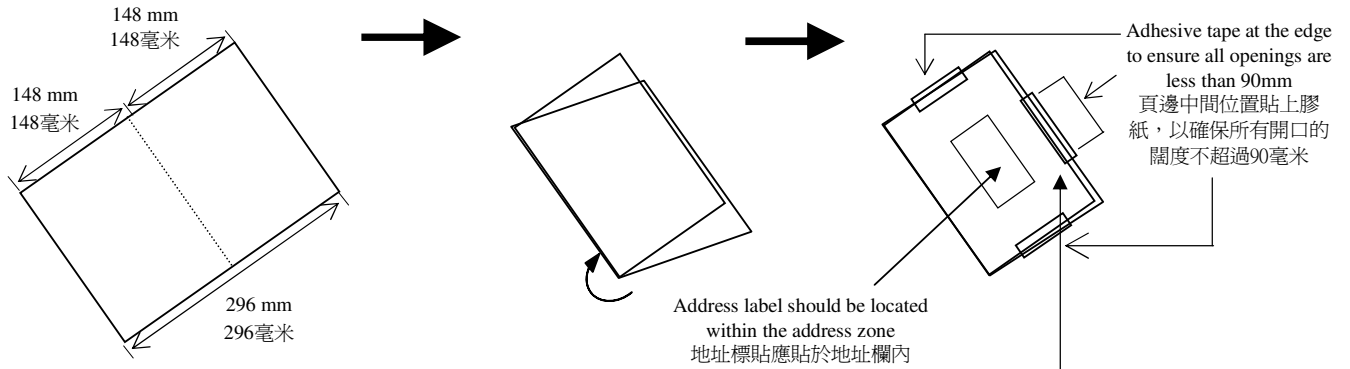


Figure 2 : Folder of A4 (296mm) size with 2 folds
 圖示二：兩摺的A4(296毫米)尺寸紙張

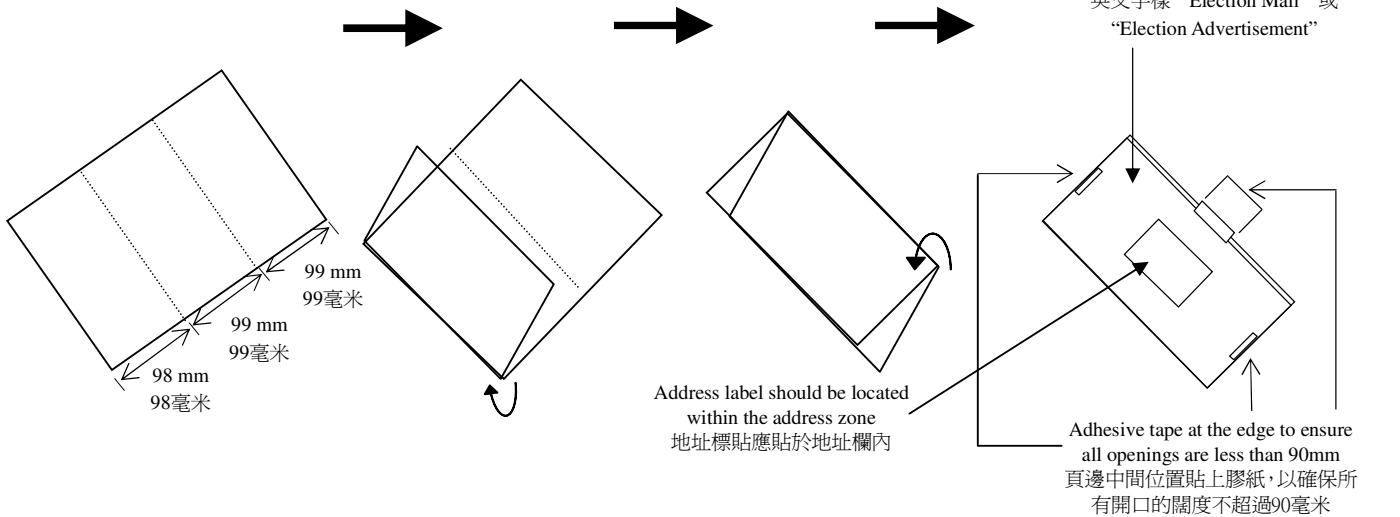
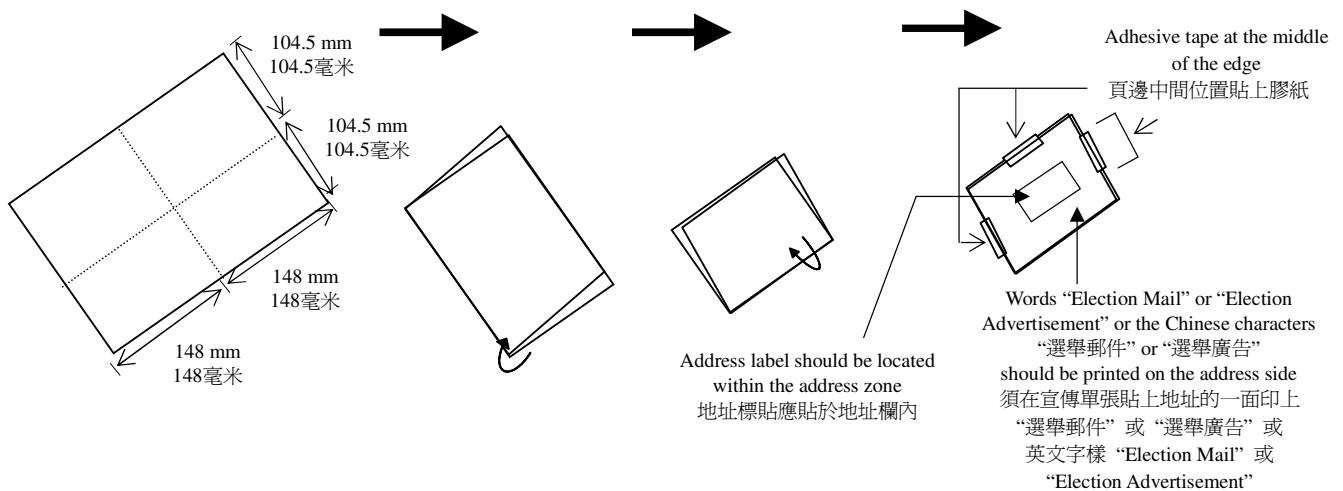


Figure 3 : Folder of A4 (296mm) size with 2 folds
 圖示三：兩摺的A4 (296毫米)尺寸紙張



Methods of Folding of Election Mail
 郵寄選舉郵件採用的摺疊方法

Figure 4A&4B : Folder of A4 (296mm) size sealed with address label

圖示四A及四B：以地址標貼封口的A4(296毫米)尺寸紙張

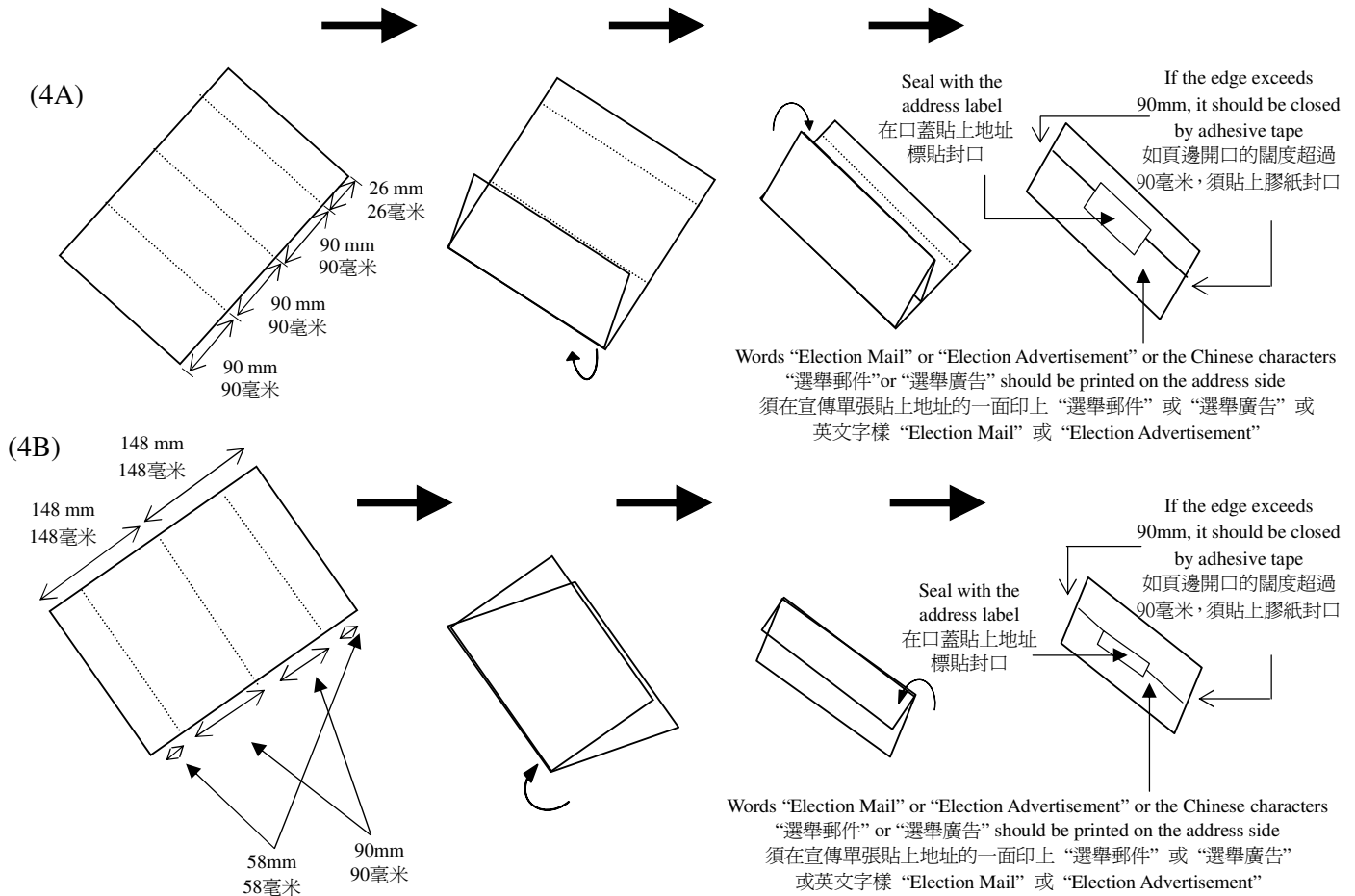
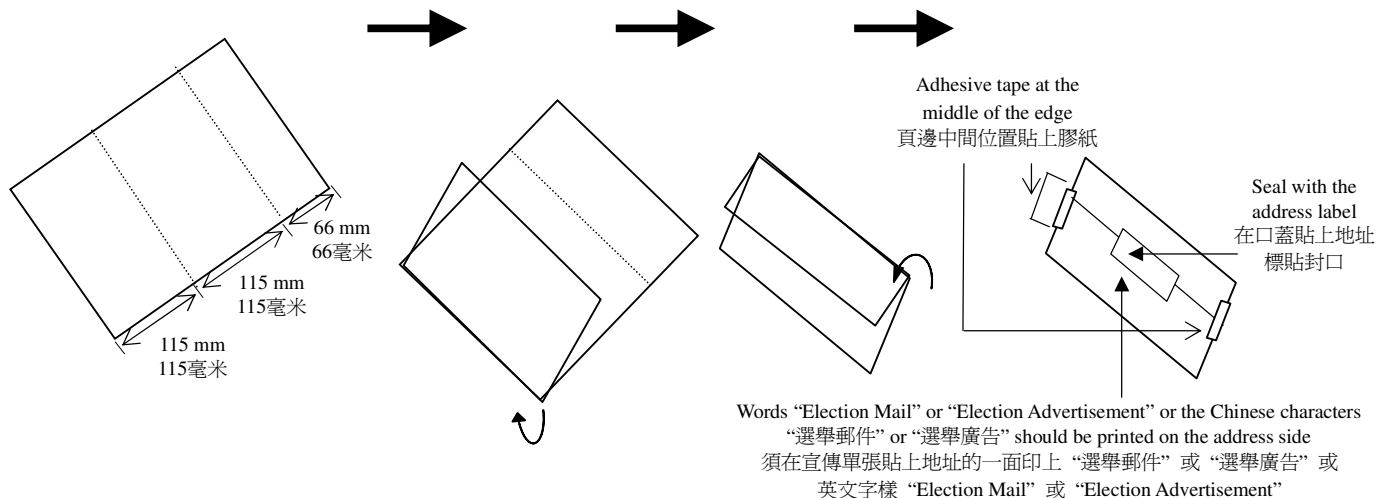


Figure 5 : Folder of A4 (296mm) size sealed with address label

圖示五：以地址標貼封口的A4(296毫米)尺寸紙張



備註：無論以任何方法摺疊，所有超過90毫米的開口，必須以膠紙封口。

Note : For any methods of folding, all openings exceeding 90mm should be closed by means of adhesive tape.

Canvassing Activities which are Forbidden within a No Canvassing Zone

(Note : (1) This list is by no means an exhaustive list of the canvassing activities which are prohibited within a no canvassing zone. It only serves to illustrate some of the common forms of canvassing activities.

(2) Door-to-door canvassing and for the purpose of such canvassing, the display of propaganda material, eg any badge, emblem, clothing or head-dress which may promote or prejudice the election of a candidate or candidates at the election, or makes direct reference to a body any member of which is standing as a candidate in the election or to a political body in Hong Kong will be allowed on storeys above or below street level in a building within a no canvassing zone other than a building in which there is a polling station provided that permission has been obtained for entry to the building for canvassing votes, and that obstruction is not posed to voters and no sound amplifying system or device is used.)

1. Unauthorised static display of election advertisements on walls (including the outer walls of the polling station), windows, railings, fences, etc.
2. Exhibition of portable displays on vehicles (whether in motion or parked within the area), or held or carried by persons.
3. Except for the purpose of door-to-door canvassing referred to in Note (2) above, displaying, without reasonable excuse, propaganda material, eg any badge, emblem, carrier bags, clothing or head-dress which:
 - (a) may promote or prejudice the election of a candidate or candidates at the election; or
 - (b) makes direct reference to a body any member of which is standing as a candidate in the election or a political body in Hong Kong.

4. Distribution of election advertisements.
5. Canvassing for votes by :-
 - (a) talking to voters;
 - (b) shouting slogans or the name or number of a candidate or any appeal message;
 - (c) singing or chanting; or
 - (d) making signals or signs to voters.
6. Broadcast of audio or video tape to appeal to or induce voters to vote.
7. Using loud-hailers or loudspeakers (whether carried by a person or mounted on a vehicle or installed in any other manner) to broadcast any message which appeals to or induce voters to vote.
8. Shaking hands with voters.

[Amended in September 2006 and October 2011]

**Conduct of Electioneering Activities and Election Meetings in Premises
under the Management of the Housing Department and the
Hong Kong Housing Society**

Candidates must obtain **prior approval** from the Housing Manager before conducting any electioneering activities or election meetings inside a housing estate, in addition to compliance with regulations and conditions imposed by other relevant authorities. An **application** for approval **should be made at least 2 clear working days (excluding Saturday, Sunday or public holiday) before the date of the meeting**, and the applicant will be notified as soon as practicable after a decision is arrived at. To avoid conflict that may arise from allowing 2 or more candidates and their supporters to hold election meetings in a housing estate at the same venue and time, the Housing Department and the Hong Kong Housing Society will process the applications as soon as practicable and will adopt the following arrangements:

- (a) if only 1 application for holding an election meeting at a particular venue and at a particular time is received, that application will be approved;
- (b) if 2 or more applications for the same venue and the same period are received by the Housing Department or the Hong Kong Housing Society 2 clear working days before the activity takes place, the applicants will be advised to negotiate among themselves to reach a compromise on condition that no canvassing from 2 or more groups will be held at the same place and at the same time to avoid any dispute or clash. If no compromise can be reached, allocation of venue or time will be made by the drawing of lots at a time to be decided by the relevant estate Housing Manager;
- (c) for the purpose of (a) and (b) above, an application for several periods will be dealt with as separate applications for each of the periods; and
- (d) the Housing Manager should send a copy of the letter of approval to the respective RO for record and for public inspection.



Guidance on Electioneering Activities

Introduction

This guidance notes serves as a general reference on compliance with the requirements of the Personal Data (Privacy) Ordinance ("the Ordinance") in relation to electioneering activities that may involve the collection and use of personal data of an individual. Very often, candidates and/or their election agents make electioneering approaches by telephone to prospective voters. Candidates may also choose to lobby potential voters by various forms of mailings such as fax messages, SMS/MMS or E-mails. In some cases, the individuals have no previous dealings with the caller and/or the candidate and they are concerned that the candidate might have obtained their personal data from sources other than the voter register.

The act of canvassing for votes is not in contravention of the Ordinance provided, inter alia, that personal data are obtained by means that are lawful and fair in the circumstances, and that the use of the data is directly related to the purpose for which the data are originally collected. Of particular relevance are the requirements under data protection principles 1, 2(2), 3 and 4 ("DPP1", "DPP2(2)", "DPP3" and "DPP4") in Schedule 1 to the Ordinance:

DPP1(2) requires that personal data shall be collected by means that are lawful and fair;

DPP2(2) requires that personal data shall not be kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data are or are to be used;

DPP3 provides that personal data shall not, without the prescribed consent of the data subject, be used for any purpose other than the purpose for which the data were to be used at the time of collection of the data or a directly related purpose;

DPP4 requires that all practicable steps be taken to ensure that personal data are protected against unauthorized or accidental access, processing, or other use.

Guidance for Candidates

1. Candidates who use personal data in electioneering should be mindful of the provisions in DPP1, DPP2(2), DPP3 and DPP4.
2. Candidates should assume direct responsibility for briefing and supervising members of their campaign staff to ensure their compliance with the requirements of the DPPs.
3. Candidates who solicit personal data directly from an individual for electioneering should ensure that the individual is informed of the purpose of collection of the data.
4. Candidates should not collect personal data for electioneering by deceptive means or by mis-representing the purpose of the collection.
5. With respect to the use of personal data gathered from the published register of voters, due care should be taken to ensure that they are used only for purposes relating to an election as prescribed by relevant election legislations.
6. Should candidates want to use personal data from sources other than the voter register for electioneering purpose, express consent from the data subject must be obtained beforehand, unless the original purpose of collection of the data is directly related to the electioneering purpose.

7. With respect to the use of personal data gathered by a third party, e.g. a trade union or professional body as a means of accessing members of those bodies for electioneering purpose, the proper course of action would be for these bodies to determine whether this is a permitted purpose for which the personal data were collected, and mailings should preferably be handled by these bodies. As a matter of good practice, prior notification to members of such use of their data is recommended.
8. When candidates or their election agents contact individual voters for electioneering purpose, they should inform the voters how they obtained the voters' personal data when being asked.
9. It is recommended that candidates who use any form of mailings, e.g. through trade unions or professional bodies, to lobby support should allow those individuals to whom such mailings are directed to decline receipt of any subsequent mailings by providing for the exclusion of the individual from any future electioneering mailings from the candidates.
10. As a matter of good practice, candidates should maintain a list of individuals who, to their knowledge, find electioneering phone calls, mails or visits objectionable and avoid approaching them to canvass for votes.
11. When conducting electioneering activities, candidates and their election agents should safeguard the personal data in the list of voters held by them to prevent accidental or unauthorized access by unrelated parties.
12. Candidates should not retain any personal data collected for electioneering purpose after completion of all the electioneering activities.

**Office of the Privacy Commissioner for Personal Data,
Hong Kong**

Enquiry Hotline: (852) 2827 2827

Fax: (852) 2877 7026

Address: 12/F, 248 Queen's Road East, Wanchai, Hong Kong

Website : www.pcpd.org.hk

Email: enquiry@pcpd.org.hk

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© Office of the Privacy Commissioner for Personal Data,
Hong Kong
First published in June 2000
April 2010 (Third Revision)

Guidance Note on Safe Conduct of Election-related Activities

Introduction

1. This guidance note serves to provide general advice to candidates and organisers of election-related activities, to enable them to conduct such activities safely.

Election Meetings

2. The Public Order Ordinance (Cap 245) and Chapter 10 Part II of the ‘Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections’ provide direction on when a meeting, to be held in a public place, is to be notified to the Police and the procedures to be followed.

3. In the interests of safety, and to minimise the potential for confrontation and/or the harassment of candidates, irrespective of whether an election meeting is required to be notified to the Police, candidates should be mindful of the sensitivities of their intended audience. In this regard, consideration should be given to making appropriate arrangements with the local management office, if one exists, to facilitate the holding of the meeting. Should a candidate have any concerns over the issue on his safety, consideration should be given to seeking advice from the local police station, prior to the holding of such meeting.

Election Forums

4. In addition to the provisions of Chapter 11 Part IV of the ‘Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections’, organisers of election forums should be aware of the potential for possible instances of harassment of candidates.

5. In order to ensure that order, fairness and impartiality are maintained and to avoid any embarrassment, where a forum is to be held at private premises, prior precautions should be made with the owner, occupier, owners' corporation, building management or the mutual aid committee concerned, to ensure the safety of all participants and the orderly proceeding of the forum. Where necessary, security guards should be employed at the forum venue.

Electioneering at Living or Working Places

6. Chapter 9 of the 'Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections' relates to the conduct of electioneering activities at the living and working places of voters, etc.

7. If a decision is made by the owners or owners' corporations to allow electioneering by candidates, the decision can also set out the hours of access and other conditions. These conditions can also minimise the potential for confrontation and the harassment of candidates.

8. Related to this, candidates should be sensitive to the feelings of tenants, occupiers and owners in planning and carrying out electioneering activities. By doing so, they will ensure that such activities can be carried out in a safe and orderly manner.

9. In addition to obtaining the formal approval or consent of the owners or the owner's corporation to conduct electioneering activities in the building, it is advisable for the candidates to notify the management office at the time that the electioneering activities are being carried out.

General

10. Should any safety issues be of particular concern, consideration should be given to seeking advice from the local police station, prior to the conducting of the activity.

**Application for a Permit under S4(17)
of Summary Offences Ordinance, Cap.228
for Non-Charitable Purposes**

This application should reach Division III of Home Affairs Department at 30/F, Southorn Centre, 130 Hennessy Road at least **FOUR WEEKS** before the date of the activity. This will enable the applicant to be notified of the result of his application about seven days before the event. Non-charitable fund raising activities without permits for fund-raising for non-charitable purposes are subject to prosecution by the Police under S4(17) of Summary Offences Ordinance, Cap.228. For enquiries, please call 2835 1492.

1. Name of applicant : * Mr/Mrs/Miss/Ms _____

Name in Chinese (if any) : _____

2. Hong Kong Identity Card Number : _____

(Please enclose a photocopy of your Hong Kong Identity Card)

3. Address : _____

4. Contact Telephone No. : _____ Fax No. : _____

5. If this application is made on behalf of an organisation, please complete the following details : -

i) Name of organisation : _____

ii) Position of applicant in organisation : _____

iii) Details of key officers in organisation :

| <u>Post</u> | <u>Name</u> | <u>Address</u> |
|-----------------------------|-------------|----------------|
| <u>President/Chairman</u> | _____ | _____ |
| <u>Secretary</u> | _____ | _____ |
| <u>Treasurer/Accountant</u> | _____ | _____ |

iv) Date the organisation was formed : _____

v) Type of organisation : Society registered/exempt under the Societies Ordinance, or
Company incorporated in Hong Kong, or
Others (Please give details)

(Please enclose a copy of the certificate of registration/exemption of your organisation and also a copy of the memorandum and articles of association or the constitution or rules of your organisation whichever is applicable. If your organisation is a company incorporated in Hong Kong, a copy each of a Certificate of Incorporation and Certificate of Existence issued by the Companies Registry should also be produced.)

6. If the money raised is intended to benefit another organisation, please complete the following details : -

i) Name of organisation : _____

ii) Relationship between applicant and that organisation :

iii) Details of key officers in that organisation :

| <u>Post</u> | <u>Name</u> | <u>Address</u> |
|-----------------------------|-------------|----------------|
| <u>President/Chairman</u> | _____ | _____ |
| <u>Secretary</u> | _____ | _____ |
| <u>Treasurer/Accountant</u> | _____ | _____ |

iv) Date the organisation was formed : _____

v) Type of organisation : Society registered/exempt under the Societies Ordinance, or
Company incorporated in Hong Kong, or
Others (Please give details)

(Please enclose a copy of the certificate of registration/exemption of the organisation and also a copy of the memorandum and articles of association or the constitution or rules of the organisation whichever is applicable. If the organisation is a company incorporated in Hong Kong, a copy each of a Certificate of Incorporation and Certificate of Existence issued by the Companies Registry should also be produced.)

vi) Has the organisation given consent to the activity being organised by you ? * Yes / No

7. If the applicant is making this application as an individual, please complete the following details : -

i) Date and place of birth : _____

ii) Length of residence in Hong Kong : _____

iii) Are you a permanent resident of Hong Kong ? * Yes / No

8. ✦ Intended use of money to be collected : _____

9. ✦ Format of the activity : _____

10. ✦ Method for money collection (note) : _____

11. ✦ Date and time of the activity listed in priority : _____

(Note : To ensure a fair distribution of venues, dates and frequency of fund-raising among all potential applicants, there could be a restriction on the number of days approved, depending on prevailing circumstances.)

12. ✦ Venue and address : _____

Has permission to use venue been secured ? * Yes / No / Under application / Not applicable

(If the venues are in open public places, please give exact locations and enclose layout plan. Please also indicate where furniture (e.g. table) will be placed, if appropriate.)

- ✦ If approval is given to this application, the permit issued will specify the details given in these items. It will therefore be to the applicant's own advantage to plan the activity carefully, so as to avoid the need to seek fresh approval later on as a result of any changes to the above details.

13. Details of previous S4(17) application(s) to the Secretary for Home Affairs by the applicant, or the organisations named in 5(i) and 6(i) above, or any of the persons named in 5(iii) and 6(iii) above :

| <u>Name of Applicant</u> | <u>Date of Application</u> | <u>Approved or Rejected</u> |
|--------------------------|----------------------------|-----------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

14. State here any additional information which the applicant wishes to provide in support of this application (e.g. reasons for requesting that the administrative guidelines or licensing conditions for the issue of permit be waived in whole or in part.)

I declare that to the best of my knowledge and belief, the information supplied by me in this form is true and correct.

Signed : _____
(Applicant)

(Chop of organisation, if applicable) Date : _____

* Delete where applicable

(If there is not enough space in this form for the filling in of the required information, the applicant may provide details on a separate sheet of paper and attach it to the form.)

Note: If the activities concerned involve hawking in public places, please seek advice from the Food and Environmental Hygiene Department (Tel: 2867 5935) as to whether a temporary hawker licence is required.

September 2007

Statement of Purpose

Purpose of Collection

The personal data provided by means of this form will be used by Home Affairs Department for the purpose of :

“to exercise functions on fund-raising activities for non-charitable purposes”

Classes of Transferees

2. The personal data you provided by means of this form may be disclosed to other Government bureaux, departments and relevant persons and bodies for the purposes mentioned in paragraph 1 above.

Access to personal data

3. You have a right of access and correction with respect to personal data as provided for in sections 18 and 22 and principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided by this form.

Enquiries

4. Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to :

Executive Officer
Home Affairs Department
Tel. No. : 2835 1492

Administrative Guidelines and Licensing Conditions
for the issue of Public Fund-raising Permits
for Non-Charitable Purposes

Applications for permission under Section 4(17) of the Summary Offences Ordinance (Cap.228) to raise funds by collection of money or sale or exchange for donations of badges, tokens or similar articles in a public place should, where the funds are to be used for a charitable purpose, be referred to the Director of Social Welfare. Where the funds are to be used for any other purpose, such applications should be referred to the Secretary for Home Affairs.

Non-charitable fund raising activities without permits for fund-raising for non-charitable purposes are subject to prosecution by the Police under S4(17) of Summary Offences Ordinance, Cap.228.

A. Administrative Guidelines for Consideration

When considering an application for a public fund-raising permit under section 4(17) of the Summary Offences Ordinance, the Secretary for Home Affairs will normally wish to be satisfied that : -

- (i) the organisation or group on behalf of which the permit is sought, and the organisation or group to benefit from the collection if different, are, where applicable, properly registered under the laws of Hong Kong;
- (ii) if the applicant is an individual, he should be aged 21 or above, and should either be a permanent resident of Hong Kong within the meaning of the Immigration Ordinance, or have been ordinarily resident in Hong Kong for a minimum of seven years;
- (iii) the funds collected will be used for purposes which would contribute directly or indirectly to the development of representative government in Hong Kong;
- (iv) the fund-raising activity will not cause public order and public safety problems, and will not cause nuisance or harassment to the general public;
- (v) the fund-raising activity should not be held on a morning which is a “flag day” approved by the Director of Social Welfare unless it is to be held in a confined public place;
- (vi) the fund-raising activity should not be held at the same time and in the same venue or its vicinity as a charitable fund-raising activity;

- (vii) there will be no more than one non-charitable fund-raising activity in the same venue or its vicinity on the same day except where the activities are organised by the same applicant;
- (viii) there will be a fair distribution of venues, dates and frequency of fund-raising among all potential applicants; and
- (ix) the permittee who had breached the conditions stipulated in the permit last granted would not be considered for a new permit unless explanations/justifications have been provided to the satisfaction of the Secretary for Home Affairs.

Each application will be considered on its own merits having regard to the above administrative guidelines.

B. Licensing Conditions

The following conditions will normally be imposed if an application is approved : -

- (i) permission must have been obtained or is likely to be forthcoming from the relevant authorities, including the authority responsible for the management of the venue(s), for the fund-raising activity to be held;
- (ii) the funds collected will not be used to finance any profit-making ventures or activities;
- (iii) the funds collected will be used only in Hong Kong;
- (iv) no person will benefit improperly from the collection;
- (v) the permission given for the fund-raising activity is only valid for the details specified in the permit. If there are any changes to such details, the approval of the Secretary for Home Affairs will be required;
- (vi) the permission given for the fund-raising activity will become null and void if the funds collected are used for purposes other than those specified in the permit;
- (vii) within 90 days after the conclusion of the fund-raising activity, the permittee will cause the money received from the public, less any reasonable expenses incurred, to be applied for the purpose for which the permission is given;
- (viii) if after applying the funds collected as described in (vii) above, there is still a balance left, the permittee will donate the unspent funds to a charitable institution which is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap.112) for charitable purpose;

- (ix) the funds collected will be audited by a qualified accountant arranged by the permittee. A copy of the audited accounts will be submitted to the Secretary for Home Affairs within 90 days after the conclusion of the fund-raising activity. The audited accounts will also be made available to members of the public for inspection upon demand;
- (x) all donations are to be purely voluntary, and that the activity shall not create public order problems or cause nuisance, including excessive noise, or harassment to the general public, and that the manner in which the activity is conducted should not be such as to be likely to produce a reaction generally against public fund-raising activities;
- (xi) during the course of the fund-raising activity, the name of the organisation and a copy of the permit/approval letter should be prominently displayed. Every participant of the activity should also wear a clear and legible badge identifying the name of the participant and the name of the organisation; and
- (xii) children under the age of 14 must not be allowed to take part in the activity. Participation by young persons between the age of 14 - 18 must be entirely voluntary and the prior written consent of parents must be obtained.

The Secretary for Home Affairs may, if a particular application so warrants, impose additional conditions such as those required for the protection of the participants in the fund-raising event, for the preservation of law and order, for crowd control, or for public safety purposes. In specific circumstances, he may waive certain conditions where it appears reasonable for him to do so.

September 2007

**Observations made by the Court in an Election Petition relating to
a TV Programme on 2010 Legislative Council By-election**

A candidate of the 2010 Legislative Council By-election made an election petition relating to a multi-episode TV programme which introduced the election platforms of all candidates of the By-election. Due to the airtime constraint, only four candidates were introduced in each episode and the time allocated to each candidate was more or less the same.

2. There were five candidates in the constituency in which the aforesaid candidate contested and the candidate number allocated to him was 5. According to the candidate number, the broadcaster of the TV programme mentioned above introduced the first four candidates of that constituency in the same episode while the aforesaid candidate was covered in the next episode. However, there was no mention in the episode on the first four candidates that there was a remaining candidate in that constituency who would be introduced in the next episode. The Court considered that it was possible that such arrangement might cause misunderstanding to the audience who only watched the former episode that there were only four candidates in the constituency concerned.

3. The EAC considers that the broadcaster should let the audience know (a) the total number and the names of all candidates in the same constituency (or subsector in the case of EC Subsector Elections) in each relevant episode; and (b) the episode which will cover or has covered the candidate(s) who is/are not introduced in the current episode. Such an arrangement will ensure that the audience will be fully aware of the total number of candidates in the same constituency (or subsector in the case of EC Subsector Elections) even if they watch only one single episode instead of all episodes on the same constituency (or subsector in the case of EC Subsector Elections) and that equal treatment will be given to all candidates concerned.

4. Where appropriate, broadcasters are advised to follow the arrangement set out in para. 3 above when producing multi-episode programmes which are election-related.

[Added in October 2011]

Fair and Equal Treatment of Candidates by the Print Media

1. Fairness and equality will in each case be viewed by the Electoral Affairs Commission with reference to the surrounding circumstances.

2. Practical problems that may be experienced by publishers like limitation of column space and staff resources, and situations such as some candidates who have extensive arguments and opinions on issues of public relevance and those who have none, candidates who have made newsworthy statements or speeches as opposed to those who have not uttered a word, and the difference in status and standing of candidates as public figures, etc, are examples of circumstances against which the criteria of fairness and equality are to be judged.

3. What is important is that practical problems, in general terms without specifics, should not be allowed to be used as pretexts for not giving fair and equal treatment and coverage to all candidates competing in the same subsector. Merely saying that practical problems gave rise to the selective reporting will be viewed as a lame excuse, but if the other candidates had been approached and they refused to offer any interview, and this fact is made known in the same article, there can hardly be any suspicion or complaint that the guidelines have been breached.

4. Equal treatment and coverage are not necessarily equal space and equal number of words written on each candidate of the same subsector. It is an idea that has to be examined in all the circumstances of each individual case. Where a candidate says more on a topic and another candidate says less, that can be truthfully and faithfully reported, and no reasonable-minded person will say that that is unequal reporting. Fairness and equality here are in the sense of **equal opportunity** being given to all candidates competing in the same subsector alike.

5. If there is fair and equal treatment of all candidates competing in the same subsector in a publication, its editorial line or the personal opinions of the writer on each of the candidates can be freely expressed, insofar as they are fair comments and based on true facts. Any newspaper is at full liberty to express its support for or disapproval of a candidate. The guidelines do not seek to impose any shackle on the expression of such ideas.

Application Procedure for the Approval of Float Design

1. All applications in respect of the design of any float to be used in a procession or parade must be made in writing with information on the make, model and registration mark (or vehicle identification number in the case of a brand new vehicle) of the vehicle to be used as a float.
2. The application should be accompanied by three copies of a drawing, certified by qualified electrical or mechanical engineers, in minimum A3 size, showing the following details:
 - the float and vehicle outline, side, plan, front and rear view, with all major dimensions (both proposed and original) shown
 - the means of entry/exit to and from the driver's compartment
 - location of mirrors which will enable the driver to view both sides of the float
 - location of exhaust outlets from any internal combustion engines
 - location of any auxiliary power equipment installed
 - means of communication with the passengers on the float
 - location of passengers and support for passengers (seats, handles, etc) on the float

Applicant's attention is drawn to regulation 53(2) of the Road Traffic (Traffic Control) Regulations on requirements for carriage of passengers: No driver of a vehicle on a road shall permit a passenger to travel in the vehicle unless seated in a properly constructed seat secured to the bodywork of the vehicle except—

- (a) where the vehicle is a public service vehicle licensed to carry standing passengers; or
- (b) where the vehicle is exempted under regulation 53A from this subregulation.

- detailed artwork is not required.
3. All applications must be made at least **one month** in advance of the date of the event to:

Engineer (Vehicle Approval and Planning)
Vehicle Safety and Standards Division
Transport Department
Room 3402, Immigration Tower
7 Gloucester Road
Hong Kong
(Contact telephone : 2829 5550
Fax : 2802 7533)

4. If the application is approved in principle (subject to the vehicle inspection results), the applicant will be so advised within 14 days upon the receipt of the application, and also informed of further details of the vehicle inspection.
5. In case the design is considered unacceptable, the applicant should resubmit revised drawings within one week's time upon notice.

[Amended in September 2006 and October 2011]

**Items of Expenses which may be
Counted towards Election Expenses**

(Note : This list is by no means an exhaustive list of items of expenditure which may be counted as election expenses. It only serves to illustrate the common items of such expenses.)

1. Fees and allowances, including travelling expenses, paid to agents and assistants engaged in relation to one's election activities.
2. Costs incurred for meals and drinks for agents and assistants before and on polling day.
3. Costs incurred for design and production of election advertisements such as :
 - (i) banners
 - (ii) signboards
 - (iii) placards
 - (iv) posters
 - (v) handbills
 - (vi) publicity pamphlets
 - (vii) video and audio tapes
 - (viii) electronic messages
 - (ix) various forms of literature or publicity material for the promotion of the candidate.
4. Costs incurred for display and removal of election advertisements including labour charges. If the election advertisements have not been removed by the deadline specified by the Electoral Affairs Commission, the removal costs for the election advertisements charged by the government departments should also be included.
5. Costs incurred by the relevant authorities for removal of election advertisements displayed without authorisation.
6. Costs incurred for renting space used in connection with the election campaign.
7. Cost of stationery used in connection with the election campaign.
8. Operation/miscellaneous costs in connection with the election, eg photocopying, hire of telephone line and fax line. [Note: Election

deposit will not be counted as election expense.]

9. Postage for mailing of publicity materials (excluding free mailing service provided by the Government).
10. Costs incurred for the hire of transport in connection with the election.
11. Costs incurred for publicity by vehicles.
12. Costs of advertisements in newspapers, taxi or other public transport.
13. Costs incurred for election meetings, including venue charges.
14. Costs of T-shirts, armbands, caps, etc and other identification devices for election agents and assistants.
15. Costs incurred for refurbishing as well as the estimated value of old publicity boards.
16. Costs incurred by a candidate who is a serving member of the Legislative Council, a District Council or the Heung Yee Kuk; or a serving chairman, vice-chairman or member of the Executive Committee of a Rural Committee; or a serving village representative in the publication of performance reports during the election period (ie from the commencement of the nomination period to the close of poll) of the Election Committee subsector elections and the publication of any performance reports for promoting the candidature any time on or before the date of election.
17. Costs incurred by the political body or organisation of the candidate in promoting his election. [Note: Costs of meeting where the platform of the political body or organisation is publicised without specific reference to the candidate will not be counted as election expenses.]
18. Costs for obtaining legal advice incurred in respect of the management of an election (eg where a candidate asks his lawyer to vet an election publicity pamphlet to make sure that statements contained in it do not amount to libel). [Note: Costs for obtaining legal advice on the general interpretation/application of the electoral laws including whether a particular item of expense can be regarded as “election expenses” and “donations” will not be an election expense.]
19. Interest incurred from a loan to finance the campaigning activities of a candidate. [In case of an interest-free loan, the interest waived should

be declared as a donation and correspondingly as an election expense. A reasonable amount should be assessed by reference to the market interest rate.]

20. Subsidy of activities organised for promoting one's candidature is a form of donation which is counted as election expense.
21. Although some people may not charge the candidate for the goods supplied or work, labour and services rendered, a reasonable sum estimated for such charges, over any allowance or discount usually given to customers, is an election expense (which is correspondingly a donation made by these people).
22. Goods given incidental to the provision of voluntary service.
23. Charities undertaken for the purpose of promoting one's candidature.
24. Costs for any negative publicity launched against one's opponent.

[Amended in September 2006 and October 2011]

Consent of Support*(To be deposited with the Returning Officer as soon as it is completed)*

_____ *Subsector/Sub-subsector
 (Name of Subsector/Sub-subsector)

(Please read the notes attached before completing this form)

Name of Candidate : _____ Hong Kong Identity Card Number : _____
 (in BLOCK LETTERS)

For individual(s) giving consent in personal capacity (see Note 1)

1. *I/Each of us hereby give(s) consent to the above-named candidate to use *my/our name(s) or logo(s) of or associated with *me/us or *my/our pictorial representation(s) in *my/our personal capacity in the manner described in section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), as an indication of *my/our support, for the purpose of promoting *his/her election as a Member of the Election Committee at the election the poll at which is to be held on _____ [Date].

For an individual giving consent in official capacity (see Notes 2, 3 & 4)

2. I hereby give consent to the above-named candidate to use my name or logo of or associated with me or my pictorial representation in my official capacity as “_____” in the manner described in section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), as an indication of my support, for the purpose of promoting *his/her election as a Member of the Election Committee at the election the poll at which is to be held on _____ [Date].
3. I have obtained the approval of _____ [name of organisation] for my giving of the above consent *by the governing body of the organisation/by a resolution of the members of the organisation passed at the general meeting of the organisation held on _____ [Date] at _____ [Time].

For an organisation giving consent in organisational capacity (see Notes 3 & 4)

4. I have been authorised by _____ [name of organisation] to give consent to the above-named candidate to use the name or logo (including pictures and photographs) of or associated with the organisation in the manner described in section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), as an indication of its support, for the purpose of promoting *his/her election as a Member of the Election Committee at the election the poll at which to be held on _____ [Date].
5. Regarding the above-mentioned consent, a resolution to such effect has been approved *by the governing body of the organisation/by the members of the organisation its general meeting held on _____ [Date] at _____ [Time].

For completion in all cases

6. *I have/Each of us has/The organisation has been given to understand from the above-named candidate that *he/she is not disqualified from being nominated or elected or ineligible to be nominated by reason of any disqualification contained in sections 18, 18A, 18B, 18C and 20 of the Schedule to the Chief Executive Election Ordinance (Cap. 569).

TO BE COMPLETED BY CANDIDATE/ELECTION AGENT –

Name (in BLOCK LETTERS) : _____ Hong Kong Identity Card Number : _____

Signature : _____ Date : _____

TO BE COMPLETED BY INDIVIDUAL(S) GIVING CONSENT IN PERSONAL CAPACITY –

| Name (in BLOCK LETTERS) | Identity Document (please specify) Number (see Note 6) | Signature | Date |
|-------------------------|--|-----------|------|
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TO BE COMPLETED BY INDIVIDUAL GIVING CONSENT IN OFFICIAL CAPACITY/ORGANISATION GIVING CONSENT –

Name (in BLOCK LETTERS) : _____

Identity Document (please specify) Number (see Note 6) : _____

Signature : _____ Organisation Chop : _____

Official Capacity : _____ Date : _____

TO BE COMPLETED BY A WITNESS (see Note 7) –

Name (in BLOCK LETTERS) : _____

Identity Document (please specify) Number (see Note 6) : _____

Signature : _____ Date : _____

Note

- * Please delete whichever is inapplicable
- 1 According to Chapter 18 of the Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections, if a written consent is given by a person in his personal capacity, no mention should be made of any office title which he may have, in the candidate's election advertisements and campaign activities.
- 2 According to Chapter 18 of the Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections, in the case where an office-bearer of an organisation wishes to use his office title to support a candidate, he should be careful not to give the impression that it represents the support of the whole organisation except where a decision has been so taken by the governing body of the organisation or by a resolution of the members of that organisation passed at a general meeting. Items 2 & 3 of this consent form must be completed if the name of the organisation concerned is specifically mentioned in the office bearer's title or the relevant election advertisement is posted in the building in which he is serving.
- 3 According to section 27(5) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), a consent of support in writing by an organisation must be approved by the governing body of the organisation or by a resolution of the members of the organisation passed at a general meeting.
- 4 In the case where a Mutual Aid Committee wishes to support a candidate in the name of the Mutual Aid Committee, the Home Affairs Department requires such a decision be taken in a general meeting convened in accordance with the Model Rules for the Mutual Aid Committee.
- 5 In accordance with section 100 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I), the candidate must, **before he or she displays, distributes or otherwise uses an election advertisement**, deposit with the Returning Officer, in case the election advertisement is of a kind referred to in section 27(1) or (2) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), a copy of the consent in writing referred to in section 27(1) or (2), as the case may be, of that Ordinance.
- 6 According to section 1 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I), "identity document" (身分證明文件) means –
- (a) an identity card;
 - (b) a document issued to a person under regulations in force under the Registration of Persons Ordinance (Cap. 177) certifying that the person is exempt from being required to register under that Ordinance; or
 - (c) any other document issued to a person that is acceptable as proof of the person's identity to the Electoral Registration Officer.
- 7 A witness can be any person aged 18 years or over and in possession of an identity document.
- 8 Please note the following with regard to the personal data supplied in connection with this form -
- (a) **Purpose of Collection**
The personal data and other related information supplied in connection with this form will be used by the Registration and Electoral Office and the Returning Officer concerned for election-related purposes.
 - (b) **Transfer of Information**
The consent form will be made available for public inspection. All identity document numbers as shown in the form will be covered before display. The information provided in this form may also be provided to other authorised departments or agencies for election-related purposes.
 - (c) **Access to Personal Data**
A person has the right to request access to and correction of the personal data which he supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486).
 - (d) **Enquiry**
Enquiries concerning the personal data collected by means of this form (including the making of requests for access and corrections) should be addressed to the Chief Electoral Officer at 10th Floor, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong.

**Guidelines for Candidates on Sending Election Advertisements
to Registered Voters and Authorised Representatives
in the Custody of the Correctional Services Department**

(Note: The following guidelines serve to illustrate some of the articles which, if possessed by voters/authorised representatives (“ARs”) in the custody of the Correctional Services Department (“CSD”), may cause security hazards to prison, and will be rejected if they are mailed to them. The list of articles set out below is by no means exhaustive.)

For security reasons and to maintain good order and discipline of the prison, any electoral advertisements (“EA”) mailed to registered voters/ARs in the custody of the CSD will be subject to security checking and will be refused if the EA falls within any of the following categories:-

Materials

- (a) made of metal or plastic;
- (b) laminated;
- (c) sharp object; or
- (d) coated with powder-like material.

Content/Information

- (a) on how to manufacture arms, ammunition, weapon, explosive, harmful or deleterious substance, intoxicating liquor, or any dangerous drugs within the meaning of the Dangerous Drugs Ordinance (Cap 134);
- (b) depicts, describes or encourages violence in the prison, or the escape by any inmate/prisoner from the prison;
- (c) is of such a nature as to facilitate gambling in the prison, or is otherwise detrimental to the rehabilitation of any of the voters/ARs in the custody of the CSD ;
- (d) is of such a nature as to encourage the commission of any offence enumerated in Prison Rule (Cap 234) or of any criminal offence by any of the voters/ARs in the custody of the CSD ;

- (e) is of such a nature as to pose a threat to any individual's personal safety or to the security, good order and discipline of the prison; or
- (f) obscene/indecent.

Size & quantity

- (a) bigger than A4 size; or
- (b) exceptionally bulky.

Remarks: In case of queries, please contact Principal Officer (Operations) of Correctional Services Department at 2582 4023.

Correctional Services Department
January 2010

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